

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
WEB: WWW.COASTAL.CA.GOV



Th11a

A-2-**HMB-25-0003 (HYATT HOTEL)**

MAY 8, 2025

EXHIBITS

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**EXHIBIT 1: PROJECT LOCATION MAP – HYATT HOTEL APPEAL
CITY OF HALF MOON BAY**



Figure 1: Project Vicinity Map. Project site is shown in red and Half Moon Bay city limit is outlined in white.



Figure 2: Project Location Map. The project includes 3 parcels: the proposed hotel site (Parcel 1, APN 065-012-030); the adjacent James Ford Auto Dealership (Parcel 2, APN 065-012-020); and a nearby residential-zoned parcel (Parcel 3, APN 064-352-150).

**EXHIBIT 2: SITE PHOTOS – HYATT HOTEL APPEAL
CITY OF HALF MOON BAY**



Figure 1: Aerial view of the project site facing northeast.



Figure 2: Aerial view of the project site facing southeast.



Figure 3: View of Parcel 3 from the intersection of Seymour Street and Highway 1, looking northeast.



Figure 4: View of Parcel 2 from the intersection of Seymour Street and Highway 1, looking southeast.



Figure 5: View of vacant hotel parcel (Parcel 1) from Highway 1, looking southeast.



Figure 6: View of vacant hotel parcel (Parcel 1) from Highway 1, looking northeast.



Figure 7: View of vacant hotel parcel (Parcel 1) from the intersection of Highway 1 and Main Street, looking north.

HYATT PLACE HALF MOON BAY

MAIN ST.
HALF MOON BAY, CA
94019



AXIS GFF
1000 BRANNAN STREET
SAN FRANCISCO, CA 94103
T 415.371.1400
WWW.AXISGFF.COM

**HYATT PLACE
HALF MOON BAY**
MAIN ST.
HALF MOON BAY, CA
94019

OWNER NAME
RGJC SOUTH, LLC
HALF MOON BAY, CA 94019

**NOT FOR
CONSTRUCTION**

SHEET INDEX

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	A1-03 ENLARGED SITE PLAN - NORTH
	A1-04 SITE SECTION
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TITLE SHEET

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TENTATIVE PARCEL MAP
TENTATIVE PARCEL MAP
GRADING PLAN
UTILITY PLAN
SITE PLAN CONTROL PLAN
FIRE ACCESS PLAN
FIRE ACCESS PLAN
BEST MANAGEMENT PRACTICES
DETAIL SHEET
SCENARIO 101 | CONCEPT BALCOOT PLAN

LANDSCAPE

L-1 LANDSCAPE PLAN
L-2 BIOFILTER SYSTEM

PROJECT DIRECTORY

Developer: Greg Jamison
ARC South, LLC
3400 Sycamore Ave, Suite 100
San Francisco, CA 94133

Architect: Axis GFF
3000 Brannan Street, Suite 100
San Francisco, CA 94103

Civil Engineer: RFF Engineers
295 Hixson Drive, Suite 200
San Francisco, CA 94105

Landscape Designer: Greg Jamison
1110 Sycamore Ave, Suite 100
San Francisco, CA 94105

Landscape Architect: Axis GFF
3000 Brannan Street, Suite 100
San Francisco, CA 94103

PLANNING STATISTICS

Current Zoning: Commercial - General
Future Use: Office / Retail

Proposed: 005-012 (H)R
Location: 1100 Block of Main Street
Approximate Area: 0.45 Acres

Site Area - Proposed Use: 0.45 Acres
Total: 0.45 Acres

Current Zoning: Commercial - General
Future Use: Office / Retail

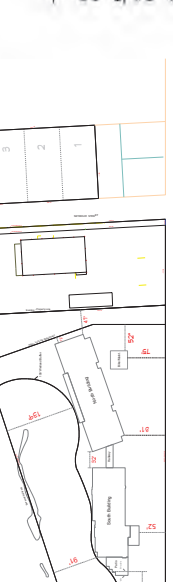
Proposed: 005-012 (H)R
Location: 1100 Block of Main Street
Approximate Area: 0.45 Acres

DEVELOPMENT STANDARDS

City of Half Moon Bay
Minimum Lot Size: 30,000 SF
Minimum Setbacks: 25' Front, 5' Side, 5' Rear
Maximum Building Height: 40' FT
Minimum Building Setback: 5' FT
Minimum Lot Coverage: 40% FT

LOT COVERAGE - Ground Level Buildings

Building	Area (SF)	% of Lot
South Building	11,313 SF	28.5%
North Building	18,725 SF	47.5%
Bioretention	1,200 SF	3.0%
Site & Access	2,762 SF	7.0%
Site Section	1,238 SF	3.1%
Site Section	1,238 SF	3.1%
TOTAL	26,476 SF	67.1%



ROOF STATISTICS

Roofing	Area (SF)
South Building	11,313 SF
North Building	18,725 SF
Bioretention	1,200 SF
Site & Access	2,762 SF
Site Section	1,238 SF
Site Section	1,238 SF
Total	36,476 SF

ROOM MATRICES

Room Matrix	Area (SF)
South Building	11,313 SF
North Building	18,725 SF
Bioretention	1,200 SF
Site & Access	2,762 SF
Site Section	1,238 SF
Site Section	1,238 SF
Total	36,476 SF

G000

DESCRIPTION
COVER SHEET
SHEET NUMBER

DATE ISSUES & REVISIONS

NO.	DATE	DESCRIPTION
1	2024.04.14	ISSUED FOR REVIEW
2	2024.04.14	ISSUED FOR REVIEW
3	2024.04.14	ISSUED FOR REVIEW

SCALE: AS SHOWN
PROJECT NUMBER: 21.010

AXIS GFF
1000 BRANNAN STREET
SAN FRANCISCO, CA 94103
T 415.371.1400
WWW.AXISGFF.COM

NOT FOR CONSTRUCTION

DATE ISSUES & REVISIONS

2023.04.14	PLANNING REVIEW REVISION
2023.04.23	PLANNING REVIEW REVISION
2023.05.17	PLANNING REVIEW REVISION

SCALE	AS SHOWN
PROJECT NUMBER	21.010

DESCRIPTION
CONCEPTUAL PHASING PLAN
SHEET NUMBER

G0.01

ALL DIMENSIONS AND DISTANCES ARE IN FEET AND INCHES. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION.

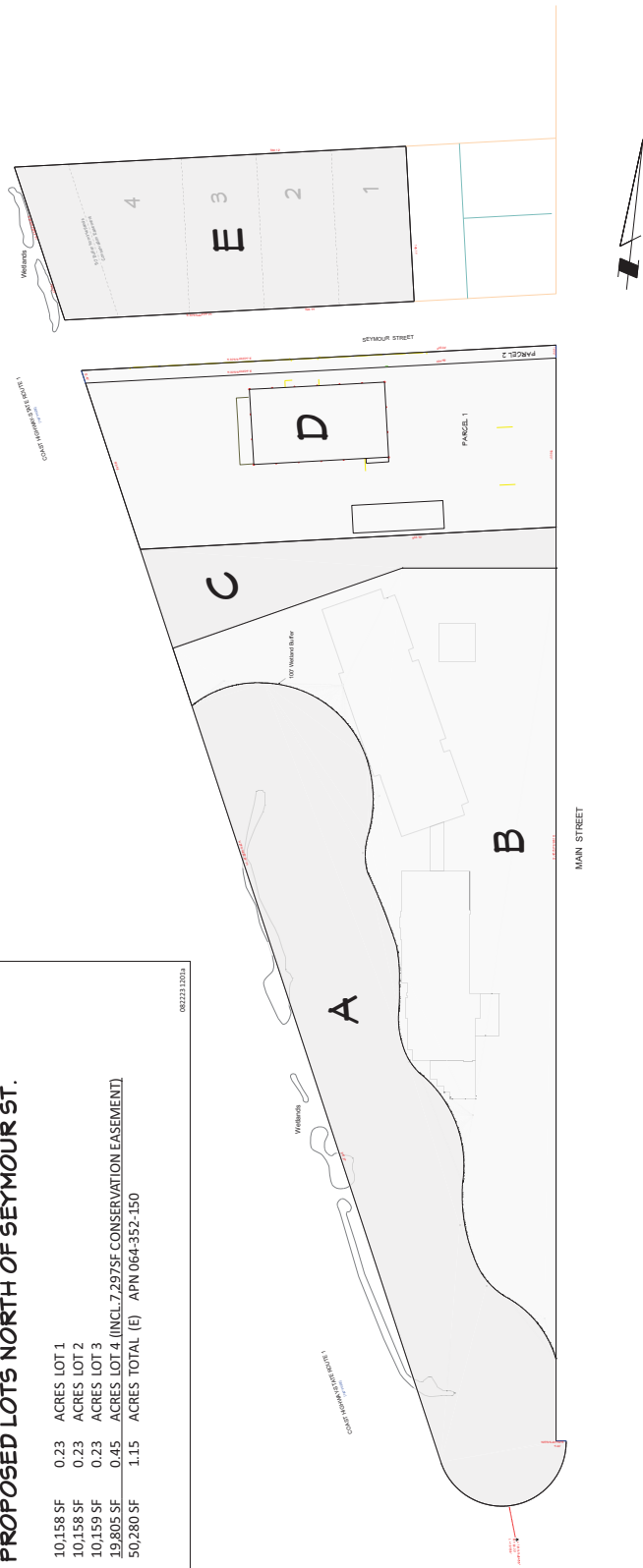
PROPERTY DIVISION

88,296 SF	2.02 ACRES	OPEN SPACE (A) WITH WETLAND CONSERVATION EASEMENT
111,026 SF	2.55 ACRES	HOTEL LOCATION (B)
19,730 SF	0.45 ACRES	ADD LAND TO AUTO DEALERSHIP (C)
219,052 SF	5.02 ACRES	EXISTING VACANT PARCEL (A, B & C)
APN 065-002-080		
65,377 SF	1.50 ACRES	EXISTING AUTO DEALERSHIP (SOUTH OF SEYMOUR ST.) PARCEL 1 (D)
+19,730 SF	0.45 ACRES	ADD LAND TO AUTO DEALERSHIP (C) WITH THE LOT LINE ADJ.
85,107 SF	1.95 ACRES	AFTER LOT LINE ADJUSTMENT IS NEW PARCEL 1 (C+D)
+ 5,303 SF	0.12 ACRES	PARCEL 2 (D) 12'-STRIP SOUTH SIDE OF SEYMOUR ST.
90,410 SF	2.07 ACRES	TOTAL FOR AUTO DEALERSHIP (C+D ON SOUTH OF SEYMOUR ST.)
+50,280 SF	1.15 ACRES	EXISTING AUTO DEALERSHIP (NORTH OF SEYMOUR ST.) (E)
140,690 SF	3.22 ACRES	TOTAL AUTO DEALERSHIP (C, D & E)
-50,280 SF	1.15 ACRES	CREATE 4 LOTS (NORTH OF SEYMOUR ST.) (E)
90,410 SF	2.07 ACRES	AUTO DEALERSHIP (C&D) AFTER DEVELOPING NORTH OF SEYMOUR ST. (E)

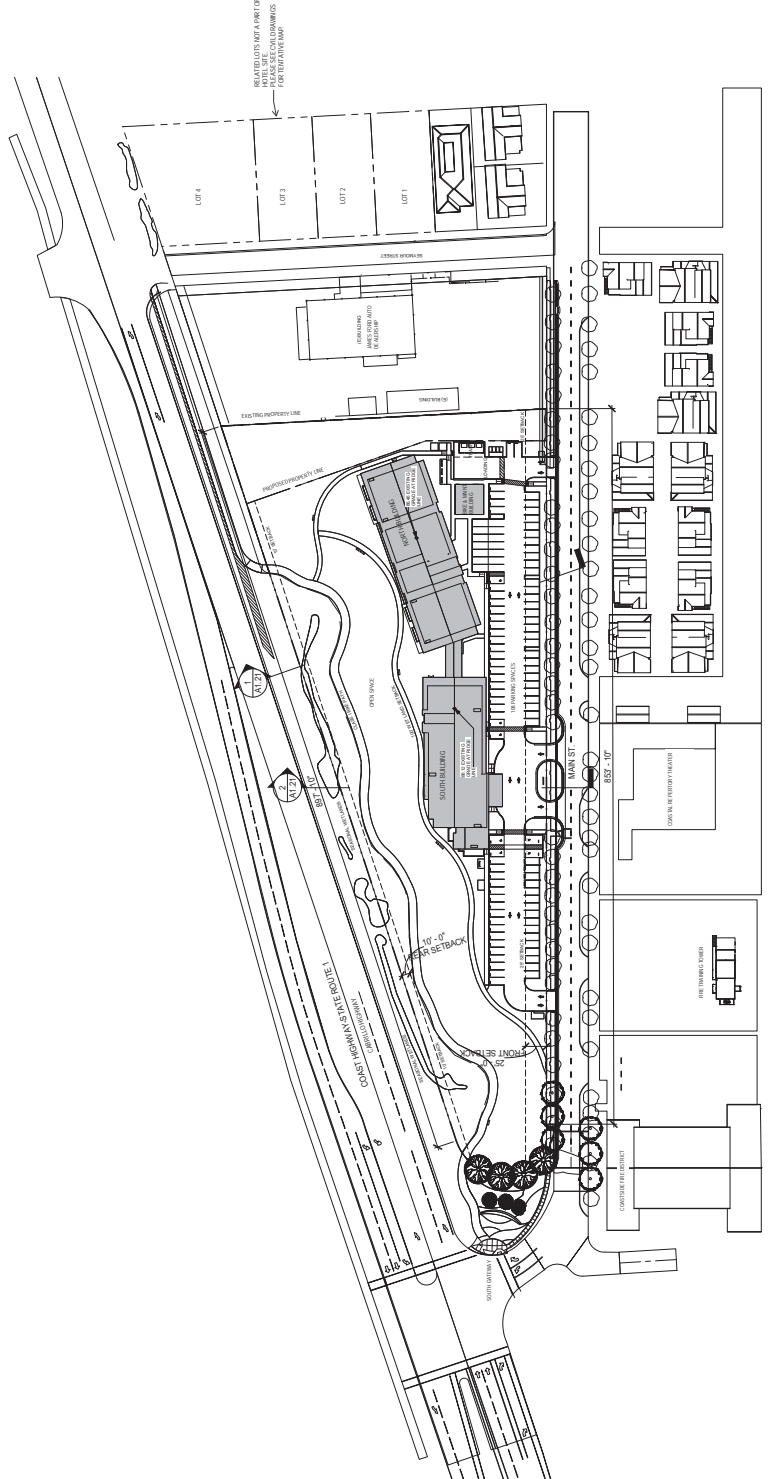
- ### PROPOSED PHASING PLAN
- OBTAIN NECESSARY APPROVALS
 - HOTEL SITE
 - LOT LINE ADJUSTMENT ADDING LAND TO AUTO DEALERSHIP
 - PARCEL MAP CREATING 4 LOTS NORTH OF SEYMOUR ST.
 - BUILD HOTEL (18-24 MONTHS FOLLOWING APPROVALS)
 - INCLUDES BIKE PATH, WALKING PATH, BIOSWALES, BUFFER ZONE
 - LAND ADDED TO DEALERSHIP (ADDITIONAL 2 MONTHS)
 - SURFACE IMPROVEMENTS TO PARK VEHICLES
 - LAND NORTH OF SEYMOUR (ADDITIONAL 12 MONTHS)
 - INTEND TO DEVELOP LOT 1 WITH FOUR - RENTAL HOUSING UNITS
 - EACH UNIT CONSISTING OF 1 OR 2 BEDROOMS
 - GOAL IS FOR EMPLOYEES OF EITHER THE JAMES FORD AUTO DEALERSHIP OR THE PROPOSED HOTEL TO HAVE PRIORITY
 - MAINTAIN USING LOTS 2, 3, AND 4 AS PARKING FOR THE AUTO DEALERSHIP THAT EVENTUALLY WILL BE DEVELOPED AS HOUSING IN THE FUTURE

PROPOSED LOTS NORTH OF SEYMOUR ST.

10,158 SF	0.23 ACRES	LOT 1
10,158 SF	0.23 ACRES	LOT 2
10,159 SF	0.23 ACRES	LOT 3
19,805 SF	0.45 ACRES	LOT 4 (INCL. 7,297 SF CONSERVATION EASEMENT)
50,280 SF	1.15 ACRES	TOTAL (E) APN 064-352-150

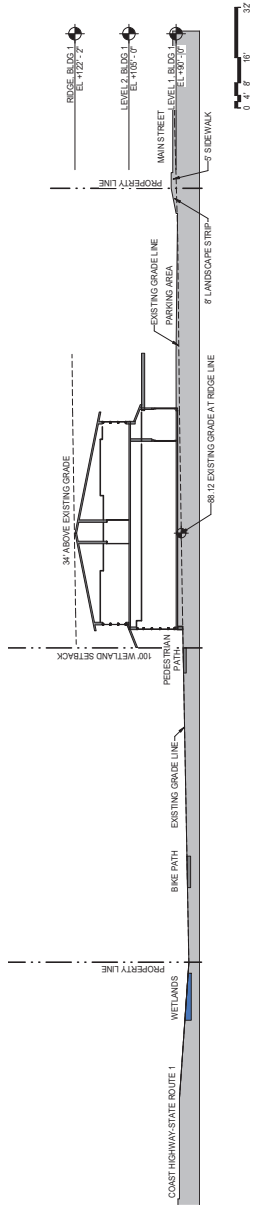


NOT FOR
 CONSTRUCTION



SITE PLAN
 SCALE: 1" = 100' 0"

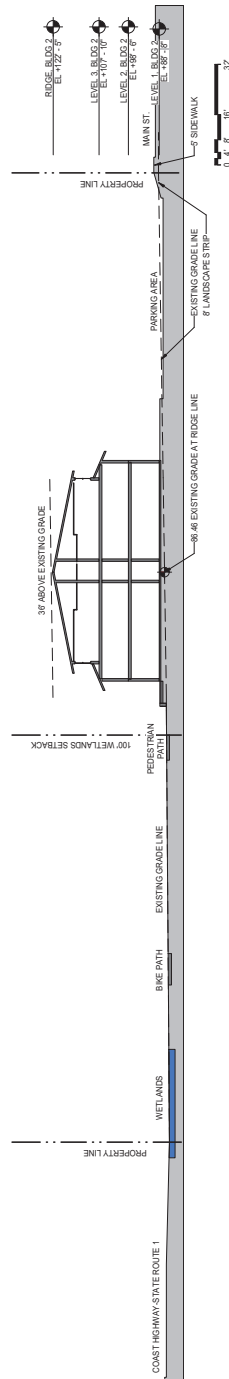
**NOT FOR
CONSTRUCTION**



SITE SECTION - SOUTH BLDG

SCALE: 1/16" = 1'-0"

12



SITE SECTION - NORTH BLDG

SCALE: 1/16" = 1'-0"

12

DATE ISSUES & REVISIONS

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NOTE: SEE GRADING SURVEY DATA.
SURVEY PERFORMED BY BCL LAND SURVEYING
WWW.BCLANDSURVEYING.COM
DATE: JUNE 2012
JOB NUMBER: 12-042
SEE TOPO FOR COMPLETE SITE DATA

A121

SHEET NUMBER

12

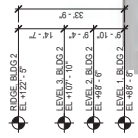
**NOT FOR
CONSTRUCTION**

NOTE: RECORDING SUBJECT MATTER
SURVEY PERFORMED BY SOIL LAND SURVEYING
www.kylasurveying.com
DATE: JUNE 2012
JOB NUMBER: 12002
SEE TOPO FOR COMPLETE SITE DATA



NORTH ELEVATION - NORTH BUILDING
SCALE: 1/16" = 1'-0"

32



WEST ELEVATION - NORTH BUILDING
SCALE: 1/16" = 1'-0"

22



EAST ELEVATION - NORTH BUILDING
SCALE: 1/16" = 1'-0"

12

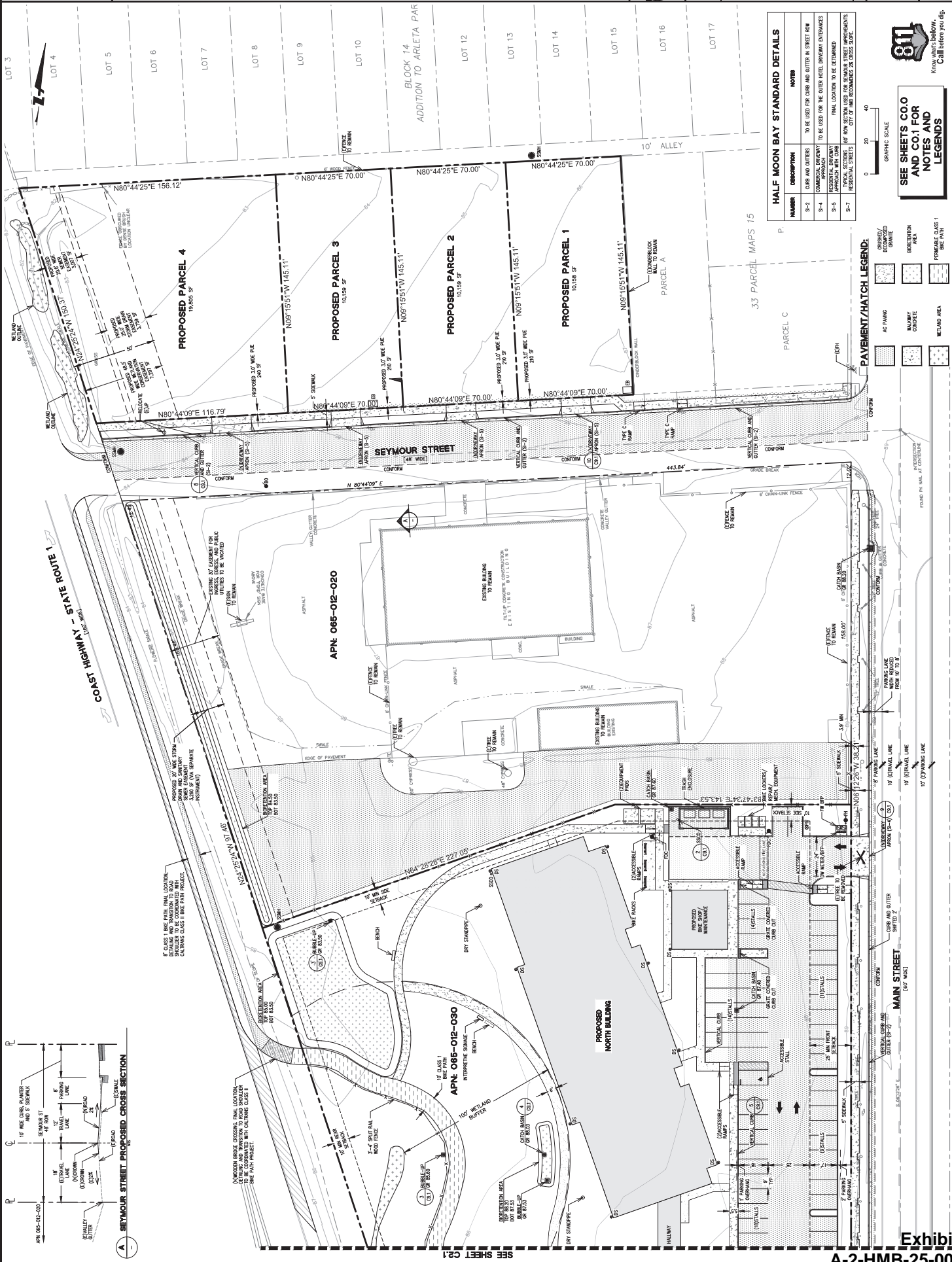
SCALE	AS SHOWN
PROJECT NUMBER	21.010

HYATT PLACE HOTEL AND TENTATIVE PARCEL MAP
SITE PLAN

HALF MOON BAY
SUN MATEO COUNTY
SAN MATEO COUNTY



DATE: 09/25/2024	SCALE: 1" = 20'	PROJECT: HYATT PLACE HOTEL AND TENTATIVE PARCEL MAP
DRWN: [NAME]	CHECKED: [NAME]	APPROVED: [NAME]
NO. 20240006	NO. 20240006	NO. 20240006



HALF MOON BAY STANDARD DETAILS

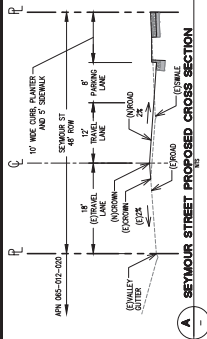
NUMBER	DESCRIPTION	NOTES
9-1	CURB AND GUTTER TO BE USED FOR CURB AND GUTTER IN STREET ROW	TO BE USED FOR CURB AND GUTTER IN STREET ROW
9-2	COMMERCIAL DRIVEWAY TO BE USED FOR THE OUTER HOTEL DRIVEWAY ENTRANCES	COMMERCIAL DRIVEWAY TO BE USED FOR THE OUTER HOTEL DRIVEWAY ENTRANCES
9-3	RESIDENTIAL DRIVEWAY APPROACH WITH CURB	FINAL LOCATION TO BE DETERMINED
9-4	RESIDENTIAL DRIVEWAY APPROACH WITH CURB	FINAL LOCATION TO BE DETERMINED
9-5	RESIDENTIAL DRIVEWAY APPROACH WITH CURB	FINAL LOCATION TO BE DETERMINED
9-6	RESIDENTIAL DRIVEWAY APPROACH WITH CURB	FINAL LOCATION TO BE DETERMINED
9-7	RESIDENTIAL DRIVEWAY APPROACH WITH CURB	FINAL LOCATION TO BE DETERMINED



SEE SHEETS C0.0 AND C0.1 FOR NOTES AND LEGENDS

PAVEMENT/HATCH LEGEND:

[Hatch]	AS PAVING
[Hatch]	CONCRETE
[Hatch]	GRAVEL
[Hatch]	BRICK PAVEMENT
[Hatch]	REMOVABLE CLASS 1 BREEZING
[Hatch]	WELAND AREA

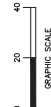




Know what's below.
Call before you dig.

SEE SHEETS C00
AND C01 FOR
NOTES AND
LEGENDS

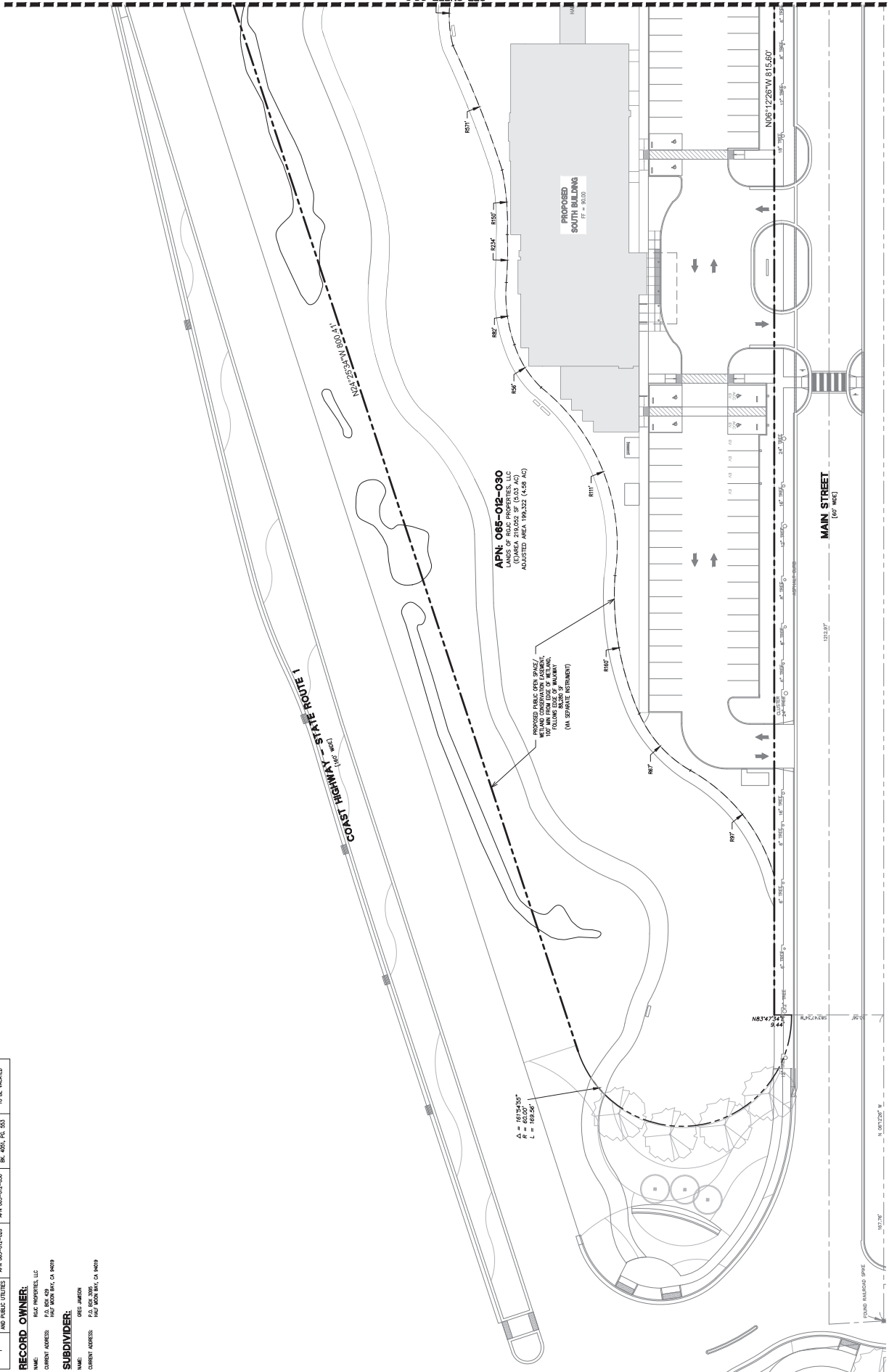
LINETYPE LEGEND:
 - - - - - EXISTING PROJECT LOT LINE
 - - - - - EXISTING PROJECT LOT LINE
 - - - - - LIMIT OF PROPOSED SUBDIVISION
 - - - - - PROPOSED LOT LINE
 - - - - - PROPOSED INTERIOR
 - - - - - EXISTING LOT LINE



NUMBER	TYPE	GRANTOR	GRANTEE	INSTRUMENT	STATUS
1	WARRANTY OF INTEREST AND EASEMENTS	APN 065-012-020	APN 065-012-020	BOOK 27887 - 1 PAGE 104, 105	TO BE WAIVED

RECORD OWNER:
 NAME: RLIC PROPERTIES, LLC
 P.O. BOX 429
 HALF MOON BAY, CA 94040

SUBDIVIDER:
 NAME: OREG JAMISON
 P.O. BOX 3789
 HALF MOON BAY, CA 94040





DATE	09/05/2024
DESIGNER	RFK
SCALE	1" = 20'
PROJECT NUMBER	
SHEET NUMBER	C3.2

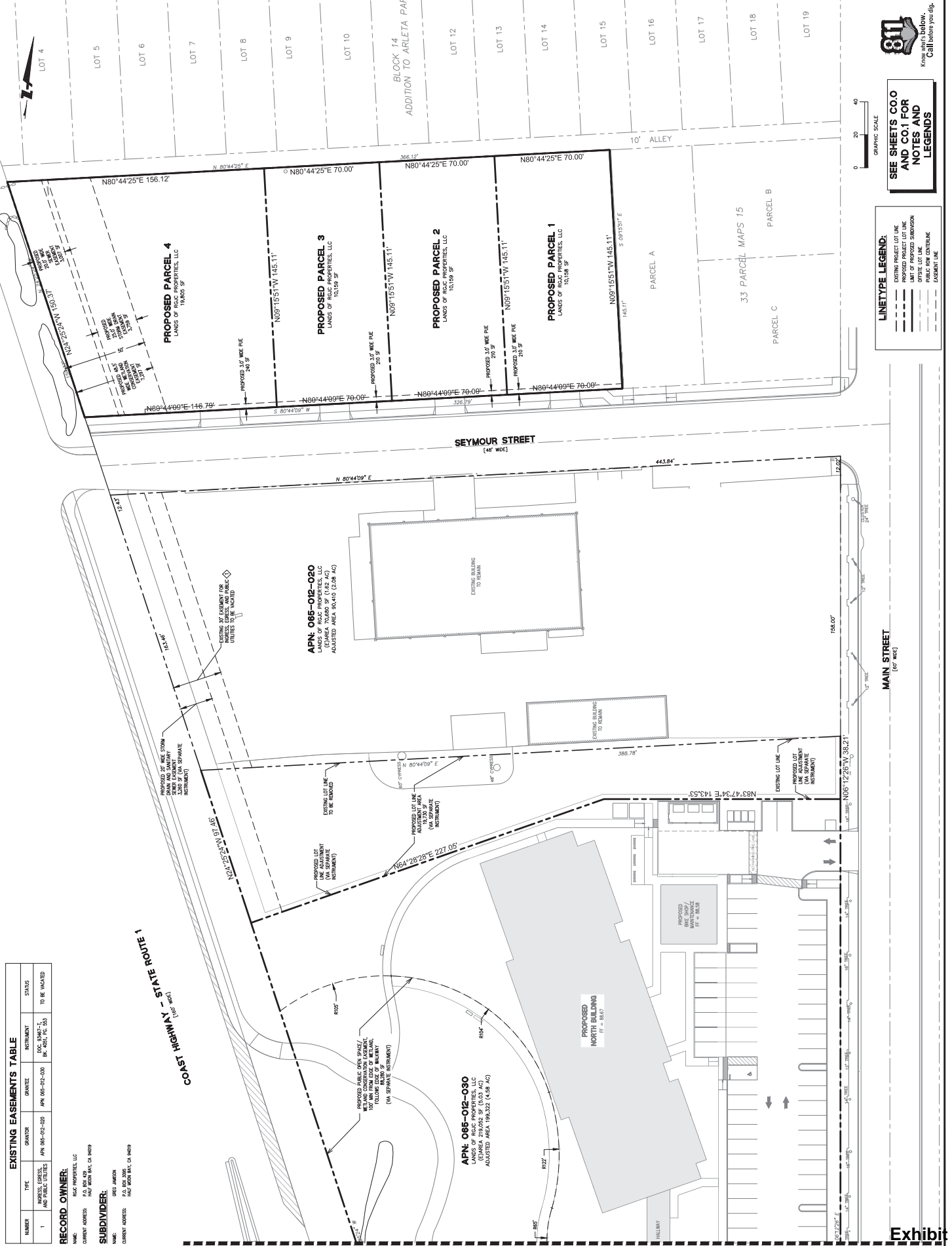


**SEE SHEETS C0.0
AND C0.1 FOR
NOTES AND
LEGENDS**

LINETYPE LEGEND:

---	EXISTING PROJECT LOT LINE
---	PROPOSED PROJECT LOT LINE
---	EXISTING LOT LINE
---	PROPOSED LOT LINE
---	EXISTING EASEMENT
---	PROPOSED EASEMENT

GRAPHIC SCALE
0 20 40



EXISTING EASEMENTS TABLE

NUMBER	TYPE	GRANTOR	GRANTEE	INSTRUMENT	STATUS
1	PROPOSED EASEMENT FOR UTILITIES	RFK PROPERTIES, LLC	RFK PROPERTIES, LLC	APN 065-012-030	TO BE MAINTAINED

RECORD OWNER:
NAME: RFK PROPERTIES, LLC
P.O. BOX 429
HALF MOON BAY, CA 94049

SUBDIVIDER:
NAME: GREG JAMISON
P.O. BOX 3789
HALF MOON BAY, CA 94049

APN: 065-012-020
LANDS OF RFK PROPERTIES, LLC
(E/AREA 70,660 SF (1.62 AC)
ADJUSTED AREA 90,410 (2.08 AC)

APN: 065-012-030
LANDS OF RFK PROPERTIES, LLC
(E/AREA 216,026 SF (4.93 AC)
ADJUSTED AREA 199,322 (4.56 AC)

PROPOSED NORTH BUILDING
IT = 8027

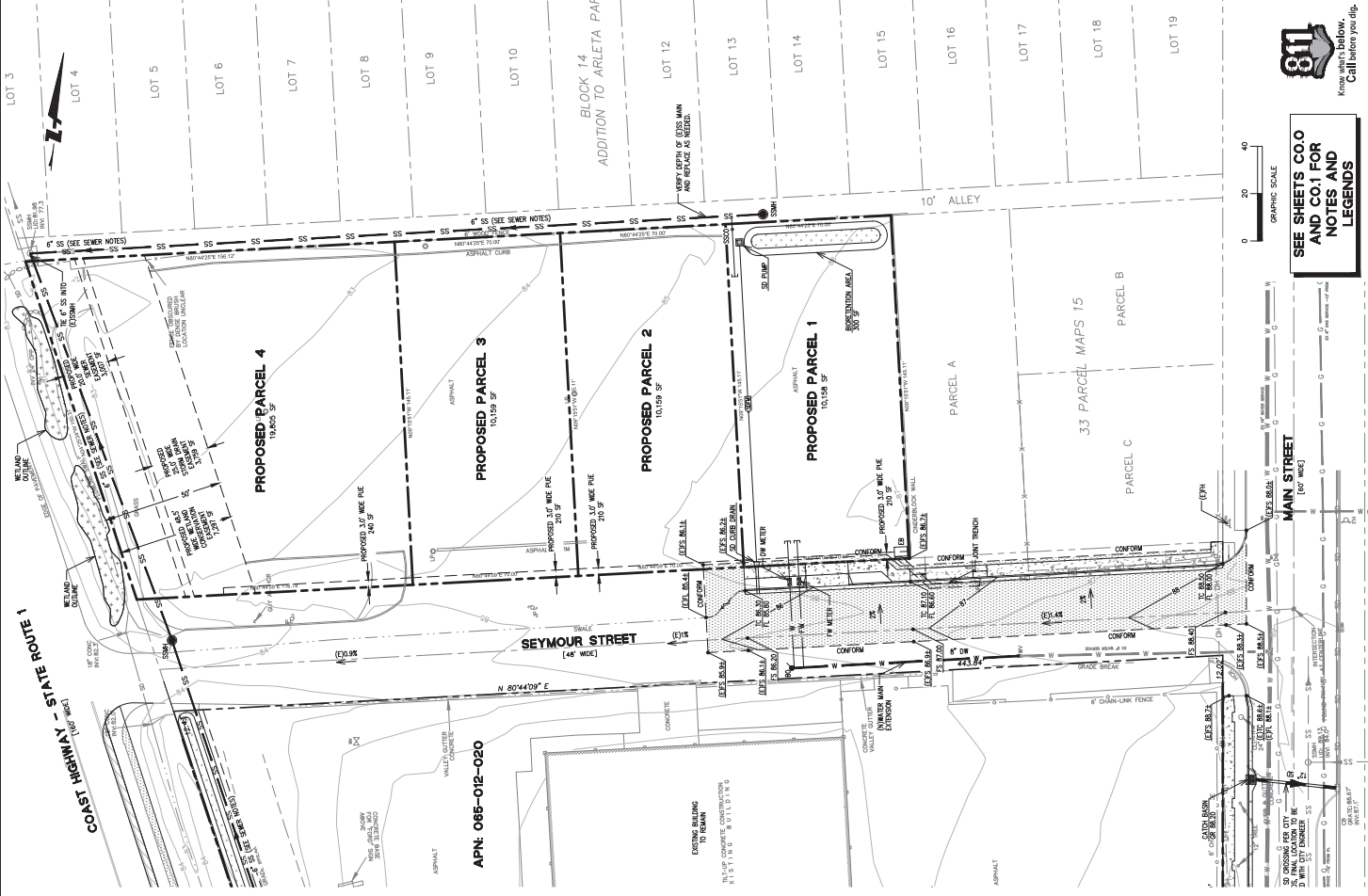
SEE SHEET C3.1



DATE	05/20/2024
DESIGNER	MJB
CHECKER	MJB
SCALE	1" = 20'
SHEET NO.	1 OF 2
PROJECT NO.	20240006



SEE SHEETS C00 AND C01 FOR NOTES AND LEGENDS



PAVEMENT/HATCH LEGEND:

	AC PAVING
	GRANITE
	SANDSTONE AREA
	WETLAND AREA
	FERTILIZABLE CLASS 1 BIRCH PINE

UTILITY LEGEND:

	18" STORM DRAIN LAL
	12" SANITARY SEWER LAL
	12" DRAINAGE WATER LAL
	12" FIRE WATER LAL
	8" GAS LAL
	4" UNDERGROUND ELECTRICAL
	4" OVERHEAD ELECTRICAL

SEWER NOTES:

- ALL SEWER LINES SHALL BE MANHOLE TO MANHOLE UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER.
- FINAL ALIGNMENT AND CONSTRUCTION OF SANITARY SEWER EXISTING PRIOR TO ISSUANCE OF BUILDING PERMITS.



Existing Wetlands
 Existing wetlands along the highway traverse between the Caltrans right of way and the west edge of the hotel parcel. To protect the wetland area, a City proposed bike and pedestrian trail planned for the east side of the highway (within the Caltrans Right of Way and through the wetlands) would be located inside to go around the wetlands. The trail would be here to keep pedestrians on the trail. Interpretive signage would be located along the path to educate the public about wetland and how to protect them including a description of the proposed detention system and how it is designed to match the volume and duration of water to existing hydrology conditions for the wetland area.

Water Use
 Almost all the plants selected are native to California and require low water use. It is anticipated that irrigation in the Buffer Zone will be temporary to establish plants outside of the bio-retention areas. Other water saving measures are being explored including graywater re-use for landscape areas east of the structures along the parking lot. These waters would be separate from the structures along the parking lot. The graywater system could provide up to 200 gallons per day which should be sufficient for maintaining these areas.

Fire Safety
 Plants for the area within 50' of the building are selected from the County's Fire Safe Plant List. No plants from the Hazardous Plant list are used on the site. Other landscape measures to reduce the risk include eliminating plant material from the site, using fire resistant mulch and hardscape in the 50' fire defense zone.

Habitat Enhancements
 The existing habitat at this site consists of coastal prairie grasslands that are currently dominated by non-native grasses. Native plantings in the Buffer Zone and around the hotel are selected to enhance the habitat in and around the existing wetlands. Species selected are enough to tolerate some plants and animals. The proposed plantings will decrease nitrogen deposition and improve soil health and carbon sequestration. The proposed plants will improve habitat for pollinators foraging nectar, and other special status wildlife, while increasing the diversity of the species at the site.

Plant Palettes
Hotel Zone (Outside buffer)
 Cupressus macrocarpa Monterey Cypress
 Lyonothamnus floribundus sbsp. asplenifolius Santa Cruz Redwood
 Arbutus unedo Strawberry Tree
 Prunus boreoceras Cherry Laurel Hedge
 Achillea millefolium yarrow Island pink California Yarrow
 Arctostaphylos edmundii 'Carmel Star'
 Little Star Manzanita
 Calliandra hololepis
 Hemidione need grass
 Conostachys thymifolia yarrow Blue Blossom
 Eriogonum grande var. rubescens Red Flowering Buckwheat
 Festuca glauca 'Elijah Blue'
 Blue Fescue
 Muhlenbergia rigens Deer Grass
 Salvia spaldingiana and Iris douglasiana Hummingbird sage Pacific coast iris
 Salvia sonomensis Sonoma sage
 Wild Flower Seed Mix:
 Achillea millefolium, Yarrow
 Clarkia rubicunda, Fendler's spring
 Lupinus arboreus, Coastal bush lupine
 Eschscholzia californica, California poppy

Wetland Buffer Zone
 Grass and Wild Flower Seed Mix
 Arbutus unedo Strawberry Tree
 Baccharis pilularis pillularis variegata coyote brush
 Clarkia albocandens, Fendler's spring
 Dactylis californica, California oatgrass
 Lupinus arboreus, Coastal bush lupine
 Eschscholzia californica, California poppy
 Eriogonum grande var. rubescens Red Flowering Buckwheat
 Achillea millefolium yarrow Yarrow varieties
 Iris douglasiana, Douglas Iris
 Junco Patens, Roth
 Leymus zosterifolius, Canyon Pines Wild Rye
 Bidens bipinnata, Deer Grass Blue-eyed Grass
 Carex pasopalis, Clumped field sedge
 Dichropana elongata, Slender hairgrass
 Hordeum brex lyallianum, Meadow barley
 Achillea millefolium yarrow
 Island pine California Yarrow
 Arctostaphylos edmundii 'Carmel Star'
 Little Star Manzanita
 Calliandra hololepis
 Hemidione need grass
 Conostachys thymifolia yarrow Blue Blossom
 Eriogonum grande var. rubescens Red Flowering Buckwheat
 Salvia sonomensis Sonoma sage

Existing Wetlands Zone
 Existing plants to be maintained as-is.





NOTICE OF FINAL LOCAL ACTION
Coastal Development Permit
City of Half Moon Bay Planning Division
501 Main Street, Half Moon Bay, CA 94019
(650) 726-8284 FAX (650) 726-8261

**FINAL LOCAL CDP
ACTION NOTICE**
CCC Received: 2/03/25
CCC Reference: 2-HMB-25-0110
Appeal Period: 2/04/2025-2/18/2025
Logged By: Galen Travis

Date: January 31, 2025 File: PDP-72-13

Applicant: RGJC South / Greg Jameson

Planner: Douglas Garrison, Senior Planner

This notice is being distributed to the Coastal Commission and to those who requested notice. The following project is located within the appealable area of the Coastal Zone. The City Council approved the Coastal Development Permit on January 30, 2025.

Project Description: 66,268 square-foot, 102-room hotel; tentative parcel map to adjust the lot line between the hotel parcel and the adjacent James Ford auto dealership parcel and create four residential lots on an existing parcel on the north side of Seymour Street for future development of up to 16 residential dwelling units. The project includes approximately 2 acres of public open space with two new trails and extensive native plant restoration separating public use areas and existing wetlands in the Caltrans right-of-way.

Project Location: Between Main Street / Highway 1 and Seymour Street

APN: 065-012-020; 03 and 064-352-150

Term of Permit: The Coastal Development Permit shall remain in effect for 1 year from final approval.

Final Action: Approved by the City Council on January 30, 2025 based upon findings and conditions contained in Resolution C-25-08 and 09

This project is located within the Appeals Jurisdiction of the California Coastal Commission.



CITY OF HALF MOON BAY

City Hall • 501 Main Street • Half Moon Bay • 94019

January 31, 2025

California Coastal Commission
Attn: Isobel Cooper
455 Market Street, Suite 300
San Francisco, CA 94105

Subject: Notice of Final Action for a Coastal Development Permit for the Half Moon Bay Hyatt Place Project.

Dear Ms. Cooper:

Attached is the Notice of Final Action for a Coastal Development Permit for the above project, which was approved by the Half Moon Bay City Council on January 30, 2025. City Council Resolutions C-25-08, and C25-09 with findings and conditions are attached. Additionally, the Council staff report is attached which includes links to the project plans, EIR and other documents.

Should you have questions regarding the Notice of Final Action and supporting material, please contact me at dgarrison@hmbcity.com

Sincerely,

Douglas Garrison
Senior Planner

Resolution No. C-2025-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE HALF MOON BAY HYATT PLACE HOTEL PROJECT, ADOPTING FINDINGS AND A STATEMENT OF OVERRRIDING CONSIDERATIONS, MITIGATION MEASURES, AND A MITIGATION MONITORING AND REPORTING PROGRAM (PDP-072-13)

SECTION I: PROJECT DESCRIPTION

Application No: PDP-072-13
Applicant: Greg Jamison, RGJC South, LLC
Location/APNs: Unaddressed parcel on the 1100 Block of Main Street (APN 065-012-030)
100 Seymour Street (APN 065-012-020)
Unaddressed parcel on the north side of Seymour Street (APN 064-352-150)

SECTION II: ENVIRONMENTAL REVIEW PROCESS

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 *et seq.*) (“CEQA”) and the State CEQA Guidelines (Title 14, Section 15000 *et seq.* of the California Code of Regulations) (“CEQA Guidelines”), the City of Half Moon Bay, as lead agency, prepared an Environmental Impact Report for the Half Moon Bay Hyatt Place Project (SCH No. 2018032059) (“EIR” or “Final EIR”); and

WHEREAS, the project as originally proposed and analyzed in the Draft EIR (“Original Project”) consisted of a proposed hotel with 129 guest rooms and ancillary features on a 5-acre project site in the City of Half Moon Bay, all originally described in Chapter 3 of the Draft EIR; and

WHEREAS, on March 21, 2018, the City issued a Notice of Preparation (“NOP”) of an EIR for the project; and

WHEREAS, the NOP was circulated for review and comment by responsible and trustee agencies and the public for 30 days from March 22, 2018 through April 20, 2018; and

WHEREAS, a scoping meeting was held on March 27, 2018 to provide the public the opportunity to comment on the scope and content of the EIR; and

WHEREAS, on October 9, 2018, the City held a study session meeting on project design and to allow the public an additional opportunity to provide further input on the Draft EIR, and received public testimony; and

WHEREAS, on July 16, 2020, the Architectural Advisory Committee held a design review session to consider project updates and to allow the public an additional opportunity to provide further input on the Draft EIR, and received public testimony; and

WHEREAS, on July 29, 2021, the Planning Commission and Architectural Advisory Committee held a joint study session to receive further updates on the project design, receive public comments, and provide design-related comments; and

WHEREAS, a Notice of Completion of the Draft EIR was sent to the State Clearinghouse in the Governor's Office of Planning and Research on July 14, 2022 under State Clearinghouse No. 2018032059 and a Notice of Availability was filed with the Santa Clara County Clerk-Recorder on the same day and was also: (1) sent to other potentially affected agencies as required by CEQA; (2) sent to interested parties registered through the project website by electronic mail and (3) published subsequently in a newspaper of general circulation to announce the availability of the Draft EIR; and

WHEREAS, a Draft EIR, consisting of one volume (plus Appendices) was prepared and issued for public review and comment for a 60-day period beginning on July 15, 2022 and ending on September 13, 2022; and

WHEREAS, following circulation of the Draft EIR, the applicant submitted revised plans to the City indicating that Alternative 2 (with revisions), described in the Final EIR Volume as "Modified Alternative 2," is now the proposed project that would be considered for approval; and

WHEREAS, Modified Alternative 2 (the "Proposed Project") consists of a 102-room hotel, expansion of an existing auto dealership site immediately north of the hotel, and a four-lot subdivision allowing for future development of up to 16 dwelling units on the north side of Seymour Street, as described in Final EIR Volume Chapter 3-Appendix, Section 5.5.2; and

WHEREAS, the Final EIR Volume was published on August 2, 2024 (Final EIR Volume), and includes the revised Modified Alternative 2 and other text revisions that are not considered "significant new information" pursuant to CEQA Guidelines Section 15088.5 because these changes would not result in a new environmental impact, and would not cause a substantial increase in the severity of an environmental impact identified in the Draft EIR and the Proposed Project is substantially similar to a previously analyzed project alternative in the Draft EIR; therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required; and

WHEREAS, the City provided written responses to public agencies that commented on the Draft EIR by sending them copies of the Final EIR Volume, which contains responses to comments, on August 2, 2024; and

WHEREAS, two Errata to the Final EIR (“Errata”) were published on September 4, 2024 and October 16, 2024 to document minor corrections and clarifications to text and a figure in the Final EIR. None of the corrections or revisions are considered “significant new information” pursuant to CEQA Guidelines Section 15088.5 because these changes would not result in a new environmental impact, a substantial increase in the severity of an environmental impact requiring major revisions to the Draft EIR; therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required. The September 4, 2024 Errata to the Final EIR is included as an attachment to the October 9, 2024 Planning Commission Staff Report and the October 16, 2024 Errata to the Final EIR is included as an attachment to the October 22, 2024 Planning Commission Staff Memo on this item; and

WHEREAS, the Final EIR consists of the July 2022 Draft EIR, the August 2024 Final EIR Volume which contains responses to comments on the Draft EIR, and the Errata to the Final EIR; and

WHEREAS, all necessary public notices have been given as required by the procedural ordinances of the City of Half Moon Bay and the Government Code, and the City Council held a duly noticed public hearing on January 30, 2025 to receive testimony on the Final EIR and the Proposed Project, and reviewed and considered the information contained in the Final EIR and the Errata to the Final EIR along with staff reports pertaining to the Project, all other pertinent documents, and all written and oral statements received by the City Council at or prior to the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Certifies that the Final EIR for the Proposed Project, which includes two Errata to the Final EIR, has been completed in compliance with CEQA and reflects the independent judgment and analysis of the City.
2. Finds that no recirculation of the EIR is required.
3. Adopts the CEQA Findings and a Statement of Overriding Considerations for the Proposed Project, attached hereto as Exhibit A and incorporated herein by reference.
4. Adopts and makes conditions of approval all of the mitigation measures for the Proposed Project that are within the responsibility and jurisdiction of the City that are identified in the CEQA Findings.
5. Adopts the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B and incorporated herein, for the Proposed Project.

PASSED AND ADOPTED by the City of Half Moon Bay City Council at a duly noticed public hearing held January 30, 2025.

I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 30th day of January 2025, by the City Council of Half Moon Bay by the following vote:

Ayes, Councilmembers: JONSSON, PENROSE, NAGENGAST, RUDDOCK BROWSTONE
Noes, Councilmembers:
Absent, Councilmembers:
Abstain, Councilmembers:

Attest:

APPROVED:

Jessica Blair, City Clerk

Robert Brownstone, Mayor

EXHIBIT A**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE HALF MOON BAY HYATT PLACE PROJECT****I. INTRODUCTION**

The City of Half Moon (“City”), as the Lead Agency under California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 *et seq.*, has prepared the Final Environmental Impact Report for the Half Moon Bay Hyatt Place Project (State Clearinghouse No. 2018032059) (“Final EIR” or “EIR”). The Final EIR is a project EIR pursuant to section 15161 of the State Guidelines for implementation of the CEQA (“CEQA Guidelines”). The Final EIR consists of the July 2022 Environmental Impact Report (“Draft EIR”) and the August 2024 Final Environmental Impact Report (“Final EIR Volume”) and all errata.

In determining to approve the Half Moon Bay Hyatt Place Project (the “Proposed Project,” described in the Final EIR Volume as “Modified Alternative 2”), which is described in more detail in Section II, below, the Council makes and adopts the following findings of fact and statement of overriding considerations, and adopts and makes conditions of approval the mitigation measures identified in the EIR, all based on substantial evidence in the whole record of this proceeding (“administrative record”). Pursuant to CEQA Guidelines § 15090(a), the EIR was presented to the City Council of the City of Half Moon Bay, and the City Council reviewed and considered the information contained in the EIR prior to making the findings in Sections IV to VI, below. The conclusions presented in these findings are based upon the EIR and other evidence in the administrative record.

II. PROJECT DESCRIPTION

The project site is an approximately 5-acre parcel located at the southern entrance to Downtown Half Moon Bay along State Route 1 (SR-1), on the 1100 block of Main Street. The site is bordered by Main Street to the east, the intersection of Main Street, Higgins Canyon Road and SR-1 to the south; SR-1 to the west; and the James Ford Auto Dealership on the adjacent parcel to the north. The 5-acre property is undeveloped and relatively flat, having previously been used as agricultural land. The site also has four seasonal wetland features located along the western boundary of the study area. Due to the presence of wetlands, the hotel portion of the project area is within the California Coastal Commission (CCC) appeals jurisdiction. A 100-foot buffer is required to be maintained between the hotel development and the wetland features; and this buffer was accommodated in the project plans.

The Proposed Project would involve the construction of a 66,268 square-foot, 102-room hotel on the project site, a subdivision allowing for future development of up to 16 dwelling units along Seymour Street, and the expansion of the car dealership parking lot. The hotel would consist of two main buildings, a north building and south building, and a parking lot that faces Main Street. A third, one-story building is proposed on the east side of the north building,

which would house a bicycle rental shop. The north building would be a three-story structure consisting of guestrooms and employee areas and the south building would be a two-story structure consisting of the lobby and public space, with guestrooms on the second level.

The Proposed Project includes a lot line adjustment to increase the size of the auto dealership parcel by approximately 0.45 acres, from 1.62 acres to 2.07 acres. Proposed development of the site also includes enlarging the parking lot to accommodate dealership parking currently on the lot to the north side of Seymour Street, freeing up the parking lot parcel for residential development. The hotel portion of the Proposed Project would be constructed in a single phase and, because the site is currently undeveloped, would not require any demolition activities. No construction activities would occur in the wetland areas and approximately 40 percent of the project site would be dedicated to open space.

As set forth in Section 3.3 of the Draft EIR and Appendix 3.0-A of the Final EIR Volume, the City's objectives for the project are as follows:

- Implement the California Coastal Act, including protecting coastal resources such as wetlands and providing coastal zone priority uses such as restaurants and accommodations geared towards visitors, especially lower cost coastal access provisions including lower cost accommodations on or off-site and/or public access and recreation benefits such as airport shuttles, bicycle rentals, or trail connections. Conform with the Local Coastal Program, including promotion of bicycle and pedestrian trails, such as along SR-1 and the Downtown area.
- Enhance Half Moon Bay's southern Downtown gateway to the City by:
 - Providing connectivity to local trails and the downtown core supporting the City's plans to highlight access to Main Street, Historic Downtown, and the commercial core
 - Providing a development that is aesthetically pleasing by balancing the urban landscape with natural elements of the coast
 - Integrating the artisanal culture of the City into the design theme of the development and the project site
 - Enhancing access to and patronage of the adjacent theater
- Be designed as contextually appropriate for the city and provide compatibility with both the Downtown and the adjacent residential neighborhood with building massing reflective of traditional development and scale within the city and providing maintenance of adequate views.
- Be designed to be compatible with and enhance the aesthetic of the south entry to the city.
- Be served by existing public infrastructure including water supply, sewer and roadway capacity and through on-site provision of green infrastructure for storm water management.
- Support Downtown vitality and the City's economic development goals.
- Meet the demand for more hotel rooms to support the city's growing local tourist and agribusiness economies.

- Establish a higher level of use on an underused parcel in the city.
- Support the local job market by providing new employment opportunities.
- Provide an opportunity for the City to increase revenue stream.

The project applicant's objectives for the project are as follows:

- Develop a mid-range hotel to fill a gap in the market.
- Provide a conference and wedding venue primarily for hotel guests.
- Provide service sector employment opportunities for Half Moon Bay residents.
- Provide public recreational opportunities through a multi-use bicycle and pedestrian path, which will become part of the City's circulation plan.
- Provide shuttle transportation for hotel guests to beaches, harbor points of interest and downtown areas.
- Create a destination at the southern end of Main Street which will indirectly support the existing retail, hospitality, restaurants, and entertainment venues in the downtown area.
- Encourage pedestrian use of the southern portion of Main Street by providing infrastructure improvements including installing a curb, gutters, sidewalk, and landscaping between Seymour Street and the SR-1/Main Street intersection.

The EIR identifies standard permit conditions and conditions of approval, which are part of the project description, in addition to identifying mitigation measures to be adopted. Standard permit conditions are measures required by laws and regulations (primarily, the Half Moon Bay Municipal Code) or are required to comply with laws and regulations. While standard permit conditions are not mitigation measures, they may assist in reducing environmental impacts. Conditions of approval also are not mitigation measures. They are required of the project by the City, but do not necessarily reduce an environmental impact.

III. ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15082 of the CEQA Guidelines, the City of Half Moon Bay prepared a Notice of Preparation ("NOP") of an EIR for the Half Moon Bay Hyatt Place Project. The NOP was sent to state and local responsible and trustee agencies and federal agencies on March 21, 2018. The 30-day comment period concluded on April 20, 2018. The NOP provided a description of the project and identified probable environmental effects that could result from implementation of the project. The City also held a public scoping meeting during the comment period on March 27, 2018 to discuss the project and solicit public input as to the scope and content of the EIR. The meeting was held in the emergency Operations Center (EOC) located at 537 Kelly Avenue, Half Moon Bay.

The City prepared the Draft EIR for the Half Moon Bay Hyatt Place Project in compliance with CEQA and the CEQA Guidelines. The Draft EIR was circulated for public review and comment for 60 days from July 15, 2022 through September 13, 2022. During this period, the Draft EIR was available to the public and local, state, and federal agencies for review and comment. Notice of

the availability and completion of the Draft EIR was sent directly to every agency, person, and organization that commented on the NOP, as well as to the Office of Planning and Research. Written comments from public agencies, organizations and individuals concerning the environmental review contained in the Draft EIR were sent to the Community Development Department of the City of Half Moon Bay during and after the 60-day public review period on the Draft EIR. The City also held a Planning Commission meeting on August 9, 2022 and a community meeting on August 31, 2022, to take written and oral comments on the Draft EIR.

The Draft EIR analyzed implementation of a larger project with 129 guest rooms and ancillary features (the “Original Project”), as well as three project alternatives: No Project, Alternative 1; Reduced Intensity, Alternative 2, and Multi-Family Residential, Alternative 3. Following circulation of the Draft EIR, the applicant submitted revised plans to the City indicating that Alternative 2 (with revisions) is now the proposed project that would be considered for approval. This proposed project is described in the FEIR as “Modified Alternative 2” and is herein referred to as the “Proposed Project.”

IV. FINDINGS

These findings summarize the environmental determinations of the EIR about project impacts before and after mitigation, and do not attempt to repeat the full analysis of each environmental impact contained in the EIR. Instead, these findings provide a summary description of and basis for each impact in the EIR, describe the applicable mitigation measures identified in the EIR, and state the City’s findings and rationale therefor on the significance of each impact with the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR, and these findings hereby incorporate by reference the discussion and analysis in the EIR supporting the EIR’s determinations regarding mitigation measures and the Project’s impacts.

In adopting mitigation measures below, the City intends to adopt each of the mitigation measures identified in the Final EIR. Accordingly, in the event a mitigation measure identified in the Final EIR has been inadvertently omitted from these findings, such mitigation measure is hereby referred to, adopted, and incorporated in the findings below by reference. In addition, in the event the language of a mitigation measure set forth below fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control unless the language of the mitigation measure has been specifically and expressly modified by these findings.

Sections V and VI, below, provide brief descriptions of the impacts the Final EIR identifies as either significant and unavoidable or less than significant with adopted mitigation. These descriptions also reproduce the full text of the mitigation measures identified in the Final EIR for each significant impact.

V. SIGNIFICANT AND UNAVOIDABLE IMPACTS WITH MITIGATION INCORPORATED

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the Half Moon Bay Hyatt Place Project, one of which can be reduced, although not to a less-than-significant level, through implementation of project design elements identified in the EIR. Pub. Resources Code § 21081 (a)(1). Therefore, as explained below, one impact will remain significant and unavoidable notwithstanding the adoption of feasible mitigation measures. As explained in Section IX, below, the findings in this Section are based on the Draft EIR and the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

A. Impact AES-3: The project would substantially degrade the existing visual character or quality of public views of the site and its surroundings.

The EIR finds that buildout of the Proposed Project would result in permanent changes in the existing visual quality of public views to the project site and its surroundings, namely the long-range views of the hillsides and ridgeline available from publicly accessible viewpoints near the project site.

The project design was designed to be visually compatible with the nature and character of Downtown Half Moon Bay. Nevertheless, the buildings are significantly larger and present larger facades than existing development patterns throughout Downtown and the immediate neighborhood. Project implementation would incorporate high quality design elements, landscaping, and screening techniques, but the visual quality of the project site as seen from public viewpoints is nevertheless conservatively considered to be adversely affected by the project.

Therefore, this impact is considered significant and unavoidable.

VI. SIGNIFICANT ADVERSE IMPACTS IDENTIFIED IN THE FINAL EIR THAT ARE REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES ADOPTED AND MADE CONDITIONS OF APPROVAL

The Final EIR identifies the following significant impacts associated with the Proposed Project. It is hereby determined that the impacts addressed by these mitigation measures will be mitigated to a less than significant level or avoided by making these measures conditions of approval for the Project. The findings in this section are based on the Draft EIR and the Final EIR, and the discussion and analysis in which is hereby incorporated in full by this reference.

A. Impact AES-4. The project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The EIR finds that the Proposed Project would result in significant new aesthetic impacts related to substantial light or glare, which would adversely affect day or nighttime views of the area.

The Project would add a hotel to a predominately vacant site adjacent to SR-1, single family homes, and commercial buildings. Daytime glare would occur when sunlight reflects off rooftops, windows, and other surfaces of the proposed structures. Nighttime light would be produced from interior room lighting, exterior lights and vehicles traveling to, from, and within the project site. Therefore, the Project may increase the amount of daytime glare and nighttime light in the vicinity.

Implementation of mitigation measure MM AES-2, set forth below, which is hereby adopted and made a condition of approval would reduce the impact to a less-than-significant level by requiring a lighting plan for any proposed exterior lighting and limiting the intensity and location of lighting.

MM AES-2: *A lighting plan for any proposed exterior lighting must be submitted to the City of Half Moon Bay for review and approval.*

Exterior lighting must be directed downward and away from adjacent properties and public/private right-of-way to prevent glare or excessive light spillover. Lighting bulbs must be limited to low intensity lights, including lighting for identification purposes. Landscaping lights must be limited to ground-level for walking/safety purposes.

B. Impact AQ-2. The project would expose sensitive receptors to substantial pollutant concentrations.

The EIR finds that the Project would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. Although these exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations, construction equipment may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM_{2.5}. Off-road construction equipment and on-road vehicles can also generate PM₁₀ and PM_{2.5}, including from haul truck travel during demolition and grading activities, work travel, and vendor deliveries during construction.

The maximum excess residential cancer risks at the closest sensitive receptor location (the multi-family residence east of the project site across Main Street) would be greater than the Bay Area Air Quality Management District (BAAQMD) single-source threshold of 10 in one million. This would be a significant impact

Implementation of the proposed MM AQ-2, set forth below, which is hereby adopted and made a condition of approval, would reduce the impact to a less-than-significant level by reducing maximum excess residential cancer risk below the BAAQMD single-source threshold of 10 in one million, thereby not exposing sensitive receptors to substantial pollutant concentrations.

MM AQ-2: *Selection of equipment during construction to minimize emissions. Such equipment selection would include the following:*

The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleetwide average 80-percent reduction in DPM exhaust emissions or greater.

One feasible plan to achieve this reduction would include the following:

1. *All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines and this equipment shall include CARB-certified Level 3 Diesel Particulate Filters⁷ or equivalent. Equipment that meets U.S. EPA Tier 4 interim standards or use of equipment that is electrically powered or uses non-diesel fuels would also meet this requirement.*
2. *Per the construction sheet provided by the applicant, line power shall be used to electrify generators used during construction.*

C. Impact BIO-1: Construction of the project would adversely impact species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife and or U.S. Fish and Wildlife Service.

The EIR finds that construction of the Project would adversely impact special-status species or result in a take of special-status animals or active nests of birds. While the Project is not expected to directly impact special-status species due to the lack of habitat suitable onsite to support those species with a potential to occur or known to occur in the project vicinity, the California red-legged frog and the San Francisco garter snake may occur as occasional transients within the project site. Additionally, removal of existing structures, vegetation, wood piles, and other habitat features and earthwork required for construction of the Proposed Project could result in a take of special-status animals or active nests of birds afforded protection under the MTBA, California Fish and Game Code, or Bald and Golden Eagle Protection Act, if present at the time of construction. While no special-status bird nests were observed at the project site during surveys, there is a potential for new nests to be established prior to project implementation. Tree removal, vegetation clearing, or disturbance in the immediate vicinity of a nest in active use could result in abandonment of the nest or loss of eggs and young.

Implementation of mitigation measures MM BIO-1a, MM BIO-1b, MM BIO-1c, MM BIO-1d, MM BIO-1e, MM BIO-1f, and MM BIO-1g set forth below, which are hereby adopted and made

conditions of approval, would reduce the impact to a less-than-significant level by requiring preconstruction surveys, training, monitoring, and multi-agency coordination, and requiring the installation of wildlife exclusionary fences (WEFs) and other measures to prevent the entrapment of special status species .

MM BIO-1a. Preconstruction Survey: *A qualified biologist shall conduct a preconstruction survey of the work area within 48 hours of the initiation of project activities. If a California red-legged frog of any life stage or San Francisco garter snake is found, the animal shall not be handled and will instead be allowed to leave the site on its own. If needed, the USFWS (and CDFW, if a San Francisco garter snake is found) will be contacted to request permission to relocate the individual or additional guidance on the disposition of the individual. The results of the pre-construction survey shall be provided to the City Manager or his/her designee one day prior to the commencement of construction activities.*

In addition, the biologist shall review plans and installation for a wildlife exclusionary fence (WEF) and make any recommendations for improvements and/or changes to location and installation processes. Following the completion of the installation of the WEF, the biologist will train a dedicated member of the construction crew in the identification of the California red-legged frog and San Francisco garter snake, as well as appropriate protocols to follow if either of these species (or animals that may be one of these species) are detected on the site. This dedicated crew member will be responsible for checking the work area for these species prior to the start of construction each day, for inspecting any steep-walled holes or trenches for any animals that may inadvertently become trapped and/or injured, and for inspecting the integrity of the WEF each day and ensuring that any needed repairs are completed within 24 hours. The construction manager shall provide a weekly summary of each inspection to the City Manager or his/her designee for the duration of the exterior construction phase.

MM BIO-1b. Worker Environmental Awareness Program: *Before any construction activities begin, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and San Francisco garter snake and their habitats, the importance of these species, the general measures that are being implemented to conserve these species as they relate to the project, and the boundaries within which the project may be accomplished.*

MM BIO-1c: Exclusion Barrier *A WEF shall be installed prior to the initiation of construction activities to exclude California red-legged frogs and San Francisco garter snakes from the construction area. Prior to the WEF installation a wildlife biologist shall inspect the site and WEF specifications and make final adjustments to the location of the WEF and how it is installed. The WEF shall consist of silt fencing, plywood, ERTEC fencing, or suitable material at least 36 inches in height that is buried 6 inches deep in the ground, or similar method, to prevent access under the fencing. The location and fence type shall be indicated on plans and subject to review and approval of City Plan Check*

MM BIO-1d. Biological Monitoring: *A qualified biologist shall remain on-site to monitor the installation of the WEF to ensure that no San Francisco garter snakes or California red-legged frogs are trapped within the construction area or harmed during installation. If an individual of these species is detected, any project activities that could result in harm to the individual shall cease until the individual has moved out of the project site on its own. The USFWS shall be contacted immediately if a California red-legged frog or San Francisco garter snake is found, and the CDFW shall be contacted immediately if a San Francisco garter snake is found. If any individuals are killed or injured during project activities, the USFWS and/or CDFW, as appropriate, shall be notified within 24 hours. Proof of notification shall be provided by the contractor to the City Manager or his/her designee.*

MM BIO-1e. Prevention of Entrapment: *To prevent the inadvertent entrapment of San Francisco garter snakes and California red-legged frogs, all excavated, steep-walled holes or trenches shall be completely covered at the end of each work day with plywood or similar materials. If this is not possible, one or more escape ramps constructed of earth fill or wooden planks will be placed in the excavation. Before such holes or trenches are filled, they shall be thoroughly inspected for any animals by the on-site biological monitor. If at any time a California red-legged frog or San Francisco garter snake is found trapped or injured in one of these holes, any project activities that could result in harm to the individual shall cease until the individual has moved out of the project site on its own (a ramp allowing the individual to leave may need to be provided).*

MM BIO-1f. Pre-Construction Bird Nesting Survey: *If construction-related site disturbance commences between February 1 and August 15, a qualified biologist shall conduct a pre-construction bird nesting survey within 7 days of the start of construction activities and within 300 feet of the site. If nests of either migratory birds or birds of prey are detected on or adjacent to the site, a no-disturbance buffer shall be established in consultation with the CDFW. The size of the no disturbance buffer shall be determined by a qualified biologist, and shall take into account local site features and existing sources of potential disturbance. If more than 7 days elapse between the survey and the start of construction, the survey shall be repeated. If vegetation removal, building demolition, or earthwork stages are phased over multiple years, the pre-construction survey and nest-avoidance measures described above would need to be repeated. The results of the nest survey shall be provided to the City Manager or his/her designee prior to the commencement of construction.*

MM BIO-1g. Special-Status Species Agency Coordination: *Proposed project construction activities shall not result in impacts to project site wetlands and/or habitat for special-status species known to occur in the vicinity of the site.*

Prior to commencement of construction activities, the project applicant's biologist shall obtain a verified wetland delineation and obtain concurrence with the regulatory agencies regarding special-status species. The project applicant shall continue to coordinate all project activities potentially regulated by State, Federal, and local agencies and shall obtain all necessary permits from CDFG, USACE, USFWS, and the RWQCB as required by federal and State law to avoid,

minimize or offset impacts to any species listed under either the State or federal Endangered Species Acts or protected under any other State or federal law.

Evidence that the project applicant has secured any required authorization from these agencies shall be submitted to Half Moon Bay prior to issuance of any grading or building permits for the project.

D. Impact BIO-2: Implementation of the project would have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service,

The EIR finds that the Project would have a substantial adverse effect on riparian habitat or other sensitive natural community. The project site does not support sensitive habitats, but wetlands found to be jurisdictional by either the US Army Corps of Engineers (USACE) or California Coastal Commission (CCC) may be present. Four seasonal wetlands meeting the USACE criteria for Section 404 wetlands were identified during field surveys, each exhibiting wetland vegetation and wetland hydrology indicators.

Implementation of mitigation measures MM Bio-2a and Bio-2b, set forth below, which are hereby adopted and made conditions of approval, would reduce the impact to a less-than-significant level by avoiding all wetlands where feasible and restoring avoided wetlands.

MM BIO-2a. Avoid All Wetlands to The Extent Feasible. *All jurisdictional wetlands and ESHAs claimed by the CCC shall be avoided to the extent feasible. This includes direct loss and indirect water quality impacts that could occur due to adjacent development.*

During construction, suitable erosion control, sediment control, source control, treatment control, material management, and stormwater management measures would be used in conformance with the NPDES Statewide Construction General Permit (Order No. 2009-0009-DWQ). Additionally, the project shall be designed to comply with the California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit (MRP) (Water Board Order No. R2-2009-0074). This will require that the project implement BMPs into the design that prevents stormwater runoff pollution, promotes infiltration, and holds/slows down the volume of water coming from a site. In order to meet these permit and policy requirements, projects must incorporate the use of tree planters, grassy swales, bioretention and/or detention basins, among other factors. The project is already largely designed to preserve existing drainage characteristics, as seen by the placement of stormwater treatment basins near the area of the site where the seasonal wetlands occur. These basins shall be designed to drain to the avoided wetland area to preserve hydrological inputs from the site. An explanation of compliance with this measure (including drainage design and maintenance program) shall be provided to the City Manager or his/her designee and included in the project file. Compliance checking by the City shall be incorporated into the Wetland Restoration and Monitoring Plan specified in Mitigation Measure BIO-2b.

MM BIO-2b. Compensate for Lost Wetlands by Restoring Avoided Wetlands.

*Most components of the project will be 100 feet away from identified jurisdictional wetland areas (as determined by site verification). Portions of the project that will be located within the buffer include the class 1 multi-use bicycle and pedestrian trail, a pedestrian path, wetlands restoration, green infrastructure, and emergency fire stands. Activities associated with these features are potentially allowed within buffers without mitigation (e.g., some trails and restoration); however, maintenance and the unlikely event of firefighting would need to be considered for mitigation. For development and uses such as these, which cannot be avoided by the project, the project shall restore avoided wetlands on-site at 4:1 by implementing a weed removal program in the avoided wetlands, which are dominated by weedy, non-native species such as pennyroyal (*Mentha pulegium*). It should be noted that the wetlands identified on this site were not found to be Environmentally Sensitive Habitat Areas (ESHAs). In addition to the required Section 404 permit (Nationwide), a qualified restoration ecologist will develop a Wetland Restoration and Monitoring Plan, which will contain the following components (or as otherwise modified by regulatory agency permitting conditions):*

1. *Goal of the restoration (to increase wetland habitat functions and values by removing invasive species);*
2. *Restoration design:*
 - *Weed removal, control, and monitoring plan*
 - *Soil amendments and other site preparation elements as appropriate*
 - *Planting plan (to replace non-natives with native wetland species)*
 - *Maintenance plan*
 - *Remedial measures/adaptive management*
3. *Monitoring plan, including final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.); at a minimum, success criteria will include restoration of native wetland vegetation and no more than 5 percent cover of non-native species, and provision of ecological functions and values equal to or exceeding those in the habitat that was impacted; and*
4. *Contingency plan for mitigation elements that do not meet performance or final success criteria.*

E. Impact BIO-3: Implementation of the project would have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means.

The EIR finds that the Proposed Project would have a substantial adverse effect on state or federally protected wetlands.

Implementation of mitigation measures MM Bio-2a and Bio-2b, set forth above, which are hereby adopted and made conditions of approval, would reduce the impact to a less-than-significant level by avoiding all wetlands where feasible and restoring avoided wetlands.

F. Impact BIO-4: The project would conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The EIR finds that the Proposed Project would conflict with local policies and ordinances that protect biological resources, including impacts to Environmentally Sensitive Habitat Areas (ESHAs).

The removal or major pruning of heritage trees requires a permit from Half Moon Bay and replacement trees as specified in the Tree Ordinance. The Project will result in the removal of four bottlebrush trees, which meet the City's definition of heritage trees.

Implementation of mitigation measures MM Bio-4a and Bio-4b, set forth below, which are hereby adopted and made conditions of approval, would reduce the impact to a less-than-significant level by requiring buffers for wetlands and Environmentally Sensitive Habitat Areas (ESHAs) consistent with applicable local policies or ordinances.

MM BIO-4a: *Prior to development of the westernmost parcel created by approval of the parcel map, a deed restriction shall be recorded to ensure the 50-foot ESHA buffer is protected in a conservation easement so as to be consistent with Policy 6-57 Land Divisions of the 2020 LCLUP. Development within the buffer shall be limited to uses identified in Policies 6-40 and 6-42 of the LCLUP, which can include stormwater retention provided that such a system is designed as part of a conservation plan.*

MM BIO-4b: *Residential development of the subdivided 1.15-acre site north of Seymour Street shall comply with all applicable wetland buffer requirements, specifically the 50-foot wetland buffer allowed by LCLUP Policy 6-41, part b. Furthermore, site development shall not result in direct or indirect water quality impacts that could occur due to adjacent development. During construction, suitable erosion control, sediment control, source control, treatment control, material management, and stormwater management measures would be used in conformance with the NPDES Statewide Construction General Permit (Order No. 2009-0009-DWQ). Additionally, the Project will be designed to comply with the California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit (MRP) (Water Board Order No. R2-2009-0074). This will require that the project implement BMPs into the design that prevents stormwater runoff pollution, promotes infiltration, and holds/slows down the volume of water coming from a site. In order to meet these permit and policy requirements, projects must incorporate the use of tree planters, grassy swales, bioretention and/or detention basins, among other factors. The site is already largely designed to preserve existing drainage characteristics, as seen by the placement of stormwater treatment basins near the area of the site where the seasonal wetlands occur. These basins shall be designed to drain to the avoided wetland area to preserve hydrological inputs from the site.*

G. Impact CUL-1: The project has the potential to cause a substantial adverse change in the significance of a previously undiscovered historical resource.

The EIR finds that while there are no resources eligible for listing in the NHRP on or directly surrounding the project site, there is always a possibility that an unknown site may exist in the project area and could be discovered during grading, excavation, or construction.

Implementation of mitigation measure MM CUL-1: set forth below, which is hereby adopted and made a condition of approval, would reduce the impact to a less-than-significant level by protecting the historical or cultural value of discovered resources through data recovery or preservation.

MM CUL-1: *Prior to commencement of ground-disturbing activities, the project proponent shall consult with the City and retain a qualified tribal monitor to observe ground disturbing activities. In addition, in the event that any prehistoric, historic, archaeological, or paleontological resources are discovered during grading/excavation, a professional (historian, archaeologist, and/or paleontologist, as determined appropriate and approved by the City) shall be hired to assess the significance of the find. Qualifications of the selected professional and tribal consultant(s) shall be submitted to the City for approval prior to any grading activities.*

If any find is determined to be significant, representatives of the City and the consulting professional shall determine, with the input of any traditionally and culturally affiliated California Native American tribe, the appropriate avoidance measures, such as planning greenspace, parks, or other open space around the resource to preserve it and/or its context (while protecting the confidentiality of its location to the extent feasible) or other appropriate mitigation, such as protecting the historical or cultural value of the resource through data recovery or preservation.

In considering any suggested mitigation proposed by the consulting professional to mitigate impacts to cultural resources, the City shall determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures, such as data recovery, shall be instituted. The resource shall be treated with the appropriate dignity, taking into account the resource's historical or cultural value, meaning, and traditional use, as determined by a qualified professional or California Native American tribe, as is appropriate. Work may proceed on other parts of the project site while mitigation for cultural resources is carried out. All significant cultural materials recovered shall, at the discretion of the consulting professional, be subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

At the City's discretion, all work performed by the consulting professional shall be paid for by the proponent and at the City's discretion, the professional may work under contract with the City.

H. Impact CUL-2. The project has the potential to cause a substantial adverse change in the significance of a previously undiscovered archaeological resource.

The EIR finds that the Project has the potential to cause archaeological resources to be discovered during construction excavation. Fifteen resources with an archeological component were identified in Plan Half Moon Bay (PHMB) Planning Area, including prehistoric shell middens and lithic scatters, historic debris scatters, habitation sites, and historic structural remnants. While no archaeological resources were observed or are known to be present on the project site or within a 0.25 mile radius, it is possible that resources meeting the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code may be discovered during construction excavation. Implementation of mitigation measure MM CUL-1 would protect the historical or cultural value of unknown/discovered archaeological resources through data recovery or preservation through consultation with the appropriate professional.

Implementation of the mitigation measure MM CUL-1, set forth above, which is hereby adopted and made a condition of approval, would reduce the impact to a less-than-significant level.

I. Impact CUL-4. The project has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The EIR finds that while the risk of encountering fossils on the project site is low based on the general lack of fossils in the City, grading has the potential to unearth previously undiscovered paleontological resources.

Implementation of the mitigation measure MM CUL-1, set forth above, which is hereby adopted and made a condition of approval, would reduce the impact to a less-than-significant level

J. Impact CUL-5. The project has the potential to cause substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe as defined in PRC Sections 5020.1(k) or 5024.1.

The EIR finds that while no tribal cultural resources have been identified on the project site, the Project has the potential to cause a substantially adverse change in the significance of a tribal cultural resource. As requested by two representatives of tribes contacted during consultation, tribal monitors will be hired to monitor ground disturbing activities as specified in MM CUL-1.

Implementation of the mitigation measure MM CUL-1, set forth above, which is hereby adopted and made a condition of approval, would reduce the impact to a less-than-significant level

K. Impact CUL-4. The project has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The EIR finds that construction activities could unearth a previously undiscovered unique paleontological resource or site, or unique geological feature. The Draft EIR's Geotechnical Investigation did not identify any unique geologic features at the project site, which is mostly flat and consists of an empty field. Similarly, there are no known paleontological resources identified on the project site. To the extent that construction activities could unearth previously undiscovered resources, implementation of mitigation measure MM CUL-1, would ensure their proper identification and treatment.

Implementation of mitigation measure MM CUL-1, set forth above, which is hereby adopted and made a condition of approval, would reduce the impact to a less-than-significant level.

L. Impact G&S-1. The project would be located on soil that is unstable, resulting in on-site subsidence, liquefaction, or collapse

The EIR finds that the Proposed Project would be located on soil that is unstable, resulting in on-site subsidence, liquefaction, or collapse. The project vicinity is mostly flat; therefore, structures on the site would not be threatened by landslides. Additionally, the project site and vicinity's flat topography would prevent lateral spreading from posing a threat on or off-site. The risk of liquefaction and seismic settlement at the project site would also be very low. However, the presence of highly compressible surface soils, organic materials, potentially shallow groundwater, moderately expansive soils, and potentially corrosive soils at the site could undermine the stability of the project site.

Implementation of the mitigation measure MM GEO-1, set forth below, which is hereby adopted and made a condition of approval, would reduce the impact to a less-than-significant level by incorporating recommendations from the Geotechnical Investigation into the project design.

MM GEO-1: *The project design shall include all recommendations described in the Geotechnical Investigation including but not limited to:*

- *Over-excavation of surface soil layers, and addition of compacted fill*
- *Use of non-expansive fill*
- *Shoring of utility trenches*
- *The retention of a corrosion engineering specialist for corrosion protection recommendations*
- *Retention of a licensed Geotechnical Engineer approved by the City to review geotechnical aspects of the project plans*
- *Geotechnical observation and testing during earthwork and foundation construction*

M. Impact G&S-2. The project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life and property

The EIR finds that moderately expansive soils occur across the project site, creating substantial direct or indirect risk to life and property. The presence of expansive soils at the project site would be addressed by mitigation measure MM GEO-1.

Implementation of mitigation measure MM GEO-1, set forth above, which is hereby adopted and made a condition of approval, would reduce the impact to a less-than-significant level by incorporating recommendations from the Geotechnical Investigation into the project design.

N. Impact HAZ-1: The project would create a significant hazard to the public and environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment

The EIR finds that the Proposed Project would create a significant hazard to the public and environment through the impacts related to soil and groundwater contamination. Historical aerial photographs of the project site reveal that it was used for agricultural purposes as late as 2013. Pesticides, herbicides, lead, and other agrichemicals may remain in or on the surface of the soil. Nearby sites may lead to polluted groundwater migrating onto the project site. Mitigation measure MM HAZ-1 would reduce impacts related to soil and groundwater contamination by testing for contamination and prescribing methods for its containment, collection and disposal.

Implementation of mitigation measure MM HAZ-1, set forth below, which is hereby adopted and made a condition of approval, would reduce the impact to a less-than-significant level.

MM HAZ-1: *Prior to issuance of a grading permit, a Phase II environmental site assessment (Phase II ESA) shall be conducted and shall include water and soil testing at the project site. The project applicant and the contractor shall implement the prescribed avoidance and remediation measures to protect workers and the public from any hazardous materials found at the site as identified in the Phase II ESA and site testing results. A plan to remediate any contamination in excess of standards shall be submitted to the appropriate reviewing authority. The remediation areas shall also be indicated on grading plans. The remediation could include measures such as contaminated soil removal and disposal, dewatering and containment of polluted groundwater, and other containment and control measures to avoid exposure to concentrations of contaminants in excess of standards and in accordance with Department of Toxic Substances Control and Occupational Safety and Health Administration standards. Documentation for the implementation of any necessary remediation measures shall be transmitted to the City and the appropriate reviewing authority as proof of implementation of the remediation plan.*

O. Impact HAZ-2. Project construction would involve handling hazardous substances within one-quarter mile of an existing school.

The EIR finds that if contamination is detected on the project site, construction would involve handling hazardous substances within one-quarter mile of Sea Crest Elementary School. Implementation of mitigation measure MM HAZ-1 includes measures to determine the existence of contamination at the site and identify strategies to protect the public from any hazardous materials found at the site. Such measures would be implemented by the project applicant and the contractor.

Implementation of mitigation measure MM HAZ-1, set forth above, which is hereby adopted and made a condition of approval, would reduce the impact to a less-than-significant level

P. Impact NOI-1a. The project would exceed thresholds for ambient noise levels as a result of construction and operation.

The EIR finds that the Proposed Project would result in generation of a substantial temporary or permanent increase in ambient noise levels in the project vicinity from project construction, increased traffic levels, and use mechanical equipment on site.

Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time. Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used.

Project construction is projected to last for approximately 566 working days; the worst-case hourly average noise levels during construction would temporarily exceed 60 dBA L_{eq} at residential land uses and 70 dBA L_{eq} at commercial land uses, and would exceed ambient noise levels by 5 dBA L_{eq} or more. Since construction is expected to last for a period of more than one year, this would be considered a significant impact. Mitigation measure MM NOI-1a would reduce construction noise levels emanating from the project site, minimizing disruption and annoyance during temporary construction activities.

Truck deliveries for the proposed hotel would also have the potential to generate noise. The Proposed Project would incorporate construction delivery times in mitigation measure MM NOI-1b to minimize disruption and annoyance during nighttime deliveries.

Implementation of mitigation measures MM NOI-1a and MM NOI-1b, set forth below, which are hereby adopted and made conditions of approval, would reduce the impact to a less-than-significant level.

MM NOI-1a: Construction Best Management Practices. *Prior to issuance of a grading permit, the applicant shall develop a construction noise control plan meeting the approval of the City Manager or his/her designee and/or third-party peer review, including, but not limited to, the*

performance standards listed below. The applicant shall employ an acoustical consultant pre-approved by the City Manager or designee, to ensure the efficacy of the noise control plan. The acoustical consultant shall conduct onsite checks during construction to ensure that nuisance noise is being reduced in accordance with the noise control plan. Monthly reports shall be submitted to City Manager's office for the duration of construction or until such time that the City Manager or designee deems it no longer necessary.

- *Installation of temporary sound barriers/blankets along the northern and western project boundary line adjacent to the single-family receivers. The temporary barriers/blankets shall have a minimum 5 dBA reduction. The temporary barriers/blankets will be of sufficient height to extend from the top of the temporary construction fence and drape on the ground or be sealed at the ground. The temporary barriers/blankets will have grommets along the top edge with exterior grade hooks, and loop fasteners along the vertical edges with overlapping seams, with a minimum overlap of 2 inches.*
- *Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.*
- *Unnecessary idling of internal combustion engines should be strictly prohibited.*
- *Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.*
- *Utilize "quiet" air compressors and other stationary noise sources where technology exists.*
- *Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.*
- *Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.*
- *Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.*
- *As part of the Noise Control Plan the contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The Plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance, and will be reviewed by the City.*
- *Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.*

MM NOI-1b: Nighttime Truck Delivery. *To minimize the noise impact associated with truck deliveries, it is assumed that deliveries shall only occur between 7:00 a.m. and 10:00 p.m. Based on the size of the proposed land use, smaller delivery and vendors would be expected for the proposed project. These trucks typically generate maximum noise levels of 65 to 70 dBA at a distance of 50 feet. The noise levels due to deliveries at the nearest sensitive receptors would range from 60 to 65 dBA. Compared to the ambient noise environment, which has maximum instantaneous noise levels ranging from 67 to 107 dBA Lmax and hourly average noise levels ranging from 60 to 75 dBA Leq, truck deliveries would not be expected to increase the existing noise environment, assuming daytime deliveries only.*

Q. Impact TRA-1: The project would conflict with CEQA Guidelines section 15064.3, subdivision (b).

The EIR finds that that the Proposed Project would conflict with CEQA Guidelines section 15064.3, subdivision (b), which requires projects to use Vehicle Miles Traveled (VMT) as the metric for determining the significance levels of transportation impacts of a project.

The hotel component and residential component of the Project are expected to generate approximately 572 trips per day. The transportation impacts of these trips are determined by assessing the increase in VMT that result from a project. Because the City has not yet adopted a standard of significance for evaluating VMT, guidance provided by the California Governor's Office of Planning and Research (OPR) was used to evaluate VMT. The OPR Technical Advisory includes suggested VMT significance thresholds for residential, employment, and retail uses but does not address hotel or other visitor-based land uses, indicating that lead agencies may develop their own thresholds. The City has determined that a project which generates at least 15 percent less than the Proposed Project's unmitigated VMT would have a less-than-significant impact. VMT associated with the hotel component of the Project, comprising employee trips, guest trips to and from the airport, and local guest trips, were anticipated to generate 3,965 daily VMT assuming peak room occupancy. Mitigation measure MM TRA-1 requires the project applicant to implement a Transportation Demand Management (TDM) measure to reduce VMT to the City's threshold. The expected VMT reductions associated with the TDM measures specified in the mitigation measure are estimated to reduce VMT to 3,354 daily VMT, which would be a 15.4 percent reduction.

Implementation of mitigation measure MM TRA-1, set forth below, which is hereby adopted and made a condition of approval, would reduce the impact to a less-than-significant level by reducing project VMT by at least 15%.

MM TRA-1: TDM Program and Monitoring

The applicant shall draft and implement a TDM Program with measures that would achieve an annual average VMT reduction of at least 15 percent. The hotel operator shall propose a TDM program that contains specific measures to achieve a 15 percent VMT reduction, which is necessary for compliance with the TDM Program. The TDM Program shall be updated from time

to time, as deemed appropriate by the City, to reflect best practices in the field of Transportation Demand Management.

As part of the hotel operations, the hotel operator shall conduct mode split and VMT surveys each year to both make adjustments and use as marketing material. Guest and employee satisfaction surveys are also an effective way of ensuring a quality TDM program. The designated hotel Transportation Coordinator shall provide a copy of the updated TDM program to the City Manager and Traffic Engineer annually on the date of issuance of the use and occupancy/operating permit.

When preparing, adopting, or updating the TDM Program, the hotel operator shall implement the TDM plan with a single occupancy vehicle (SOV) mode-share reduction commitment of 15 percent.

VII. ALTERNATIVES

The Draft EIR analyzed three alternatives to the Original Project: the No Project Alternative, the Reduced Intensity Alternative, and the Multi-Family Residential Alternative, and compared them to the Original Project. Following circulation of the Draft EIR, the applicant submitted revised plans to the City indicating that Alternative 2 (with revisions, called Modified Alternative 2), is now the Proposed Project as explained in Section III, above. The Final EIR Volume analyzed all of these alternatives and compared them to the Original Project, which is analyzed in the Draft EIR, and to each other as required by CEQA Guidelines Section 15126.6. The alternatives are briefly summarized below and described in Chapter 5.0 of the Draft EIR and Appendix 3.0-A of the Final EIR Volume (Text Revisions to Chapter 5.0). Brief summaries of the evaluated alternatives are provided below. As explained in Section XII below, the findings in this Section are based on the Draft EIR and the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference, and on the record as a whole.

A. No Project, Alternative 1

CEQA requires consideration of a no project alternative. Consistent with State CEQA Guidelines section 15126.6, the No Project Alternative assumes the continuation of existing plans and policies. Under the No Project Alternative, the project site could remain in its current undeveloped condition as a vacant lot, with little or no change.

The No Project Alternative would not achieve any of the project objectives or the City's objectives, which are set forth in Section II, above. For example, it does not support Downtown vitality and the City's economic development goals, meet the demand for more hotel rooms to support the city's growing local tourist and agribusiness economies, establish a higher level of use on an underused parcel in the city, support the local job market by providing new employment opportunities, or provide an opportunity for the City to increase revenue stream.

For the foregoing reasons, the No Project Alternative is hereby rejected.

B. Multi-Family Residential, Alternative 3

The Multi-Family Residential, Alternative 3, would involve the construction of residential units at the project site rather than a hotel. Alternative 3 would consist of 2 main buildings, a 2-story structure, and a 3-story structure with 58 multi-family units, which would encompass a building floor area of approximately 66,581 square feet. Alternative 3 also includes a parking lot on the east side of the project site with 116 parking spaces, 50 percent of which would be enclosed within a garage/carport. Alternative 3 would feature multi-family residential buildings that are approximately the same size and height as the hotel buildings proposed in the Modified Alternative 2 (the Proposed Project) and would also feature the same amount of open space as the project.

Alternative 3 would not meet several of the City's and project applicant's project objectives, which are generally framed to support the City's growing local tourist and agribusiness economies. While Alternative 3 would provide multi-family residential units, it would not help meet the City's demand for more hotel rooms, support the City's economic development goals, support the local job market by providing new employment opportunities, or provide an opportunity for the City to maintain revenue stream.

Additionally, Alternative 3 would have a similar building footprint as compared to the project and would therefore have similar environmental impacts.

C. Environmentally Superior Alternative

On the basis of the analysis of the Draft EIR, the City finds that the No Project Alternative is the environmentally superior alternative. The No Project Alternative would avoid all of the project's significant impacts. CEQA Guidelines Section 15126.6(e)(2), however, states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Therefore, the Proposed Project is the environmentally superior alternative, because it would result in lesser environmental impacts to some environmental resources and introduce incrementally greater impacts to others compared to Alternative 3 and the Original Project. Specifically, the Proposed Project would substantially reduce the aesthetic impacts associated with the Original Project by reducing the overall massing of the project as well as increasing building setbacks; as a result the protected view of the ridgeline would not be obstructed by the structures associated with the project. The Proposed Project would therefore not result in a significant and unavoidable impact to protected scenic vistas and visual resources within a scenic corridor in the Coastal Zone, making it the environmentally superior for this criterion. The Project would also result in fewer trips to and from the project site, substantially reducing the VMT associated with the hotel component of the Project, although the Proposed Project would have incrementally higher pollutant and GHG emissions than the Original Project. The Proposed Project would also best meet the City's and project applicant's primary project objectives, providing a development that balances the urban landscape with the natural elements of the coast, enhances the aesthetics of the Southern entry to the City, and would be designed contextually appropriate for the traditional development within the City.

Alternative 3 would result in lesser environmental impacts to some environmental resources and introduce incrementally greater impacts to others compared to the Proposed Project and the Original Project. For example, Alternative 3 would result in fewer trips being generated than both the Proposed Project and the Original Project and a lesser amount of VMT. However, Alternative 3 would be similar in building floor area and result in similar aesthetic impacts as the Proposed Project and produce comparable air pollutant and GHG emissions. Although Alternative 3 would also result in lesser environmental impacts to some environmental resources, the Proposed Project better aligns with the City's and project applicant's primary project objectives, goals, and policies and is therefore the environmentally superior alternative.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth above, the City has found that some of the adverse environmental impacts of the Hyatt Place Project remain significant following adoption and implementation of mitigation measures described in the EIR and incorporated into the Proposed Project. Section 15093(b) of the CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions. Having balanced the benefits of the Proposed Project against its significant and unavoidable environmental impacts, the City finds that the project's benefits outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable. The City further finds that each of the Proposed Project benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record.

- A. The Proposed Project will provide Coastal Act and Local Coastal Act priority uses geared towards visitors and workforce housing. This is in alignment with Coastal Act Section 30222: Private lands; priority and development purposes, which states that "[T]he use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry."

The Proposed Project is also in alignment with LCLUP General Policies 2-3: Priority Land Uses, 2-4: Sustainable Land Use Pattern; LCLUP Land Use Policies 5-73: Location of Visitor Serving Commercial Development; 5-71: Inclusion of Lower Cost Accommodations. The Proposed Project will provide 102 hotel rooms to coastside visitors. A portion of the 102 rooms meet the Coastal Commission's definition of Low-Cost Affordable Rooms and furthers the goal to provide no- and low-cost amenities. This enables visitors from a wider range of incomes to secure overnight accommodations on the coast, which in turn benefits other visitor-serving businesses throughout Half Moon Bay.

- B. The Proposed Project will provide other no- and low-cost amenities including a publicly-accessible bikeway and pedestrian pathway adjacent to SR-1. The site currently has no

public access along SR-1. Furthermore, the project will create 2.02 acres of an enhanced, native-planted wetland buffer adjacent to the existing wetlands within the SR-1 Caltrans right of way in a dedicated open space easement. The open space area includes the paths, benches, and educational interpretive signage that describes the open space area. These new bike and walking paths provide public access to an area that does not exist today. This access allows for new public views of interest from the site looking to the west (Wavecrest area) and towards the ocean beyond. The Proposed Project will also provide bicycle rentals on site, which is another amenity that will help visitors enjoy the coast as well as provide access to other businesses within Half Moon Bay.

- C. The Proposed Project will provide up to 16 residential units on property that is currently used for automobile parking and will contribute to the City meeting its 6th cycle RHNA housing obligations. The project applicant intends to provide a portion of the units at below market rental rates to project employees, although the applicant is not required to do so and the project is not conditioned as such. The provision of housing at various income profiles is a City goal, as recognized in LCLUP Policy 2-6, "Encourage a diversity of housing types, including housing at a range of affordability levels, densities, sizes, and ownership types with equitable access to environmental benefits. Meet the needs of Half Moon Bay's diverse population, including young families, multi-generational families, students, young professionals, and seniors." The Proposed Project will help the City towards this goal.
- D. The Proposed Project will generate Transient Occupancy Tax (TOT) revenue for the City in support of City Council FY 2024-25 budget direction to staff to identify and pursue sources of revenue to off-set the increased cost of providing city services. The City's FY 24-25 Adopted Budget recognizes that "...reserves will not be enough to sustain the City in the future unless revenues increase, or services and expenditures are drastically decreased. A key priority for staff and the Council in the coming fiscal year will be to identify strategies to balance the budget for the future, including additional sources of ongoing revenue, increased pursuit of grants and philanthropic support for community projects and programs, and continuing to find new efficiencies and cost savings wherever possible. These are all important practices for any organization, but especially now for the City of Half Moon Bay."
- E. The Proposed Project will help the City towards achieving Strategic Initiatives. The FY 24-25 Adopted Budget includes Strategic Elements, which are high-level objectives that provide a long-range vision for the City's future and a consistent focus for the City's services. Based on the Strategic Elements, the City Council has adopted Strategic Initiatives intended to help guide the City's actions and work plans as well as focus efforts on addressing the City's identified priorities. Fiscal Sustainability Strategic Element Initiatives include the following, which the Proposed Project helps further:
- Support and sustain a business environment that contributes to economic prosperity and revenue generation and improves the community's economic well-being.

- Promote a balanced economic development approach that retains, attracts, and supports businesses Citywide for a strong, stable, complementary, and diverse business environment, including tourism, coastal resources, conservation, and farmland cultivation.
- F. The Proposed Project will anchor the south end of the Main Street corridor, as anticipated in the recently City Council-adopted Half Moon Bay Streetscape Master Plan, July 2024.

IX. INCORPORATION BY REFERENCE

These findings incorporate the text of the Final Program Environmental Impact Report for the Half Moon Bay Hyatt Place Project by reference and in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, the determination of the environmentally superior alternative, and the reasons for approving the Project in spite of the potential for associated significant and unavoidable adverse impacts.

X. RECIRCULATION NOT REQUIRED

No significant new information was added to the Draft EIR or the Final EIR Volume as a result of the public comment process. The Final EIR Volume responds to comments, and clarifies, amplifies, and makes insignificant modifications to the Draft EIR. It does not identify any new significant effects on the environment or a substantial increase in the severity of an environmental impact requiring major revisions to the Draft EIR.

The alterations made to the project, which accompanied its change from the Original Project to the Proposed Project, would not result in any new impacts or substantial increase in the severity of impacts that were previously identified in the Draft EIR. Rather, compared to the Original Project the Proposed Project would reduce impacts to scenic vistas and resources, making two previously significant and unavoidable impacts (Impact AES-1 and Impact AES-2) less than significant. The Proposed Project is not substantially different from Draft EIR Alternative 2, which was analyzed in the Draft EIR, because the changes are limited to reduced square footage, a slightly longer breezeway between buildings, an adjusted parcel map of the proposed subdivision north of Seymour Street, and improved approaches to policy consistency with the Half Moon Bay LCLUP. These changes do not constitute “significant new information,” which would require recirculation of the Draft EIR. Therefore, recirculation of the EIR is not required.

XI. RECORD OF PROCEEDINGS

Various documents and other materials related to the Project constitute the record of proceedings upon which the City bases its findings and decisions contained herein. Those documents and materials are located in the offices of the custodian for the documents and

materials, which is the City of Half Moon Bay Community Development Department, 501 Main St., Half Moon Bay, CA, 94019.

XII. SUMMARY

- A.** Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following Findings with respect to each of the significant effects of the Proposed Project:
- 1.** Changes or alterations have been required in, or made a condition of approval of, the Project that avoid or substantially lessen the significant environmental effects identified in the Final EIR.
 - 2.** Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other public agency.
 - 3.** Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the Final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the Project.
- B.** Based on the foregoing Findings and the information contained in the record, the City determines that:
- 1.** All significant effects on the environment due to the approval of the Proposed Project have been eliminated or substantially lessened where feasible.
 - 2.** Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations, above.

Resolution No. C-2025-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY GRANTING THE APPEAL AND APPROVING A COASTAL DEVELOPMENT PERMIT, SITE AND ARCHITECTURAL REVIEW, AND A PARKING EXCEPTION FOR A 66,268 SQUARE-FOOT, 102-ROOM HOTEL; TENTATIVE PARCEL MAP TO ADJUST THE LOT LINE BETWEEN THE HOTEL PARCEL AND THE ADJACENT JAMES FORD AUTO DEALERSHIP PARCEL AND CREATE FOUR RESIDENTIAL LOTS ON AN EXISTING PARCEL ON THE NORTH SIDE OF SEYMOUR STREET FOR FUTURE DEVELOPMENT OF UP TO 16 RESIDENTIAL DWELLING UNITS AS ALLOWED BY THE R-2 ZONING DISTRICT DEVELOPMENT STANDARDS. (APN 065-012-030, 065-012-020, AND 064-352-150), PDP-072-13

WHEREAS, an application was submitted by the applicant seeking approval of a Coastal Development Permit, Site and Architectural Review, and a Parking Exception for a 66,268 square-foot, 102-room hotel; and a Tentative Parcel Map to adjust the lot line between the hotel parcel and the adjacent James Ford auto dealership parcel and create four residential parcels on the north side of Seymour Street for future development of up to 16 residential dwelling units as allowed by the R-2 zoning district development standards (collectively, the Proposed Project); and

WHEREAS, the procedures for processing the application have been followed as required by law; and

WHEREAS, the Planning Commission reviewed various iterations of the project at study and/or CEQA scoping sessions on October 25, 2016, March 27, 2018, October 9, 2018, and June 29, 2021; and

WHEREAS, the Architectural Advisory Committee (AAC) reviewed various iterations of the project on July 16, 2020 and at a Joint Study Session with the Planning Commission on June 29, 2021, and provided feedback on the project design; and

WHEREAS, the conditions of approval ensure that the Proposed Project will comply with the City's requirements and will comply with the Mitigation Monitoring and Reporting Program (MMRP) and are included as Exhibit B to this resolution; and

WHEREAS, the Planning Commission conducted duly noticed public hearings on October 9, 2024 and on October 22, 2024 on the Proposed Project, and reviewed and considered the Final EIR, written reports, and other information in the record, and at which time all those desiring to be heard on the matter were given an opportunity to be heard; and

WHEREAS, the Planning Commission considered all written and oral testimony presented for consideration; and

WHEREAS, the Planning Commission did not approve the requested permits and denied the project, without taking action on the EIR or Statement of Overriding Conditions, on October 22, 2024 by a 3-2 vote for the reasons set forth in the findings of the denial resolution; and

WHEREAS, an application for appeal was filed on November 4, 2024, appealing the Planning Commission's decision to the City Council; and

WHEREAS, the City Council has made the required findings for granting the appeal **and**

reverses the Planning Commission’s decision to deny the project; and

WHEREAS, the City Council conducted a duly noticed public hearing on January 30, 2025 on the Proposed Project, and reviewed and considered the complete EIR, which is comprised of the Draft EIR, Final EIR, and errata, all of which were provided as links within, and as Attachment No. 9 to the January 30, 2025 City Council report, written reports, and other information in the record, and at which time all those desiring to be heard on the matter were given an opportunity to be heard; and

WHEREAS, the City Council considered all written and oral testimony presented for consideration; and

WHEREAS, the City Council made the required findings for approval of the project, set forth in Exhibit A to this resolution, after making all required CEQA findings and certifying the EIR and Statement of Overriding Considerations, by separate Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council:

Grants the appeal and approves the Proposed Project based upon the Findings in Exhibit A and subject to the Conditions of Approval contained in Exhibit B.

PASSED AND ADOPTED by the City of Half Moon Bay City Council at a duly noticed public hearing held January 30, 2025.

I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 30th day of January 2025, by the City Council of Half Moon Bay by the following vote:

Ayes, Councilmembers: JONSSON, PENROSE, NAGENGAST, RUDDOCK BROWSTONE
Noes, Councilmembers:
Absent, Councilmembers:
Abstain, Councilmembers:

Attest:

APPROVED:

Jessica Blair, City Clerk

Robert Brownstone, Mayor

EXHIBIT A
FINDINGS AND EVIDENCE
City Council Resolution C-25-_____
PDP-072-13

Coastal Development Permit – Findings for Approval

The required Coastal Development Permit for this project may be approved or conditionally approved only after the approving authority has made the following findings per Municipal Code Section 18.20.070:

1. **Local Coastal Program** – *The development as proposed or as modified by conditions and as required by the Mitigation Monitoring and Reporting Program (MMRP), conforms to the Local Coastal Program.*

Compliance: The project consists of the construction of a 66,268 square-foot, 102-room hotel with associated site improvements. The proposed hotel consists of two main buildings—a north building (3 stories) and a south building (2 stories)—and a parking lot that faces Main Street. The north building consists of guestrooms on two levels and one level with guestrooms as well as employee and service areas. The south building houses the lobby and common spaces, with guestrooms on the second level. The hotel also includes a smaller, single-story building that would house a bicycle rental shop. The project also includes a four-lot parcel map allowing for future development of up to 16 dwelling units along Seymour Street and the expansion of the existing car dealership parking area on the parcel at 100 Seymour Street. The hotel and residential sites are located where public services and infrastructure are available, including sewer, water, gas and electric utilities. The Project site is within the LCLUP designated Town Center area and is surrounded by existing development and primary City streets and State Highway 1. The Project was reviewed and determined to be in compliance with the whole of the LCLUP. In particular, the policies of LCLUP Chapter 9 (Scenic and Visual Resources) are the most applicable to the project site. The relevant Scenic and Visual Resource policies with a statement of compliance are noted below:

Policy 9-1. Scenic and Visual Resource Areas. Identify and protect scenic and visual resource areas in Half Moon Bay, including but not limited to the scenic corridors, natural resource areas, and built environment resources as defined in this chapter and designated on Figure 9-1.

Compliance: Figure 9-1 (Scenic and Visual Resource Areas) shows the location of visual resource areas, including upland slopes, none of which occur on the project site. Policies addressing development on upland slopes do not apply to this project because no development on upland slopes is proposed. Other policies better address development at lower elevations for the protection of upland slopes.

Policy 9-2. Scenic Resource Protection. New development shall be sited and designed to protect views to and along the ocean, to minimize the alteration of natural landform, to be visually compatible with the character of its setting, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Compliance: The Proposed Project does not block views to or along the ocean because such views are not available from the project site. The project will be developed on a relatively flat site.

therefore would not substantially alter a natural landform. The siting, massing, and architectural treatments of the project are in scale with newer development in the South Downtown portion of the Town Center and include materials and building forms compatible with existing architectural structures such as board and batten siding, dormers, and weathered siding reminiscent of agricultural buildings such as barns, and as recommended by the Architectural Advisory Committee. The project is below the maximum height as allowed by the zoning district.

Policy 9-3. Visual Quality. Preserve and enhance the unique visual quality that contributes to Half Moon Bay's coastal and small-town character, including its open, expansive views from the coastal terrace to the beaches, bluffs, ocean, and upland slopes.

Compliance: Implementation of this policy for preserving views of the upland slopes is further defined in Policies 9-12 and 9-23.

Policy 9-5. Visual Impact Evaluation. Where any development is proposed within a scenic and visual resource area, including as designated on Figure 9-1, a site-specific visual impact evaluation shall be required and may include visual simulations, story poles, and/or other means of visual assessment as appropriate based on the type and location of development.

Compliance: Visual simulations have been provided for four different viewpoints: Two from protected views (Viewpoints 2 and 3 show the Proposed Project from SR-1, a scenic corridor) and two from other vantage points around the site (Viewpoint 1 from Main Street and Viewpoint 4 from the Naomi Patridge Trail, a public trail parallel to SR-1). Project story poles have been installed on the site at various times, and were installed several weeks before the October 9, 2024 Planning Commission public hearing, in compliance City Council Resolution 66-11, which established the City's current story pole requirement. The story poles have remained up since the Planning Commission hearings, although some of the flagging has been damaged by winter storms. The flagging has been restored prior to this City Council hearing. Both means noted in Policy 9-5 to make visual assessments of the proposed project have been provided. Design review by the Architectural Advisory Committee and the Planning Commission was undertaken at several sessions, including at a noticed and well-attended joint study session on June 29, 2021. Revisions have been incorporated into the project based on the Architectural Advisory Committee, Planning Commission, and public comment design feedback provided.

Policy 9-6. Site Planning and Design for New Development. Require new development to be subject to design review to ensure it is sited and designed to protect public views of scenic and visual resource areas and to be visually compatible with the character of the surrounding area. Measures to be considered may include, but are not limited to the following:

- a. Siting development in the least visible portion of the site;*
- b. Breaking up the mass of new structures;*
- c. Designing structures to blend into the surrounding natural landscape;*
- d. Restricting building maximum size and height;*
- e. Clustering or distributing development;*
- f. Incorporating landscape elements and screening; and*
- g. Conformance with any adopted design guidelines.*

Compliance: The project's site planning and design includes several of the elements presented in Policy 9-6. The buildings have been sited to be as far back as possible from SR-1 (up to 139 feet) to ensure that the visibility of the buildings is reduced to the greatest degree possible (#a). **Exhibit 4**

mass has been broken up into multiple buildings (one three-story, one two-story, and one single-story) and a 32' wide single-story breezeway has been incorporated to connect the two buildings. 2.02 acres of open space and wetlands restoration is included in the project, further buffering the development from public views. This allows a larger gap between the two buildings and the opportunity for longer-range views in between (#b and #e). The design employs weathered and coastal compatible colored siding and roofing to blend into the natural landscape (#c). The project is in conformance with the zoning district height requirements. There are no maximum site coverage or floor-area ratio standards for this zoning district (#d). The project landscape elements are compatible with the wetlands on the west side of the project and consistent with the town's streetscape pattern on the east side of the site.

***Policy 9-8. Land Divisions.** Require land divisions, including lot line adjustments, to be designed in a manner that minimizes impacts to visual resources. Measures for minimizing visual impacts include the following:*

- a. Clustering the building sites to minimize site disturbance and maximize open space;*
- b. Prohibiting land divisions and adjustments that would create lots with insufficient space for development, including to avoid the need for fuel modification, without impacting visual resources;*
- c. Requiring new land divisions to provide sufficient park and open space areas;*
- d. Prohibiting creation of new building sites above the 160-foot contour line within City limits;*
- e. Minimizing the length and impermeability of access roads and driveways;*
- f. Using shared or abutting driveways to access development on adjacent lots, where appropriate;*
- g. Reducing the maximum allowable density in steeply sloping and visually sensitive areas; and*
- h. Revegetating graded building pad areas, if any, with native plants.*

Compliance: The site plan maximizes open space on the south between the proposed hotel improvements and the existing City concrete monument signs and Main Street/Cabrillo Highway intersection, and west sides of the hotel property between the proposed hotel buildings and Cabrillo Highway, including space for an enhanced wetland buffer and habitat restoration public use. The four-lot subdivision meets the standards of the R-2 zoning district and will allow for sufficient space for future residential development. The site is not located on a slope or above the 160-foot contour line. The project driveways are limited to those necessary to access and service the site along Main Street. Bicycle and pedestrian pathways will utilize pervious materials. The site will include significant native plantings as part of the wetland conservation and landscaping plan.

***Policy 9-12. Town Boulevard Scenic Corridor.** Require that new development in close proximity to or easily visible from the Town Boulevard scenic corridor, including Highways 1 and 92:*

- a. Protects views of visual resource areas as seen from the Town Boulevard, including views to the ocean, upland slopes (i.e. minimizes intrusions into the ridgeline), and the historic Johnston House;*
- b. Incorporates design standards such as screening of commercial parking areas and landscaping provisions; and*
- c. Is visually compatible with the surrounding land and development.*

*Update the IP with additional standards for new development along the Town Boulevard based on additional study of the scenic corridor. Assessment should, at a minimum, consider views of visual resource areas from the perspective of existing and potential development along the Town Boulevard and identify scenic segments along Highway 1 and 92, including views of the ridgelines and other visual resource areas. Development standards should address, at a minimum, appropriate building heights and setbacks, longest wall lines, minimum space between buildings, and streetscape design. **Exhibit 4***

Compliance: The Proposed Project does not impact views to the ocean, nor does it impact views to the historic Johnston House. Visual simulations from Viewpoints 2 and 3 simulate northbound views from the visually important South Gateway area across the project site toward the hillsides to the north and east. From these vantage points, the Proposed Project does not intrude into the view of the ridgeline, nor does it block views to the ocean or the Johnston House. The story poles erected on the site indicate that when passing by the proposed project site at certain points along SR-1, the proposed project will intrude into the ridgeline when viewed from either the northbound or southbound direction, as similarly experience with other recent and long-standing residential, commercial, and institutional development within the SR-1 vicinity. To reasonably address this concern, the proposed project has been oriented on the site and designed with substantial setbacks from SR-1 in an effort to minimize the intrusions into the ridgeline. Additionally, the two main buildings have been separated by 32 feet to allow a break in the building mass and introduce views beyond the buildings, as recommended by the Architectural Review Committee. In addition, the proposed project development is clustered and set back from SR-1 and the intersection of SR-1 at South Main Street to allow for site lines across the substantially undeveloped portion of the site (#a), and providing ample transition from the City's recent concrete monument gateway and SR-1/Main Street improvements. The proposed buildings screen the parking areas from SR-1 and landscaping will be installed to screen the parking areas from Main Street (#b). The project mass is broken up into multiple structures and building design and materials were selected to be visually compatible with agricultural building forms, colors and rough textures. Landscape elements align the two sides of the project to the context of each side of the site. On the west side of the site, landscaping includes wetland restoration and use of native plantings found in nearby Wavecrest; on the east side of the site, landscaping includes street trees and frontage improvements consistent with the streetscape of Main Street and surrounding site character (#c).

***Policy 9-23. Upland Slopes and Ridgelines.** Protect broad views of upland slopes, prominent ridgelines and other intervening ridgelines as viewed from scenic corridors and the beach and shoreline through the following means:*

- a. Prohibiting new development above the 160-foot contour line and on slopes greater than 30 percent, including grading and subdivisions but excluding public trails and critical facilities or public infrastructure that cannot be located elsewhere;*
- b. Ensuring new development below the 160-foot contour line is sited and designed to minimize intrusions into the ridgeline through the application of appropriate height and setback restrictions; and*
- c. Establishing standards for the Town Boulevard, other streetscapes, and large-scale landscaping projects to highlight and frame, but not block, views of visual resource areas.*

Compliance: The project site is located below the 160-foot contour line and is relatively flat (#a). As noted in the compliance statement for Policy 9-12, the Proposed Project has a substantial setback from SR-1 and is under the maximum height allowed in the zoning district, both of which contribute to minimizing the intrusions into the ridgeline. The rooflines of the two main buildings are designed to minimize building height and optimize visual consistency with surrounding development and site character (#b). The other section of the policy (#c) does not apply to this project.

***Policy 9-30. Dark Night Skies.** Protect dark night skies as part of Half Moon Bay's scenic and visual character by preventing light pollution from development. Avoid impacts from exterior lighting on dark night skies, sensitive habitat areas, and agricultural operations by:*

- a. Limiting exterior lighting to low-intensity fixtures that are shielded, down-cast, and concealed so that the light source is not directly visible from public viewing areas, with the exception of traffic*

navigational lights, and other similar safety lighting;

b. Limiting installation and use of high-intensity perimeter lighting and lighting for sports fields, other private recreational facilities, or public facilities in scenic areas, with the exception of safety lighting provided that any high-intensity lighting is down-cast, shielded, and minimizes spillover; and

c. Reducing light pollution from greenhouses as a condition of approval for new development through shielding and other practices that minimize light spillover.

Compliance: The Proposed Project has been designed and conditioned to incorporate dark skies compatible light fixtures (#a). The other sections of the policy (#b and #c) do not apply to this project.

Policy 9-31. Lighting Plan Review. Require submittal of lighting plans with applications for new development, including subdivisions, for review of lighting characteristics.

Compliance: Lighting plan review with the building permit plans, which is a standard requirement of the building permit submittal, will ensure conformance with this policy, as well as with Policy 9-30.

Sheet A-1 lists all relevant LCLUP policies beyond the Scenic and Visual Resource policies and describes project consistency with each.

With the implementation of the required conditions of approval and the MMRP, the project conforms to City requirements, will not impact coastal resources, and is consistent with the policies of the City's Local Coastal Land Use Plan (LCLUP).

2. **Growth Management System** – *The project will need to demonstrate consistency with the Measure D Growth Management System established in the Land Use Plan and Zoning Ordinance when the applicant proceeds with a CDP and Site/Architectural Review for residential development on the four newly-created lots as allowed by the R-2 zoning district.*
3. **Zoning Provisions** – *The development is consistent with the use limitations and property development standards of the base district as well as the other requirements of the Zoning Ordinance.*

Compliance: The project conforms to the LCLUP (which provides policy direction that the project shall be found consistent with the Zoning Code designation until compliant revisions can be made) as well as all other relevant provisions of the Zoning Code.

4. **Adequate Services** – *The proposed development will be provided with adequate services and infrastructure in a manner that is consistent with the Local Coastal Program.*

Compliance: The site is an infill site with existing dry and wet utility connections. The Project will be served with water, sewer, and road facilities and is located in an area that will not require infrastructure enhancements to accommodate the Project.

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

Compliance: The Project site is not located between the sea and the first public road parallel to the sea, and thus this provision does not apply. Nonetheless, the project would not restrict public access or recreation opportunities because the site is on the opposite side of Highway 1 from any public beach. Adequate public access and recreation opportunities are available to the west to the Coastal Trail and beaches. The project was reviewed for conformance with the relevant policies in the Coastal Act – Chapter 3 in particular, which addresses Coastal Resources Planning and Management Policies. Sheet A-2 to this exhibit lists all relevant Coastal Act policies and identifies project consistency. The Project would be built on an already-developed site; would not impact environmentally sensitive habitat areas, agricultural lands, or coastal access; and would not have any adverse environmental effect. It also is located far from areas that are vulnerable to sea level rise.

General Plan Housing Element – Findings

Compliance: The Seymour Street residential lot proposed to be subdivided into 4 parcels is identified as a Housing Opportunity Site in the City Draft 2023-2031 6th Cycle Housing Element.

Site and Architectural Review – Findings

The required Architectural and/or Site and Design Review for this project may be approved or conditionally approved only after the approving authority has made the findings per Municipal Code Section 14.37.040. In making these findings, the Planning Commission has considered the design approval criteria set forth in Municipal Code Section 14.37.035.

1. *That such buildings, structures, planting, paving and other improvements shall be so designed and constructed that they will not be of unsightly or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the city.*

Compliance: The proposed improvements have been designed to meet the requirements of the Commercial - General zoning district. The various iterations of the proposed hotel architecture and site design have been reviewed by the Planning Commission and Architectural Advisory Committee at several meetings and has never been referred to as obnoxious or unsightly by the members of these bodies.

2. *That such buildings, structures, planting, paving and other improvements will not impair the desirability or opportunity to attain the optimum use and the value of the land and the improvements, or otherwise impair the desirability of living or working conditions in the same or adjacent areas; and*

Compliance: The project is compatible with the scale and character of development in the vicinity and will contribute to the economic value of the land and surrounding area. The proposed hotel is on a main collector street in the City and is in conformance with the Commercial – General zoning district allowed uses, lot coverage and height standards, has generous setbacks from SR-1 to minimize visual impacts, and would provide over 40% of the site as publicly-accessible open space. The building design has been refined to reflect community character and be sensitive to neighborhood context based on input from the Planning Commission and Architectural Advisory Committee over the course of several meetings.

3. *The project has been designed in conformance and consistency with the single-family residential design guidelines (where applicable).*

Compliance: Not applicable.

Tentative Parcel Map – Finding of Conformance

Municipal Code Chapter 17.26 states that “[t]he Planning Commission shall at a public hearing determine whether the tentative parcel map is in conformity with the general plan and its elements, the local coastal plan, the zoning ordinance, the provisions of the Subdivision Map Act, and this title as to design, drainage, utilities, road improvements and offers of dedication or deed.” In making this finding, the Planning Commission has considered the requirements set forth in Municipal Code Chapter 17.26 and the determination of the Public Works Director.

Compliance: The City’s Public Works Director has reviewed this Tentative Parcel Map and has determined that the map is in conformance with the provisions of the Subdivision Map Act, and that the design meets the requirements of the City. The parcel map was not cited by the Planning Commission in the denial findings for the project.

Parking Exception – Finding for Approval

Municipal Code Section 18.36.085 allows that in the case of “practical difficulties and unusual hardships, exceptions to the parking requirements set forth may be granted.” In making this finding, the Planning Commission has considered the analysis provided by the applicant and concurs with the conclusion that the provided parking will be sufficient based on the characteristics of the parking demand demonstrated.

Compliance: The applicant has submitted a Parking Load Analysis that demonstrates the peak parking times for hotel guests and the peak parking times for hotel employees based on conditions at a similarly-sized Hyatt Place hotel project in Santa Cruz. This analysis shows that despite having a lesser amount of on-site parking than required by the City, there is typically enough parking on site to meet the project need due to the actual parking demand at the site during different times of the day. The need for employee parking peaks at the same time the demand for guest parking is reduced, and therefore the 108 parking spaces provided is expected to be sufficient for the 102-room hotel with up to 25 employees.

**EXHIBIT B:
CONDITIONS OF APPROVAL
City Council Resolution C-25-____
PDP-072-13**

A. The following General Conditions shall apply to the project:

1. CONFORMANCE WITH APPROVED PLANS. Development of the project shall conform to the approved plans entitled “Hyatt Place Half Moon Bay” attached to the January 30, 2025 City Council staff report, except for any revisions required by the conditions of approval, as amended by the City Council on January 30, 2025. The Community Development Director and City Engineer shall review any change in impervious surface area; and the Director shall review and may approve any deviation from the approved plans that is determined minor in nature. Any other change shall require the submittal of a major modification application and fees and shall be subject to a public hearing as required by Title 18. (Planning)
2. CONFORMANCE WITH THE MUNICIPAL CODE. No part of this approval shall be construed to permit a violation of any part of the Half Moon Bay Municipal Code. (Planning)
3. MITIGATION MEASURES INCLUDED AS CONDITIONS OF APPROVAL. All measures shown in the Mitigation Monitoring and Reporting Program (MMRP), adopted as part of the certification of the project Environmental Impact Report, are included by reference in these conditions of approval.
4. CONFORMANCE WITH CONDITIONS OF APPROVAL. The Community Development Director shall review and may approve any deviation from the Conditions of Approval that is determined minor in nature. Any other change shall require the submittal of a major modification application and fees and shall be subject to a public hearing as required by Title 18. (Planning)
5. PAYMENT OF AGRICULTURAL MITIGATION FEE. The applicant shall pay an in-lieu Agricultural Mitigation Fee of \$38,400 for loss of 3.0-acres of the hotel site designated as Prime Agricultural Land. The fee will be paid to an entity selected by the City of Half Moon Bay and the California Coastal Commission. Verification of fee payment shall be provided to the Community Development Director in advance of issuance of a building permit for the hotel portion of the project.
6. PROVISION OF LOW-COST VISITOR ACCOMMODATIONS. The applicant shall meet LCLUP Policy 5-71 to provide lower cost accommodations by reserving six (6) rooms as lower-cost overnight accommodations at \$148.02 or lower per night. The project file (PDP-072-13) contains a detailed explanation and justification of how the daily room rate was developed, how the number of rooms was calculated, and confirmation that the Coastal Commission agreed with the analysis and agreed that the approach meets the intent of the policy and is in compliance with the LCP. The \$148.02 low-cost room rate is based on current 2023 data. The low-cost room rate is calculated using the “Visit California” statewide average daily rate (ADR) for August (peak season) at <https://industry.visitcalifornia.com/research/researchdashboard>. In 2023, the peak season daily rate is \$197.37 for standard, double occupancy rooms. 75% of the statewide average daily rate is \$148.02, and 75% is the discount at which the rate is considered lower cost. The daily rate can be adjusted annually allowed to increase at no more than the annual Consumer Price Index each year. The daily rate shall be inclusive of all service and other fees (e.g., cleaning, resort, administrative) but exclusive of any government-mandated fees (e.g., sales tax, transient occupancy taxes). The applicant may provide more low-cost on-site rooms than the minimum identified herein.
7. MONITORING REPORTS FOR LOW-COST ACCOMMODATIONS. The applicant/owner shall provide an annual report (with the first report due by December 31st of the first year of project occupancy)

and subsequent reports due by December 31st of subsequent years) to the Community Development Director for review and approval. The monitoring reports shall include, at a minimum, the average daily rate charged each month during the preceding year for the low-cost unit; occupancy rates for the low-cost units for each applicable month; a description of proposed low-cost rates for the upcoming year (which shall be allowed to increase at no more than the annual Consumer Price Index each year), and an assessment of compliance with the terms and conditions of this CDP regarding the low-cost units. The ultimate intent of this reporting requirement is that the applicant/owner will make necessary changes as identified in any approved monitoring report as required by the Community Development Director to maintain consistency with the terms and conditions of this CDP.

B. The following Conditions shall apply to ongoing project operation:

1. LANDSCAPE INSTALLATION AND MAINTENANCE. The applicant/owner shall ensure that all landscaped areas are continuously maintained, and all plant material is maintained free of refuse and in a healthy growing condition. The percent cover of non-native species, and invasive plant species with a Cal-IPC Inventory rating of High will not exceed 5 percent at any time during the 5-year monitoring period, respectively. Additionally, the percent cover of planted (i.e., not seeded) native species within mitigation areas will equal or exceed 50 percent by the end of the 5-year monitoring period. Bare ground/mulch and non-native drought tolerant species can comprise the remaining cover. (Planning – required by Standard Condition of Approval BIO-4 from the EIR)
2. LIGHTING. All exterior lighting shall be fully shielded so that no light source is visible from outside the property, except as otherwise expressly approved. (Planning)
3. SIDEWALK MAINTENANCE AND LIABILITY. It shall be the duty of the Property Owner(s) to maintain all sidewalks along the project frontage in a safe and non-dangerous condition. Sidewalk maintenance shall include removal and replacement of concrete to eliminate tripping hazards; and pruning and trimming of trees, shrubs, ground cover and other landscaping within the public right-of-way. The Property Owner has the primary and exclusive duty to fund and perform such maintenance and repair, whether the City has notified the property owner of the need for such maintenance or repairs or has performed similar maintenance or repairs in the past, pursuant to §12.18.020 and §12.18.030 of the Half Moon Bay Municipal Code. (Engineering). The Property Owner is not responsible for maintaining any sidewalks in Caltrans ROW along SR-1 unless a separate agreement has been reached between the Property Owner and Caltrans to do so.

C. The following Conditions shall be fulfilled prior to the issuance of building permits:

1. SIGNED CONDITIONS OF APPROVAL. The Applicant shall submit a signed copy of the conditions of approval to the Planning Division prior to issuance of a building permit. (Planning)
2. ACOUSTICAL ANALYSIS. A qualified acoustical specialist shall prepare a detailed analysis of interior hotel noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the State Building Code. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a room-by-room basis in the hotel or a unit-by-unit basis in the residential units during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit. The implementation of these noise insulation features would reduce interior noise levels to 45 dBA or less and 55 dBA Lmax or less. (Planning)

3. DEVELOPMENT IMPACT FEES. Development impact fees are applicable and will need to be paid prior to the issuance of the building permit. Note that additional building permit fees may apply. The fees due will correspond to the Master Fee Schedule for in effect when the building permit is ready to be issued.
4. LOT LINE ADJUSTMENT. If the lot line adjustment between the hotel and auto dealership parcels needs to be recorded prior to the Tentative Parcel Map for the creation of four residential parcels, an application for a lot line adjustment shall be submitted, approved, and recorded with the County of San Mateo Recorder's Office prior to issuance of building permits. (Engineering)
5. PARCEL MAP. The subdivider shall submit a Final Parcel Map in substantial conformance with the Tentative Parcel Map and Title 17 of the Half Moon Bay Municipal Code to the satisfaction of the City Engineer. (Engineering)
6. LOT RETIREMENT. Prior to the issuance of residential building dwelling permits, the applicant shall demonstrate that three potentially developable lots within the city limits, in a PD area have either been purchased and deed restricted to extinguish development rights in perpetuity or the lots have been transferred to an open space trust or other appropriate land management entity as determined by the City. (Planning)
7. SUBDIVISION IMPROVEMENT AGREEMENT. A subdivision improvement agreement is required to be in place as part of the Parcel Map phase. (Engineering)
8. PARK AND RECREATION LAND DEDICATION. Prior to recordation of the Final Parcel Map, the applicant shall comply with Chapter 17.48 of the City Subdivision Ordinance by paying a fee for the purpose of providing park and recreation facilities to serve the residents of Half Moon Bay. The amount of the fee shall be calculated pursuant to the satisfaction of the Community Development Director and the City Engineer. (Engineering)
9. EXPIRATION. The Tentative Map shall expire two years from the date of their approval if a final or parcel map has not been recorded during that time. The Planning Commission may approve one-year extensions of the Tentative Map based on a written request and fee submitted to the Director prior to the expiration of the Tentative Map. (Engineering)
10. TREE REMOVAL AND REPLACEMENT PLAN. Permit Required for Major Pruning or Removal of a Heritage Tree. Prior to the removal of any heritage trees the project applicant shall obtain a major tree pruning or removal permit and the appropriate replacement species will be replanted as determined by the tree permit conditions as required by the City's Tree Ordinance. The tree replacement plan will need to comply with the City's Heritage Tree Ordinance to the satisfaction of the Community Development and Public Works Directors and will be approved prior to issuance of a building permit. (Planning – required by Standard Condition of Approval BIO-3 from the EIR).
11. CONSTRUCTION PLANS. File Number PDP-072-13, the Mitigation Measures adopted with the project, and the Conditions of Approval for this project shall be provided on the cover page of the building permit application plan submittal. Construction plans submitted for building permit(s) shall include a plan sheet showing utility connections, trench restoration details, driveway apron (driveway apron width, spacing between driveways, slopes, etc.), and other improvements in the public right-of-way meeting City standards. (Engineering)
12. TITLE REPORT.
 - a. Submit a copy of the current title report with hyperlinks including a separate sheet identifying the legal description of the subject site. Your current title report can be obtained from a local Title Report Company.

- b. Note that additional comments may arise based on the submitted Title Report. (Engineering)
13. CALTRANS COORDINATION. The proposed Class I Bike Lane is subject to Caltrans review and approval due to a portion of it being within Caltrans ROW. Additionally the applicant shall coordinate with Caltrans upcoming SHOPP project. (Engineering)
14. PUBLIC IMPROVEMENTS.
- a. A separate site improvements plan will need to be submitted by a registered civil engineer as part of the Final Map phase.
- b. Public improvements may include the following:
- On Main Street, new sidewalk, curb and gutter, new pavement on at least half of the street, new trees, mid-block crossing with rectangular rapid flashing beacons, new ramps, etc. These improvements are required to be installed as part of the Building Permit Phase for the Hyatt Hotel.
 - On Seymour Street, new sidewalks, curb and gutter, new pavement new ramps, etc. These improvements will be required to be installed as part of the Subdivision Improvement Agreement in tandem with the Parcel Map phase. The improvements may be phased, and any phasing shall be detailed in the Agreement.
 - Sewer main infrastructure upgrades downstream as necessary. (Engineering)
15. TRAFFIC IMPACT STUDY RECOMMENDATIONS. The applicant shall implement the recommendations set forth in the Traffic Impact Study for the project dated July 13, 2020 created by W-Trans. (Engineering)
16. CITY STANDARD DETAILS. All work within the Public Right of Way shall comply with the following City Standard Details. Please update those City Standard Details on Sheet C9.1 with the attached updated details. Attach the following City Standard Details to the plans: (Engineering)
- a. SI-2 Curbs and Gutters
- b. SI-3 Sidewalk Detail (Monolithic)
- c. SI-4 shall remain on the plans as is.
- d. SI-5 and SI-5A – Residential Driveway Approach with Curb
- e. SI-7 – Typical Section of Residential Streets
- f. SI-11 – Red Curb Painting
- g. SS-3 – Type I Manhole
- h. SS-7 – Standard Sewer Lateral and Cleanout
- i. SS-11 – Sewer Tee Detail
- j. UT-1 – Utility Trench Detail
17. ADDITIONAL DETAILS REQUIRED.
- a. The building permit plans shall have a detail of the proposed bridge along the western side of the project subjected to Caltrans approval. (Engineering)
- b. All bicycle and pedestrian pathways in the 100 foot wetland buffer shall be pervious pavement, as required by LCLUP, to minimize natural water flow and recharge. (Engineering)

18. DRIVEWAY APPROACH. All proposed driveway approaches shall be designed to comply with both ADA Standards and City Standards. (Engineering)
- In order to comply with ADA Standards, the driveway approach will need to have a minimum of 3 feet wide accessible ADA path of travel that is at most 2% flat slope.
 - The street side portion of the approach would need to be ramped that conforms to the flatter 2% sloped portion that will act as the ADA accessible path of travel. The flat 2% portion must be 3' minimum in order to comply with ADA standards.
 - Adjust the plans to reflect this ADA requirement.
19. STORMWATER REGULATED PROJECT & SWPPP.
- Prior to issuance of building permits, the applicant shall submit a Stormwater Pollution Prevention Plan to the State Water Board due to the size of the project.
 - Submit a C.3 and C.6 Development Review Checklist. Please see the attached.
 - An Operations & Maintenance (O&M) Agreement must be recorded with the County of San Mateo prior to finalizing the Building Permit. Please see the attached. Areas highlight in Green and Yellow are items that will need to be addressed in the O&M Agreement. (Engineering)
20. LANDSCAPING. Design landscaping area to adequately retain stormwater on-site. (Engineering)
21. DRAINAGE PLANS. Show all locations of proposed downspouts on the proposed structures. Using arrows, show the direction of surface runoff throughout the property. (Engineering)
22. GEOTECHNICAL REPORT. Prior to issuance of building permits, the applicant shall submit a geotechnical recommendation produced by a licensed geotechnical engineer regarding the stabilization of the drainage bank during installation of the new driveway and barrier. (Engineering)
23. WATER CONSERVATION IN LANDSCAPING. The Applicant shall submit landscape and irrigation plans and an Outdoor Water Efficiency Checklist that demonstrate compliance with the City's Water Conservation in Landscaping Ordinance (Chapter 13.04 of the Municipal Code) prior to issuance of building permits to the satisfaction of the Community Development Director. (Planning)
24. REFINEMENT TO CONCEPT GRADING PLANS FOR PERMIT SUBMITTAL (Engineering):
- Grading plans shall verify that there will be no drainage issues throughout the property and in the Public ROW.
 - Grading permit will need to be reviewed and approved prior to the issuance of building permit. Include the sheet that has the grading plan in the grading permit submittal. Grading plans shall include the following:
 - Elevations to confirm that there will be no off-lot drainage issues.
 - Cross-sections of the entire proposed lot and structure.
 - Proposed contour lines as well.
 - Grading work shall not start until the City of Half Moon Bay has received the contractor's information.
 - The Contractor for this work shall be a minimum a Class A or a Class B Licensed Contractor.
 - Once the contractor's information has been obtained, submit the Contractor's

Certificate of Insurance and Endorsement naming the City of Half Moon Bay as additionally insured and naming the City of Half Moon Bay as the Certificate Holder.

- f. Once the contractor's information has been obtained, ensure that the contractor has an active business license with the City of Half Moon Bay.
25. STRIPING PLAN. Include a complete striping plan with the building permit submittal. (Engineering)
26. STORMWATER OPERATIONS AND MAINTENANCE AGREEMENT. Required to be approved prior to issuance of building permits and recorded prior to final of the building permit. (Engineering)
27. ENCROACHMENT PERMIT (Engineering):
- a. Encroachment permit to be submitted and approved for all work in the City's ROW, including, but not limited to sidewalk, curb and gutter, paving, utilities, driveways, etc. **The encroachment permit application can be submitted shall be submitted in tandem with the building permit submittal.** See the attached street encroachment permit application.
 - b. Work within the Public ROW shall not start until the City of Half Moon Bay has received an issue encroachment permit with the contractor's information.
 - The Contractor for this work shall be a minimum a Class A Licensed Contractor.
 - Once the contractor's information has been obtained, submit the Contractor's Certificate of Insurance and Endorsement naming the City of Half Moon Bay as additionally insured and naming the City of Half Moon Bay as the Certificate Holder.
 - Once the contractor's information has been obtained, ensure that the contractor has an active business license with the City of Half Moon Bay.
 - c. Since Trenching will occur within the Public ROW, Traffic Control Plans will be required as part of the submittal of the encroachment permit.
28. SCHOOL IMPACT FEES. School Impact Fees may apply for this permit. If so, the applicant shall provide proof of payment of required School Impact Fees to Cabrillo Unified School District prior to issuance of building permits.
29. SURVEY REQUIRED. Submit a detailed topographic/site boundary survey certified by a licensed surveyor with building application plans. The survey shall include a baseline elevation datum point on, or close to the construction site, indicating existing grade of the datum. This datum point shall be permanent, marked, shall remain fixed in the field, and shall not be disturbed throughout the building process. Examples of datum points include: fire hydrants, manhole covers, survey markers, and street curbs. This datum point shall be shown on all site plans including revised/resubmitted plans. The survey must show the footprint and roof plan of the proposed residence and identify the existing grade elevations at the corners and roof ridgeline of the residence. (Building)
30. EVIDENCE OF SEWER CONNECTION CAPACITY. Prior to the issuance of building permits, the permittee shall provide a "will-serve" letter from the City of Half Moon Bay indicating there is adequate treatment capacity and that there is adequate capacity in the sewer main serving the project. (Building)
31. SIDEWALK MAINTENANCE AND LIABILITY. It shall be the duty of the Property Owner(s) whose property is adjacent to any portion of a public street or place to maintain any sidewalks along the project frontage in a safe and non-dangerous condition. Sidewalk maintenance shall include removal and replacement of concrete to eliminate tripping hazards; and pruning and trimming of

trees, shrubs, ground cover and other landscaping within the public right-of-way. The Property Owner has the primary and exclusive duty to fund and perform such maintenance and repair, whether the City has notified the property owner of the need for such maintenance or repairs or has performed similar maintenance or repairs in the past, pursuant to §12.18.020 and §12.18.030 of the Half Moon Bay Municipal Code.

32. LOT GRADING, MATERIALS, EQUIPMENT AND VEHICLE STORAGE. No lot site grading, preparation, storage, or placement of construction materials, equipment, or vehicles shall take place prior to issuance of a building permit. Any earth movement on or off the site in excess of 50 cubic yards shall require the submittal of a grading plan for review by the City Engineer and issuance of a grading permit. Lot grading includes, but is not limited to, any leveling, scraping, clearing, or removal of lot surface area. Materials, equipment and vehicles include, but are not limited to:
- a. All masonry, wood, and steel construction materials;
 - b. All construction-related equipment and storage containers; and
 - c. All construction-related vehicles, including temporary trailers. (Engineering)
33. At the time of Building Permit submittal, the permittee shall submit a detailed plan including, but not limited to planned scaffolding, equipment storage and material storage/laydown for the project. (Building)
34. LOT DRAINAGE PLAN AND ON-SITE DETENTION. Prior to the issuance of building permits, a Lot Drainage Plan shall be submitted showing how the surface runoff is retained on the site and the remainder is drained to the public right-of-way. Plans shall include supporting calculations for storm water detention on the site for the additional run-off from a ten-year frequency storm of two-hour duration. Plans shall show how the rear and side yards will properly drain to an approved BMP facility, and how the finished grades on the property relate to the existing grades on adjacent property. The Plan shall include pad elevation, finished floor elevation, site high and low points, drainage swales, area drains, and existing grade at adjacent property. The permittee shall provide appropriate measures to discharge the flood waters from any unfinished floor areas. (Engineering)
35. EROSION AND SEDIMENT CONTROL. Prior to the issuance of building permits, an erosion and sediment control plan shall be submitted that shows effective Best Management Practices (BMP) and erosion and sediment control measures for the site. Construction plans shall also include the “construction best management practices” plan sheet. (Engineering)
36. UNDERGROUND UTILITIES/SERVICES. Electric, telecommunication, and cable and utility service to the property shall be through underground service connections only. No overhead utilities are allowed for new service. Show locations of all utility service connections: sanitary sewer, storm drain, water (domestic and fire), cable television, telephone, electrical, and gas.
- a. All existing infrastructure shall be verified and shown on plan prior to the submittal of the building permit plans. Based on findings, easement documents may need to be recorded with the County of San Mateo prior to issuance of building permits.
 - b. All sewer infrastructure shall be a minimum of 10’ separation from any proposed bioretention areas.
 - c. Curb drains are prohibited. The applicant shall propose a different conveyance for stormwater runoff for the parcel map phased build out. (Engineering)
37. STREET/PUBLIC RIGHT-OF-WAY CUTS FOR UTILITY CONNECTIONS. Street cuts for utility connections that are less than twenty (20) feet apart shall be repaired with a single patch.

repair and overlay shall be in accordance with the City Standard Details. Two or more street cuts in the frontage road for utility connections will require a single 2-inch thick asphalt concrete overlay patch on existing pavement across the property frontage. (Engineering)

COASTSIDE FIRE PROTECTION DISTRICT CONDITIONS.

- 38. All fire conditions and requirements must be incorporated into building plans prior to building permit issuance. It is the applicant’s responsibility to notify contractor, architect and engineer of these requirements.
- 39. Review is not construed as encompassing the structural integrity of the facility nor abrogating more restrictive requirements by other agencies having responsibility. Final acceptance is subject to field inspection and necessary tests.
- 40. FIRE CLEARANCE REQUIREMENTS. The permittee shall comply with all applicable fire and building codes and standards relating to fire and panic safety as identified by the Coastside Fire Protection District during the building permit process.
- 41. ADDRESS NUMBERS:
 - a. Building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON SITE). The letters/numerals for permanent address numbers shall be of 6-inch height with a minimum 1/2-inch stroke and of a color, which is contrasting with the background. Such letter/numerals shall be illuminated and facing the direction of access.

Distance from Road Address No.

Size 0-50 feet 6-inch
 50-100 feet 8-inch
 100-150 feet 10-inch
 150+ feet 12-inch

with a corresponding increase in stroke width.
 - b. Address numbers and directional signs may be required at the entrance to the driveway/access road, road forks, and intersections. When located on the street the numbers shall be visible from each direction of travel. This remote signage shall consist of a 6 inch by 18-inch green reflective metal sign with 3-inch reflective Numbers/ Letters similar to Hy-Ko 911 or equivalent.
- 42. FIRE HYDRANT. An approved fire hydrant (Clow 2065) must be located within 500 feet of all portions of the building measured by way of drivable access from the proposed project. The hydrant must have a minimum flow of 1500 gpm at 20 psi. Fire flow required at time of issuance of permit.
- 43. An Automatic Fire Sprinkler System will be required and must have an NFPA 13R classification or higher. Section 903.2.8 of the 2022 CFC.
- 44. Fire Alarm systems that meet the 2022 NFPA 72 will be required.
- 45. Occupancy Load Signs were required 2022 CFC Chapter.10.
- 46. Elevator to comply with Chapter 30 of the 2022 CBC.
- 47. All doors in corridors shall have a % fire rated door & jamb with closer and smoke gasket. 2106 CFC Sec.1020
- 48. Provide Penetration protection in all membranes through fire rated assemblies (ie damper, etc.)

caulking)

49. Opening between floors shall comply with Sec.1009.3 of the 2022 CFC
50. Unobstructed fire sprinkler coverage: shall extend to all areas in the occupancy. Any areas creating compartmentalization due to new walls shall have additional sprinkler heads installed to provide unobstructed coverage. Any heat producing appliances that are hooked up to an electrical power source, natural or propane gas, and are operational shall not have sprinkler heads located within their respective heat zones.
51. Clearly identify fire service line on plans and verify that the line meets minimum size for fire sprinkler hydraulic calculations.
52. Provide complete General Information Sign, placed at the riser on plans (NFPA 13 section 25.6.2).
53. Fire Sprinkler Hardware: Along with the automatic fire sprinkler system, this project is required to install all related fire sprinkler hardware (Post Indicator Valve, Fire Department Connection and Exterior Bell). You will not be issued a building permit until plans have been submitted, reviewed and approved by the fire district. Please submit plans showing the location of all required fire sprinkler hardware to the Building Department of Half Moon Bay.
54. Fire Access Roads -The applicant must have a maintained asphalt surface road for ingress and egress of fire apparatus. The City of Half Moon Bay Department of Public Works, the Coastside Fire District Ordinance 2023-01, and the California Fire Code shall set road standards. As per the 2022 CFC, dead-end roads exceeding 150 feet shall be provided with a turnaround in accordance with Coastside Fire District specifications. As per the 2022 CFC, Section Appendix D, road width shall not be less than 20 feet. Fire access roads shall be installed and made serviceable prior to combustibles being placed on the project site and maintained during construction. Approved signs and painted curbs or lines shall be provided and maintained to identify fire access roads and state the prohibition of their obstruction. If the road width does not allow parking on the street (20-foot road) and on-street parking is desired, an additional improved area shall be developed for that use.
55. A plan and profile of the driveway/ roadway will be needed. Add to the plans.
56. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. An AM&MR will be required of the building can't meet this requirement.
57. "No Parking - Fire Lane" signs shall be provided on both sides of roads 20 to 26 ft. wide and on one side of roads 26 to 32 ft. wide. CFC D103.6.
58. Approved fire hydrant (Clow 2065) must be located within 500 feet measured by way of drivable access from the proposed project. The hydrant must have a minimum flow of 1,500 gallons per minute at 20 pounds per square inch residual pressure for a minimum of 2 hours. If you have not already done so, please submit a site plan showing all underground piping to the San Mateo County Building Department or City of Half Moon Bay for review and approval. Show locations of hydrants on site plan.
59. Exit Doors: Exit doors shall be of the pivoted type or side hinged swinging type. Exit doors shall swing in the direction of exit when serving an occupant load of 50 or more.
 - a. Special Doors: Revolving, sliding and overhead doors shall not be used as required exits. Power operated doors complying with CBC Standard No. 10-1 may be used for exit purposes.
 - b. Additional Doors: When additional doors are provided for egress purposes, they shall

conform to all the provisions of CBC chapter 10.

60. Exit Door Hardware: Exit door(s) shall be operable from the inside without the use of a key, special knowledge or effort. Exception: Main exit doors may be equipped with a keyed-locking device if there is a readily visible sign on or adjacent to the door stating "THIS DOOR TO REMAIN UNLOCKED WHENEVER THE BUILDING IS OCCUPIED". The letters in the sign shall not be less than 1-inch in height.
61. Exit Illumination: Signs shall be internally or externally illuminated by two electric lamps or shall be of an approved self-luminous type. Power Supply: Current supply to one of the lamps for exit signs shall be provided by the premises wiring system. Power to the other lamp shall be from storage of batteries or an on-site generator set. Include exit illumination with electrical plans and submit to the San Mateo County Building Department or City of Half Moon Bay for review and approval.
62. Exit Signage: Where required: When more exits from a story are required by Chapter 10 of the CBC, exit signs shall be installed at stair enclosures, horizontal exits and other required exits from the story. When 2 or more exits are required from a room or area, exit signs shall be installed at the required exits from the room or area and where otherwise necessary to clearly indicate the direction of egress. Exception: Main exit doors, which obviously are clearly identifiable as exits (glass door). Show exit plans on plans submitted to the San Mateo County Building Department or City of Half Moon Bay for review and approval.
63. When exit signs are required by Section 1013.2 /1013.7 of the CBC, additional approved low-level exit signs, which are internally or externally illuminated, photo luminescent or self-luminous, shall be provided in all interior rated exit corridors serving guest rooms of hotels in Group R, Division 1 Occupancies, and other occupancies as determined by the code.
64. Exit signs shall be internally illuminated with approved emergency lighting.
65. Provide exit access travel distance from all areas to exits demonstrating they meet Section 1016.
66. Exiting Plan: Provide an Exiting plan with appropriate code compliant exits and hardware to accommodate the calculated live loads of the building. The Exiting plan must meet Chapter 10 (Means of Egress) requirements of the 2019 CFC. Detailing - Show all proposed walls, and doors. - Show all door locations, fire-rating (if applicable), direction of swing, self-closing mechanisms, width, etc.
67. Exits sign and Egress Illumination shall meet the Section 1005,1008 & 1013 of the CFC 2019.
68. Occupancy Load Sign: Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for classroom, assembly or similar purpose, shall have the capacity of the room posted in a conspicuous place.
69. Building occupancy group is B,R-1,A Provide an analysis on mixed use and area as identified in Section 504.2 and 504.4 of the 2022 CBC that it complies with these sections.
70. As per Coastside Fire District Ordinance 2019-03, the roof covering of every new building or structure, and materials applied as part of a roof covering assembly, shall have a minimum fire rating of Class "B" or higher as defined in the current edition of the California Building Code.
71. Vegetation Management (LRA) The Coastside Fire District Ordinance 2023-01, the 2022 California Fire Code 304.1.2
 - a. A fuel break of defensible space is required around the perimeter of all structures to a distance of not less than 30 feet and may be required to a distance of 100 feet or to the property line. This is neither a requirement nor an authorization for the removal of living trees.

- b. Trees located within the defensible space shall be pruned to remove dead and dying portions, and limbed up 6 feet above the ground. New trees planted in the defensible space shall be located no closer than 10' to adjacent trees when fully grown or at maturity.
 - c. Remove that portion of any existing trees, which extends within 10 feet of the outlet of a chimney or stovepipe or is within 5' of any structure. Maintain any tree adjacent to or overhanging a building free of dead or dying wood.
72. Emergency Building Access: The proposed project will require the installation of "Knox Boxes" These emergency key boxes are required when access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire-fighting purposes. The Fire Dept, will determine the location for the key box and provide an authorized order form. All security gate systems controlling vehicular access shall be equipped with a "Knox"; key operated emergency entry device. For application and instructions please email cfpdfiremarshal@fire.ca.gov
 73. A Knox padlock or key switch will be required if there is limited access to property. CFC 506.1. For application and instructions please email cfpdfiremarshal@fire.ca.gov
 74. Gates shall be a minimum of 2 feet wider than the access road/driveway they serve. Overhead gate structures shall have a minimum of 15 feet of vertical clearance. Locked gates shall be provided with a Knox Box or Knox Padlock. Electric gates shall have a Knox Key Switch. Electric gates shall automatically open during power failures. CFC 503.6, 506. For application and instructions please cfpdfiremarshal@fire.ca.gov
 75. Fire Alarm System: This project is required to have installed an approved NFPA 72 Fire Alarm System throughout. The system is to monitor any flow through the required automatic fire sprinkler system, any fire sprinkler valve tamper and all heat and smoke detectors. The system will also include an exterior bell and interior horn/strobes, which are required to be wired to the alarm system and the flow switch for the fire sprinkler system. The FACP shall be protected with a smoke detector as per NFPA 72, Section 1-5.6 and a manual pull station. A wiring inspection is required to be conducted by the Fire District prior to covering walls and ceiling areas. All systems and components must be tested per manufacturer's specifications and NFPA 72. Battery backup shall meet or exceed requirements for amp-hour rating and must be tested as per manufacturer's specification and NFPA 72.
 76. FOR FIRE SUPPRESSION SYSTEM: Engineered fire suppression system and hood and duct: The kitchen cooking area shall be protected as required by a UL-300 compliant engineered fire suppression system and a hood and duct grease laden vapor extraction system. Submit plans to the San Mateo County Building Department or City of Half Moon Bay for approval by the Fire District. In addition, the kitchen area shall have a minimum of at least one 40-pound "K" rated fire extinguisher mounted in the path of egress.
 77. Fire Extinguishers: There must be at least one 2A10BC fire extinguisher for each 3,000 square feet, travel distance not to exceed 75 feet with at least one extinguisher per floor per Title 19, California Code of Regulations. Show location of extinguishers on plans.
 78. Elevator to comply with Chapter 30 of the 2019 CBC.
 79. Solar Photovoltaic Systems: These systems shall meet the requirements of the 2022 CFC Section 1204.2.1
 80. Traffic calming devices shall be prohibited unless approved by the fire official. CFC 2019 section 503.4.1.

81. The project is located in an area that to date there are no documented fire flows. In order to determine required fire flows, please provide information on Building Classification including Type of Construction, Occupancy Classification and Mixed occupancy use.
82. A dry standpipe system will be required to meet the requirements in the 2022 CFC Chapter 5, that requires multiple access points that may differ from plans. Actual locations to be determined by the Fire District.
83. Community Facilities District: The Fire District requires the formation of a Mello-Roos Community Facilities District (CFD) for all new construction of three or more residential units. Please contact the Fire District administration office for more details. Please be advised that the formation of a CFD takes approximately three months. The formation of a CFD is a condition of development and required to be completed prior to Fire District final approval and sign-off on the project.

COASTSIDE COUNTY WATER DISTRICT (CCWD):

84. CCWD REGULATIONS. The project shall comply with all applicable regulations and requirements of the Coastside County Water District. Water service shall not be in the same trench as other utilities. (Water District)
85. EVIDENCE OF WATER CONNECTION CAPACITY. Prior to the issuance of building permits, the permittee shall submit a letter from Coastside County Water District certifying that the subject site has an adequately-sized water connection and the project will be served by CCWD.

D. The following conditions shall be implemented prior to and during construction:

1. ARCHAEOLOGY-DISCOVERY OF HUMAN REMAINS. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken: (Planning – required by Standard Condition CUL-2 of the EIR)
 - a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - i. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - ii. If the coroner determines the remains to be Native American:
 - The coroner shall contact the Native American Heritage Commission within 24 hours;
 - The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American;
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or
 - b. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods.

appropriate dignity on the property in a location not subject to further subsurface disturbance:

- i. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the Commission;
 - ii. The identified descendant fails to make a recommendation; or
 - iii. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.
1. ARCHAEOLOGY-DISCOVERY OF RESOURCES. If subsurface historic or archaeological resources are uncovered during construction, all work shall stop, the applicant shall notify the Community Development Director and retain a qualified archaeologist to perform an archaeological reconnaissance and identify any mitigation measures required to protect archaeological resources. Subsurface excavation shall not resume until expressly authorized by the Director. (Planning)
 2. NESTING BIRD SURVEY. If construction commences during the nesting season (February 1 to August 15), a qualified biologist shall conduct a breeding bird survey of the site. If nesting birds are discovered, construction may commence only if avoidance measures can be incorporated as advised by the qualified biologist or would otherwise need to be postponed until young birds have fledged. (Planning)
 3. CONSTRUCTION TRAILERS. Temporary construction trailers are permitted as accessory uses in conjunction with the development of this site, subject to the following conditions (Planning):
 - a. The construction trailer shall be used as a temporary construction office only.
 - b. Neither sanitation facilities nor plumbed water is permitted within the trailer.
 - c. No overnight inhabitation of the construction trailer is permitted.
 - d. No construction trailers are permitted on site prior to building permit issuance.
 - e. The construction trailer shall be removed prior to issuance of a certificate of occupancy.
 4. AIR QUALITY BEST MANAGEMENT PRACTICES. The project shall implement the following standard BAAQMD dust control measures during all phases of construction on the project site. During any construction period ground disturbance, the applicant shall ensure that the project contractor implements measures to control dust and exhaust. Implementation of the measures as specified in the BAAQMD Basic Construction Mitigation Measures, would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. Additional measures specified by BAAQMD are identified to reduce construction equipment exhaust emissions. (Planning – Required by Standard Condition AQ-1 from the EIR):
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
 - c. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - d. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. Idling times shall be minimized either by shutting equipment off when not in use

- reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- f. All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
 - g. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
 - h. Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
 - i. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day or as often as necessary to keep them free of dust and debris associated with site construction. The use of dry power sweeping is prohibited.
 - j. Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
 - k. Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - l. Replanting of vegetation in disturbed areas as soon as possible after completion of construction. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
 - m. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - n. Post a publicly visible sign with the telephone number and person to contact at the City of Half Moon Bay regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
5. **HAZARDOUS MATERIALS**. Any materials deemed hazardous by the San Mateo County Department of Health that are uncovered or discovered during the course of work under this permit shall be disposed in accordance with regulations of the San Mateo County of Health. (Building)
 6. **COMPLIANCE WITH CBC**. All structures shall be constructed in compliance with the standards of the City adopted California Codes of Regulations Title 24, including Building Code, Residential Code, Administrative Code, Mechanical Code, Plumbing Code, Electrical Code, Energy Code, Fire Code and Green Building Code to the satisfaction of the Building Official. (Building)
 7. **FIRST FLOOR HEIGHT VERIFICATION**. Prior to below floor framing or concrete slab steel reinforcement inspection, a stamped and signed building height verification letter shall be submitted to the City from a licensed land survey certifying that the first-floor height as constructed is at an elevation of at least 60 feet. (Building and Public Works Department)
 8. **OVERALL PROJECT HEIGHT**. The maximum overall height of the project, including any grading, foundation, pad, and building elevations shall be calculated using the elevation points indicated on

the topographic survey map submitted at the time of application. The approved height of all projects developed in the City will be measured from the existing grade as indicated on the submitted topographical survey. (Building)

9. COMPLETION OF UTILITIES. Any public utilities requiring relocation as a result of the construction of the building(s) or improvements under this permit shall be relocated at the owner's expense. (Building)
10. CONSTRUCTION HOURS. Construction activities on the site shall be limited to the hours of 8:00 AM to 6:00 PM. Monday through Saturday. Construction-related staging and mobilization may commence no earlier than 7:00 AM and cease no later than 7:00 PM. No construction is allowed on Sundays and holidays, except as expressly authorized by the City Engineer in conformance with Section 14.40.020 of the Half Moon Bay Municipal Code. See condition below for prohibition on construction lighting during winter months. (Engineering)
11. CONSTRUCTION LIGHTING. Appropriate light and glare screening measures, including the use of dark skies compatible light fixtures and downward cast lighting, shall be used in construction, staging, and laydown areas. In addition, during winter construction times where lighting would be required, construction shall cease at 5:00 pm from November 1 through January 31 and nighttime construction shall be prohibited. (Planning – Standard Condition AES-1 from Hyatt Place EIR)
12. NOTICE OF DISRUPTION. The permittee shall provide written notice to affected property and business owners and a copy of such notice to the City Engineer a minimum of two business days prior to any planned disruption of pedestrian or vehicular traffic, parking, or public service facilities. (Engineering)
13. CONSTRUCTION MATERIAL STORAGE. Construction material shall not be stored in the street right-of-way without prior approval from the City Engineer and issuance of an applicable encroachment permit. (Engineering)
14. CONSTRUCTION MANAGEMENT PLAN. Prior to the start of construction activities, the contractor will prepare and submit a detailed construction management plan for City approval. The construction management plan will indicate the days and times of construction, the duration of the phase of construction, where workers will park, truck haul routes, the number and type of trucks that will access the site during each phase, and other details. The City will require that adequate access for all transportation modes, especially emergency vehicles, be maintained during construction. (Building and Engineering)
15. COPPER BUILDING ELEMENTS. Prior to issuance of building permits, the building plans shall specify that all copper building elements will be pre-patinated at the factory, or if patination will occur on the site, the plans shall identify best management practices in conformance with the *San Mateo Countywide Water Pollution Prevention Program Requirements for Architectural Copper*, to the satisfaction of the City Engineer. (Engineering)

E. The following conditions shall be implemented prior to issuance of an occupancy permit:

1. A certificate of completion for Fire Sprinkler System requirement at final. (Fire)
2. A certificate of completion for Fire Alarm required at final. (Fire)
3. A certificate of completion for Fire Suppression System required at final – if applies. (Fire)
4. A certificate of completion for Underground required at final. (Fire)
5. EXTERIOR COLORS AND MATERIALS. Exterior building colors and materials shall be in substance

conformance with those shown on the approved color and materials sheet provided in the October 9, 2024 Planning Commission staff report and on the project color and material board on file at City Hall. Conformance will be determined by the Director of Community Development. (Planning)

6. SCREENING OF MECHANICAL EQUIPMENT. Mechanical equipment and utility meters shall be screened from view from public rights-of-ways. Screening materials may have evenly distributed openings averaging 50% of the surface area as long as the equipment is not visible from a street or adjoining lot. (Planning)
7. LANDSCAPE INSTALLATION AND MAINTENANCE. All landscaping shall be installed in conformance with the approved landscape plan prior to issuance of a certificate of occupancy. (Planning)
8. OPEN SPACE/CONSERVATION EASEMENT. An open space/conservation easement shall be recorded over the 2.02 acres identified on the project site plan (Sheet G0.01) as within the wetland buffer and further identified as area "A". The easement shall specify that the 2.02 acres will remain in conservation and will be publicly accessible. The Applicant shall provide proof of recordation prior to issuance of an occupancy permit for the hotel. An open space/conservation easement shall also be recorded over the wetland buffer/setback area for future residential Lot 4 identified in area "E" on Sheet G0.01. The Applicant shall provide proof of recordation prior to issuance of an occupancy permit for any residential use on Lot 4. (Planning)
9. C/CAG TRAFFIC DEMAND MANAGEMENT (TDM) PROGRAM. (Engineering)
 - a. Project is subject to the Commute.org certified development program. The certification process can be found at <https://commute.org/resources/developers/>
 - b. Project is subjected to requirements mentioned in the C/CAG TDM Program. Provide a TDM Checklist: <https://ccagtdm.org/tdm-checklist/>.

F. Validity and Expiration of Permits:

1. EFFECTIVE DATE. This site is located within the California Coastal Commission's Appeals Jurisdiction. This permit shall take effect after expiration of the Coastal Commission appeal period, or if the permit is appealed to the Coastal Commission during the appeal period, it shall take effect after final Coastal Commission action. (Planning)
2. ACCURACY OF APPLICATION MATERIALS. The permittee shall be responsible for the completeness and accuracy of all forms and material submitted for this application. Any errors or discrepancies found therein may be grounds for the revocation or modification of this permit and/or any other City approvals. (Planning)
3. PERMIT EXPIRATION. The Coastal Development Permit and Architectural Review shall expire one year from its date of final approval if development plans for a Building Permit have not been submitted. Once a Building Permit is issued, the CDP shall be deemed in effect. If plans for a Building Permit are submitted within the one-year expiration period, and a Building Permit is not issued, the expiration of the CDP shall coincide and run concurrently with the Building Permit plan submittal/application as long as due diligence is pursued in the opinion of the Building Official in obtaining the Building Permit. (Planning)
4. PERMIT EXTENSION. The Community Development Director may, at their discretion, approve a single one-year extension of this permit based on a written request and fee submitted to the Director prior to expiration of the permit. Any other extension shall require approval of a Permit Amendment prior to expiration of the permit. Any Amendment Application to extend the permit shall be filed a minimum of ninety (90) days prior to permit expiration to ensure adequate processing time. (Planning)

- 5. PERMIT RUNS WITH THE LAND. The approval runs with the land and the rights and obligations thereunder, including the responsibility to comply with conditions of approval, shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned or revoked. (Planning)
- 6. HOLD HARMLESS. To the fullest extent allowed by law, the permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including without limitation reasonable attorneys' fees, experts' fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application; any actions taken by the City related to this entitlement; any review by the California Coastal Commission conducted under the California Coastal Act, Public Resources Code Section 30000 et seq.; or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 21000 et seq. for this entitlement and related actions. This indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City. (City Attorney)

OWNER'S/PERMITTEE'S CERTIFICATION:

I have read and understand and hereby accept and agree to implement the foregoing conditions of approval of the Coastal Development Permit.

DEVELOPER/APPLICANT:

(Signature)

(Date)

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **January 30, 2025**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Leslie Lacko, Community Development Director
Douglas Garrison, Senior Planner

TITLE: **APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY THE HYATT PLACE HOTEL PROJECT – COASTAL DEVELOPMENT PERMIT, SITE AND ARCHITECTURAL REVIEW, TENTATIVE PARCEL MAP, PARKING EXCEPTION, AND CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR A 102-ROOM HOTEL WITH ASSOCIATED SITE IMPROVEMENTS AND A FOUR-LOT SUBDIVISION FOR FUTURE DEVELOPMENT OF UP TO 16 RESIDENTIAL DWELLING UNITS, FILE NO. PDP-072-13**

FOR CONSIDERATION BY COUNCIL:

That the City Council, by Resolution either:

1. Deny the appeal affirming the Planning Commission's decision to deny the project, based upon the Findings and Evidence contained in Exhibit A of the draft resolution (Attachment 1); OR
2. Grant the appeal, reversing the Planning Commission's decision, and
 - a. Certify the Environmental Impact Report for the Half Moon Bay Hyatt Place Project, Adopt CEQA Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program based upon the Findings and Evidence contained in the draft resolution (Attachment 2); and
 - b. Approve PDP-072-13, an application for a Coastal Development Permit, Site and Architectural Review, and a Parking Exception for a 66,268 square-foot, 102-room hotel; Tentative Parcel Map to adjust the lot line between the hotel parcel and the adjacent James Ford auto dealership parcel and to create four residential parcels on the north side of Seymour Street for future development of up to 16 residential dwelling units as allowed by the R-2 zoning district development standards based upon the Findings and Evidence contained in the draft resolution (Attachment 3).

FISCAL IMPACT:

The proposed 102-room hotel will generate Transit Occupancy Tax (TOT) revenue contributing to the City's General Fund in support of City operations and services. TOT accounts for 41 percent of the City's General Fund revenue. In addition, Sales Tax accounts for 16 percent of the City's General Fund revenue and visitor serving uses such as hotel use may provide additional General Fund revenue sales tax. The aforementioned tax revenues may vary each year as they are generally dependent on coastside seasonal tourism demand/room occupancy.

STRATEGIC ELEMENT:

This action supports the *Fiscal Sustainability* Element of the Strategic Plan.

EXECUTIVE SUMMARY:

The item before the City Council is an appeal of a Planning Commission decision to deny a proposed 102-room hotel with over 2 acres of open space along SR-1 and S. Main Street, and a proposed Tentative Parcel Map that would create three new lots on the north side of Seymour Street and adjust the lot line between the existing James Ford dealership and the proposed hotel property. The Planning Commission was unable to reach consensus on LUP Policy interpretation regarding brief easterly view impacts of the distant ridgeline from SR-1 locations immediately adjacent to the hotel project site, resulting in a 3-2 project denial vote.

The proposed hotel has received several City reviews and opportunities for public comment by the Planning Commission in October 2016 through August 2022. The Architectural Advisory Committee joined the Planning Commission providing project review and feedback in July 2020, and June 2021. With each review, the appellant made significant design revisions, reducing the proposed hotel building size and massing from 148 to 129 to 102 rooms and reducing building size, mass and configuration. The appellant contends that the project revisions were in response to the Architectural Advisory Committee, Planning Commission and public comments or concerns, resulting in a refined design that improved the visual site character and reduced ridgeline view impacts, prior to moving the application forward for formal Planning Commission consideration in 2024.

As cited by the appellant, City staff recommended project approval at the two Planning Commission public hearings held on [October 9th](#) and [22nd 2024](#). At each hearing, staff clarified within the staff reports and the presentations the Planning Commission's role and the flexibility they have to interpret and balance policies in the City's Local Coastal Land Use Plan (LUP), when approving projects. In this case, the Commission made Findings of denial based on the following LUP Policies:

- 9-3 - Visual Quality;
- 9-12 - Town Boulevard Scenic Corridor; and
- 9-23 - Upland Slopes and Ridgelines.

The Commission could not reach consensus on how to interpret the above-stated policies in a way that would allow project approval, given that the project would create brief interruptions of views of the distant hillside ridgeline from SR-1.

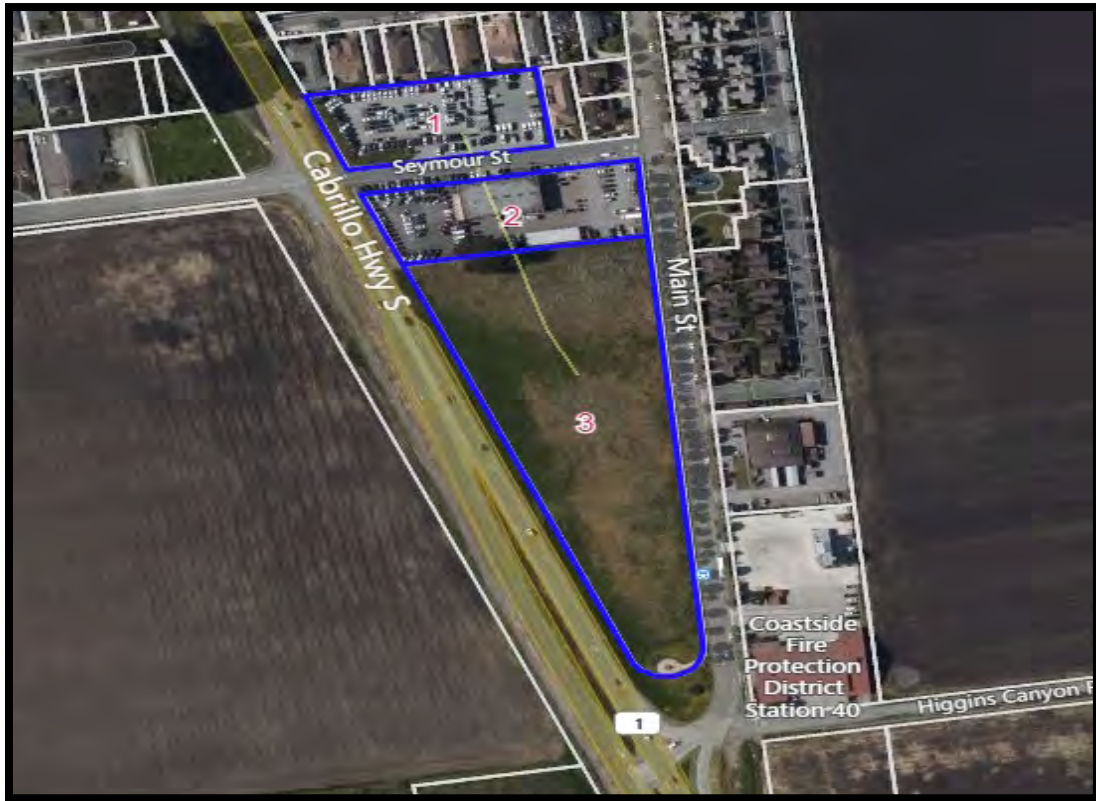
The appellant requests the City Council consider the extensive revisions to the project design and environmental review process implemented in response to City and public comments and concerns. The appellant emphasizes City staff review and analysis and the entire project record that indicates the proposed project, as conditioned, complies with, and is consistent with, all local and state codes, policies, regulations and conditions. The appellant requests that the City Council take into account City staff recommendations for approval as identified in previous Planning Commission staff reports and supplemental documents of the project record. Upon review of the entire project record, staff is providing the City Council an option to affirm the Planning Commission's project denial Findings; or approve the proposed project as initially recommended to the Planning Commission by staff.

DESCRIPTION:

The proposed project consists of a Coastal Development Permit, Site and Architectural Review, Parking Exception, and Environmental Review for a 66,268 square-foot, 102-room hotel on the project site with associated site improvements. The proposed hotel consists of two main buildings—a north building (3 stories) and a south building (2 stories)— a parking lot that faces Main Street — and 2.02 acres of open space and publicly-accessible pathways along the southern and westerly portions of the proposed hotel site. The preferred Project Alternative also includes a Tentative Parcel Map that would create three new lots on the north side of Seymour Street and adjust the lot line between the Ford dealership and the proposed hotel property.

The proposed project involves three parcels of privately-owned land. Site 3 as identified below in Figure 1 is a five-acre, vacant parcel on the 1100 block of Main Street (undeveloped parcel north of the intersection of SR-1 and South Main Street). Site 2 is a 1.45-acre parcel at 100 Seymour Street (James Ford Auto Dealership site). Site 1 is a 1.15-acre parcel on the northeast corner of SR-1 and Seymour Street (currently used for James Ford Auto Dealership parking). Site 1 is the future residential parcel, Site 2 is the existing James Ford auto dealership parcel, and Site 3 is the future hotel parcel.

FIGURE 1: Aerial Image of Project Parcels



The proposed project plan set is included as Attachment 4. It details the proposed site layout, architectural elevations, building renderings, material and color details, design inspiration, concept landscape and planting plans, grading and civil sheets for the hotel site, and includes the parcel map.

BACKGROUND:

The project’s public review history is summarized in the Table below. A more detailed project history is provided in the Discussion section of this report (pp. 5-6) and in the Application for Appeal (Attachment 8). Past versions of the proposed project can be viewed on the [City’s Hyatt Proposal project webpage](#) and/or in the associated meeting agenda packages, for which links are provided.

Table 1. Project Evolution

Date	Meeting	Results
10/25/2016	Initial PC Study Session	3-Story, 149 room hotel and 2,250 square foot mixed-use building
3/27/2018	2 nd PC Study Session	Single and two-building designs presented. PC recommended multi-building approach

10/9/2018	3 rd PC Study Session	Based on comments, 3-building design introduced and number of rooms reduced from 149 to 129
7/16/2020	AAC Study Session	129 room project introduced to newly formed AAC
6/29/2021	Joint PC/AAC Study Session	Based on earlier comments, two-building format, number of rooms reduced from 129 to 102. Parcel map concept introduced. Included in DEIR as “Alternative 2, Reduced Intensity”.
8/9/2022	PC Study Session focus on DEIR	Additional design changes increase spacing between the two hotel buildings. This becomes “Modified Alternative 2”.
10/9/24	PC Public Hearing #1	Public comment / Project consideration
10/22/24	PC Public Hearing #2	Public comment / Project consideration and denial

On October 9, 2024, the Planning Commission held a public hearing on the Proposed Project. After receiving the staff and applicant presentations and public comment, the Planning Commission asked clarifying questions of all parties and began deliberations. After some discussion, the Commission continued the hearing to October 22, 2024, to allow more discussion and deliberation. At the October 22, 2024, public hearing, the Commission received additional public comment, asked additional clarifying questions, and conducted further deliberations. At the conclusion of the public hearing, the Planning Commission voted to deny the proposed project on a 3-2 vote. The basis of the denial was the Planning Commission’s inability to reach consensus on the appropriate interpretation of certain policies in Chapter 9 (Scenic and Visual Resources) of the LUP. Prior to the Commissioners denying the project, they also voted 3-2 on each individual finding for denial. Attachment 5 is the signed Planning Commission resolution for denial. The staff report and attachments from the October 9, 2024, Planning Commission hearing are available [here](#) and the supplemental memorandum and attachments from the October 22, 2024, Planning Commission hearing are available [here](#). The Final Planning Commission minutes from the respective meetings are included as Attachments [6](#) and [7](#).

The findings listed by the Planning Commission to support the motion for denial are as follows:

- (1) The project does not preserve and enhance Half Moon Bay's unique visual quality because the project's height and mass interferes with expansive views of upland slopes from the coastal terrace (in conflict with LCLUP Policy 9-3);
- (2) The project, which is in close proximity to and visible from Hwy 1, does not protect views to upland slopes as seen from Hwy 1 (in conflict with LCLUP Policy 9-12); and
- (3) The project does not protect broad views of upland slopes and prominent ridgelines from the Hwy 1 scenic corridor because it is not sited and designed to minimize intrusions into the ridgeline through the application of appropriate height and setback restrictions (in conflict with LCLUP Policy 9-23).

On November 4, 2024, the Planning Commission's decision was appealed by the Project applicant. The submitted appeal application and the appellant's complete statement is provided as [Attachment 8](#).

DISCUSSION:

The appellant's grounds for appeal and main points are paraphrased below, followed by staff responses.

A. Basis for Appeal

The appellant states that the proposed project plans have gone through several revisions in response to input from City staff, Planning Commission, Architectural Advisory Committee, the California Coastal Commission, and the public. New design elements have been introduced in response to environmental and visual concerns from the various studies that have been completed for the project. Several Planning Commission comments described the project as "a beautiful project," "as designed it's a beautiful place," "in a place where a hotel would be good," "satisfies the policy concerns," and "consistent with the policies." Guidelines and the LCLUP Policies (9-3, 9-12, 9-23 pertaining to views of upland slopes and ridgelines) could be interpreted to apply in a way that would support approval of the project. The appellant contends the project complies with, and is consistent with, all local and state codes, policies, regulations and conditions, referencing the 10/9/24 and 10/22/24 Planning Commission staff reports and supplemental documents.

Response

The proposed project has been through extensive review by staff as well as appointed officials on the Planning Commission and Architectural Advisory Committee. Based on feedback and environmental constraints on the site, the proposed project has been scaled back through the following design iterations:

- The initial project submittal in 2016 was for a 148-room hotel in a single, three-story building.

- Based on feedback, the initial project presented at the Planning Commission Study Session in 2018 was reduced to a 129-room hotel broken up into multiple smaller buildings in three- and two-story formats.
- Based on further feedback provided, a revised project presented at a Joint Planning Commission/Architectural Advisory Committee Study Session in 2021 depicted a smaller 102-room hotel separated into two buildings (one three-story and one two-story) set apart by a 16' breezeway to allow a visual break of building mass between the buildings. A separate bike rental building is introduced.
- Based on feedback provided at the 2021 Study Session, the applicant's final design (the subject of this CDP application) is for a slightly smaller 102-room hotel in two buildings (one three-story and one two-story) separated by a larger 32' breezeway to allow a more generous visual break between the buildings. The separate bike rental building remains.
- In addition, the proposed hotel buildings were shifted further to the north and east to create more open space along the south end and west side of the hotel. This was done to protect ridgeline views from the Southern Gateway area (EIR Viewpoints 2 and 3 as shown in Figures 2 and 3 below), and to reduce visual impacts from the west side of SR-1 (EIR Viewpoint 4, as shown in Figure 4 below). In addition to reducing the visual impacts of the previous versions of the hotel project, the design changes increased the setbacks between the delineated wetlands in the SR-1 right-of-way and the hotel buildings and resulted in an open space area on the site of 2.02 acres, accounting for over 40 percent of the site for open space.
- Lastly, based on feedback provided by the AAC and the Planning Commission, the proposed architectural design, materials, colors and landscaping were refined, specifically to enhance and improve the project site and surrounding site character as a transitional gateway site from the agricultural open space fields to the south (east of SR-1), to the recently improved Main Street/SR-1 roadway widening, intersection signalization, and associated improvements, to the large concrete Half Moon Bay entry monuments, and to the proposed on-site dedicated open space adjacent to the proposed hotel improvements.

Figure 2. DEIR Viewpoint 2 (Main St./ SR 1)



Figure 3, DEIR Viewpoint 3 (Approx. ½ way between Main St and Building)



Figure 4. DEIR Viewpoint 4 (from Naomi Patridge Trail)



As analyzed in the October 9, 2024, Planning Commission staff report, hotels are an allowed use in the C-G Zoning District and the future residential use on the north side of Seymour Street is an allowed use in the R-2 district per the Zoning Code/Local Coastal Implementation Plan. Additionally, the proposed hotel is in conformance with the C-G zoning development standards except for parking, which is the subject of a parking exception request, but not cited as a Planning Commission finding for denial. The staff report further describes staff's analysis of the proposed project's consistency with Municipal Code sections that regulate aesthetics, including Chapter 18.37 (Visual Resource Protection Standards), which is part of the certified Local Coastal Program; and Chapter 14.37 (Architectural, Landscape and Site Plan Review), which is not part of the Local Coastal Program. As cited above, numerous design approaches have been employed to reduce the proposed project's visual impacts and enhance the project site and its surroundings, with the most significant improvements being:

- The buildings step down in height from three stories to two stories from the north end of the site toward the southern gateway corner to maintain openness.
- The buildings are set back over 100 feet from the pavement edge of SR-1 (and even further from the travel lanes) to reduce visual intrusion into the ridgeline of the hills to the east, and the buildings do not exceed the height limits of the zoning district.

- The buildings are designed to be visually compatible with local agricultural building forms, colors and rough textures.
- Landscape elements align the project with the existing context of the site and neighboring properties. On the west side of the site, landscaping includes wetland restoration and use of native plantings found in nearby Wavecrest; on the east side of the site, landscaping includes street trees and frontage improvements consistent with the streetscape of Main Street and surrounding site character.
- The project site sets aside 2.02 acres of open space area between the proposed hotel improvements and Main Street to the south and SR-1 to the west, accounting for over 40 percent of the site for open space.

Within the allowances of the zoning district, the proposed project has been optimized to reduce visual impacts to the hillsides to the greatest degree possible and enhance the site and site surroundings while still allowing for a viable commercial development project on the site.

B. Basis of Appeal

The appellant notes that the Planning Commission recognized the project's appealing architecture, site planning, visual aesthetics and integration into the downtown/South Main Street neighborhood in their comments. However, the Planning Commission was unable to reach consensus on project consistency with three LCLUP policies: 9-3, 9-12, and 9-23 (pertaining to views of upland slopes and ridgeline). The appellant disagrees with the Planning Commission's findings and suggests that the demonstrated support from the California Coastal Commission staff in the letter included as Exhibit B in the Appeal application (Attachment 8) should be relevant in determining that the proposed project meets the intent of the Coastal Act, and thereby the LCLUP.

In addition to the zoning consistency review described above, staff completed a review of the proposed project's compliance with relevant LCLUP policies and provided a detailed summary of compliance with LCLUP policies 9-3, 9-12, and 9-23, as noted below, and also as noted in the draft CDP approval resolution (Attachment 3):

Policy 9-3. Visual Quality. Preserve and enhance the unique visual quality that contributes to Half Moon Bay's coastal and small-town character, including its open, expansive views from the coastal terrace to the beaches, bluffs, ocean, and upland slopes.

Policy 9-12. Town Boulevard Scenic Corridor. Require that new development in close proximity to or easily visible from the Town Boulevard scenic corridor, including Highways 1 and 92:

- a. Protects views of visual resource areas as seen from the Town Boulevard, including views to the ocean, upland slopes (i.e. minimizes intrusions into the ridgeline), and the historic Johnston House;*
- b. Incorporates design standards such as screening of commercial parking areas and landscaping provisions; and*
- c. Is visually compatible with the surrounding land and development.*

Project Compliance with 9-3 and 9-12: The proposed project does not impact views to the ocean, nor does it impact views to the historic Johnston House. Project Draft EIR visual simulations, based on photos taken 7/4/24 from Viewpoints 2 and 3, as shown in Figures 2 and 3, simulate northbound views from SR-1 across the project site toward the hillsides to the north and east. These points were selected because northbound traffic will experience the longest, and consequently greatest, visual impacts. From these vantage points, the proposed project does not intrude into the view of the ridgeline, nor does it block views to the ocean or the Johnston House.

The story poles erected on the site indicate that, when passing by the proposed project site at certain points closest to the project along SR-1, the proposed project will appear to intrude into the ridgeline briefly as shown in Figure 4. Other recent and long-standing residential, commercial, and institutional development, including highway signage, mature landscaping, and public utility poles within the SR-1 vicinity have an equivalent or greater effect. To reasonably address this concern, the proposed project has been oriented on the site and designed with substantial setbacks from SR-1 in an effort to minimize the intrusions into the ridgeline. Additionally, the two main buildings have been separated by 32 feet (an increase from the previous proposal of 16 feet) to allow a break in the building mass and introduce views beyond the buildings, as recommended by the Architectural Advisory Committee. In addition, the proposed project development is clustered and set back from SR-1 and the intersection of SR-1 at South Main Street to allow for clear sight lines across the substantially undeveloped portion of the site (Policy 9-12.a), and provide an appropriate transition from the City's recent concrete monument gateway and SR-1/Main Street improvements.

The proposed buildings screen the parking areas from SR-1 and landscaping will be installed to screen the parking areas from Main Street (Policy 9-12.b). The project mass is broken up into multiple structures and building design and

materials were selected to be visually compatible with local agricultural building forms, colors and rough textures. Landscape elements align the two sides of the project to the context of each side of the site. On the west side of the site, landscaping includes wetland restoration and use of native plantings found in nearby Wavecrest; on the east side of the site, landscaping includes street trees and frontage improvements consistent with the streetscape of Main Street and surrounding site character (Policy 9-12.c).

Policy 9-23. Upland Slopes and Ridgelines. Protect broad views of upland slopes, prominent ridgelines and other intervening ridgelines as viewed from scenic corridors and the beach and shoreline through the following means:

- a. Prohibiting new development above the 160-foot contour line and on slopes greater than 30 percent, including grading and subdivisions but excluding public trails and critical facilities or public infrastructure that cannot be located elsewhere;*
- b. Ensuring new development below the 160-foot contour line is sited and designed to minimize intrusions into the ridgeline through the application of appropriate height and setback restrictions; and*
- c. Establishing standards for the Town Boulevard, other streetscapes, and large-scale landscaping projects to highlight and frame, but not block, views of visual resource areas.*

Project Compliance with 9-23: The project site is located below the 160-foot contour line and is relatively flat (Policy 9-23a). As noted in the compliance statement for Policy 9-12, the proposed project has a substantial setback from SR-1 and is below the maximum height allowed in the zoning district, both of which contribute to minimizing the intrusions into the ridgeline. The rooflines of the two main buildings are designed to minimize building height and optimize visual consistency with surrounding development and site character (Policy 9-23.b). The other section of the policy (#c) does not apply to this project.

The October 22, 2024, Planning Commission memo also included an important section that discussed the broad and partially subjective nature of determining policy conformance concerning aesthetics and clarifying the Commission's discretion to interpret policy statements of the City's Local Coastal Land Use Plan. The section noted that many LCLUP policies in Chapter 9 on Scenic and Visual Resources, contain broader, less specific language such as *provide, protect, ensure, enhance, maximize, or avoid*. Policies with this type of language offer guidance on what is (or what is not) acceptable, but there is no black and white standard to be met. Policy guidance usually stops shy of stating how much is enough, too little, or too much, and allows for the

decision-makers (in this case the City Council) to decide what is best and most appropriate. At the request of the Planning Commission, the October 22, 2024, staff memo also included examples of other local projects that analyzed impacts to views of the ridgeline and aesthetics. The staff memo described and included photographs of residential projects at 555 Poplar Street, 543 Filbert Street, and the 2016 Coastside Fire Protection District Tower. The evidence of policy compliance provided in the resolutions of the two residential projects concluded that both proposed developments would obstruct limited existing views of the east ridgeline from SR-1. However, in only a fleeting manner for drivers, and the visual impacts affecting the protected area, specifically the eastern ridgelines, would not be substantial. Similar findings were made for the Coastside Fire Protection District Tower by the City in the approval resolution. The Tower CDP was then appealed to the Coastal Commission on the basis that it did not comply with City LCLUP policies intended to protect visual resources. The Coastal Commission found that the appeal did not raise substantial issues and denied the appeal. (Attachment 10, Coastal Commission Report)

In addition to staff's analysis of the Hyatt project, Coastal Commission staff provided written confirmation that they were supportive of the proposed hotel project and "ensure[ing] that the development is sited and designed to protect and be visually compatible with the character of the surrounding area, particularly with respect to the view from the southern entrance of Half Moon Bay as shown in Viewpoint 2 in Figure 5-9 of the DEIR." (Exhibit B of Attachment 8). A photosimulation from Viewpoint 2 is shown in Figure 2 above. It illustrates that the view from this southern entrance is visually compatible with the surrounding area.

Given all of the above information and guidance on the role of, and legal parameters of, policy interpretation, the Planning Commission could not agree or reach consensus on their right to decide what should be done when a proposed development partially or intermittently intrudes on views into the ridgeline from SR-1.

C. Basis of Appeal

The appellant states that at least one of the Planning Commissioners acknowledged that they were uncomfortable evaluating the CEQA Statement of Overriding Considerations, which includes factors such as economic development and tax revenue benefits and that these would be appropriate for City Council consideration, and the Planning Commission needed to focus on LCLUP policy compliance, referencing the 10/9/24 and 10/22/24 Planning Commission staff reports and supplemental documents. The appellant

contends the project complies with, and is consistent with, all local and state codes, policies, regulations and conditions.

Response

While staff determined that the proposed project can be found in compliance with all pertinent policies of the LCLUP, there is one environmental impact that was identified, in the Final Environmental Impact Report (FEIR), to be significant and unavoidable under the California Environmental Quality Act (CEQA). In the case of the proposed project, the one significant and unavoidable CEQA impact is *Impact AES-3: The project would substantially degrade the existing visual character or quality of public views of the site and its surroundings*. This finding was made because the existing site is vacant and offers uninterrupted views to the ridgelines from SR-1. New development on the site will interrupt the views to the ridgelines from SR-1 to a limited degree. It should be noted that the CEQA standard for determining impact significance is different from that of consistency with LCLUP policies. Thus, a visual impact may be both significant under CEQA and still comply with LCLUP policies.

In enacting CEQA, the Legislature made it clear that the EIR is an informational document that: (1) informs government decisionmakers and the public about the potential effects on the environment of a proposed project; and (2) identifies ways that impacts to the environment can be avoided or reduced by design changes, adoption of project alternatives or imposition of mitigation measures. Alternatives and mitigation measures must be feasible and not prevent attainment of “project objectives.” Under CEQA, project objectives refer to the stated goals and purposes of a proposed project. These frame the range of feasible alternatives and mitigation measures to evaluate during the environmental impact analysis. This informs decision-makers on how to minimize significant environmental impacts while still achieving the project's primary objectives. In this case, the Draft EIR included both the applicant's project objectives and the City's objectives (Draft EIR, pp. 3-14 and 15). Attaining many of these objectives also support the Statement of Overriding Considerations (SOC) findings for approving a project with a significant environmental impact that has been reduced but cannot feasibly be reduced to a less than significant level.

CEQA provides a process that allows a local agency to certify an EIR and approve a project even though one (or more) significant and unavoidable environmental impacts (as those impacts are defined in CEQA) remain, even after mitigation, if the decisionmakers determine that the project's benefits outweigh its adverse environmental effects. This decision is documented in the SOC. State CEQA Guidelines Section 15093 describes the requirements for

determining whether to adopt a SOC: “CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable’.”

Staff prepared a draft SOC, supported by evidence in the record, for the Planning Commission’s consideration. Because the Planning Commission voted to deny the project, they did not need to take action on the FEIR or the SOC. The draft SOC, which is included in the draft CEQA Resolution that the City Council may consider (Attachment 2), identifies the following reasons that approval of the project may be warranted despite the significant and unavoidable impact to the existing visual character or quality of public views of the site and its surroundings:

A. The proposed project will provide Coastal Act and Local Coastal Act priority uses geared towards visitors and workforce housing. This is in alignment with Coastal Act Section 30222: Private lands; priority and development purposes, which states that “[T]he use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.”

The proposed project is also in alignment with LCLUP General Policies 2-3: Priority Land Uses, 2-4: Sustainable Land Use Pattern; LCLUP Land Use Policies 5-73: Location of Visitor Serving Commercial Development; 5-71: Inclusion of Lower Cost Accommodations. The proposed project will provide 102 hotel rooms to coastsides visitors. A portion of the 102 rooms meet the Coastal Commission’s definition of Low-Cost Affordable Rooms and furthers the goal to provide no- and low-cost amenities. This enables visitors from a wider range of incomes to secure overnight accommodations on the coast, which in turn benefits other visitor-serving businesses throughout Half Moon Bay.

B. The proposed project will provide other no- and low-cost amenities including a publicly accessible bikeway and pedestrian pathway adjacent to SR-1. The site currently has no public access along SR-1. Furthermore, the project will create 2.02 acres of an enhanced, native-planted wetland

buffer adjacent to the existing wetlands within the SR-1 Caltrans right-of-way in a dedicated open space easement. The open space area includes paths, benches, and educational interpretive signage that describes the open space area. These new bike and walking paths provide public access to an area that does not exist today. This access allows for new public views of interest from the site looking to the west (Wavecrest area) and towards the ocean beyond and contributes to the City's South Main Street gateway character as cited in this and previous staff reports. The proposed project will also provide bicycle rentals on site, which is another amenity that will help visitors enjoy the coast as well as provide access to other businesses within Half Moon Bay.

C. The proposed project will provide up to 16 residential units on property that is currently used for automobile parking and will contribute to the City meeting its 6th cycle RHNA housing obligations. The project applicant intends to provide a portion of the units at below market rental rates to project employees, although the applicant is not required to do so, and the project is not conditioned as such. The provision of housing at various income profiles is a City goal, as recognized in LCLUP Policy 2-6, "Encourage a diversity of housing types, including housing at a range of affordability levels, densities, sizes, and ownership types with equitable access to environmental benefits. Meet the needs of Half Moon Bay's diverse population, including young families, multi-generational families, students, young professionals, and seniors." The proposed project will help the City towards this goal.

D. The proposed project will generate Transient Occupancy Tax (TOT) revenue for the City in support of City Council FY 2024-25 budget direction to staff to identify and pursue sources of revenue to off-set the increased cost of providing city services. The City's FY 24-25 Adopted Budget recognizes that "...reserves will not be enough to sustain the City in the future unless revenues increase, or services and expenditures are drastically decreased. A key priority for staff and the Council in the coming fiscal year will be to identify strategies to balance the budget for the future, including additional sources of ongoing revenue, increased pursuit of grants and philanthropic support for community projects and programs, and continuing to find new efficiencies and cost savings wherever possible. These are all important practices for any organization, but especially now for the City of Half Moon Bay." The City's adopted budget cites TOT as accounting for 41 percent of the City's General Fund Revenue. In addition, Sales Tax accounts for 16 percent of the City's General Fund Revenue and visitor serving uses such as hotel use may provide additional General Fund revenue sales tax.

E. The proposed project will help the City towards achieving Strategic Initiatives. The FY 24-25 Adopted Budget includes Strategic Elements, which are high-level objectives that provide a long-range vision for the City's future and a consistent focus for the City's services. Based on the Strategic Elements, the City Council has adopted Strategic Initiatives intended to help guide the City's actions and work plans as well as focus efforts on addressing the City's identified priorities. Fiscal Sustainability Strategic Element Initiatives include the following, which the Proposed Project helps further:

- Support and sustain a business environment that contributes to economic prosperity and revenue generation and improves the community's economic well-being; and
- Promote a balanced economic development approach that retains, attracts, and supports businesses Citywide for a strong, stable, complementary, and diverse business environment, including tourism, coastal resources, conservation, and farmland cultivation.

F. The proposed project will anchor the south end of the Main Street corridor and recent gateway improvements, as anticipated in the recently City Council-adopted Half Moon Bay Streetscape Master Plan, July 2024.

If the City Council decided to certify the FEIR and adopt the SOC, they could opt to make modifications to the prepared SOC, as long as the City Council's reasoning is supported by evidence in the administrative record.

ENVIRONMENTAL REVIEW:

An Environmental Impact Report (EIR) has been prepared that covers the Proposed Project. Preparation of the EIR began in 2018 when a Notice of Preparation (NOP) was published, which serves to notify the general public and public agencies that an EIR is being prepared, and the City, as lead agency, solicits input on those issues that should be analyzed in the EIR. A link to the Draft EIR is [HERE](#).

After the Draft EIR was prepared and released for public review, comments were received on the document. The comments were responded to in the Final EIR. The Final EIR has been posted on the City's Hyatt Project webpage since August 2, 2024, a notice was emailed on August 2, 2024, to the Hyatt project interested parties email list as well as those who have requested to be notified of Planning Commission meetings (2,100 recipients in total), a legal notice was published in the San Mateo Daily Journal on Saturday, August 17, 2024, and copies of the Final EIR have been available at City Hall since August 2, 2024, for review. A link to the Final EIR is [HERE](#).

After the Final EIR was published, it was discovered that a few minor revisions/corrections needed to be made to the document. On September 4, 2024, the

City published an Errata to the Final EIR, and another errata, dated October 16, 2024, was published with the October 22, 2024, Planning Commission staff memo. A link to the September 4, 2024, errata is [HERE](#) and a link to the October 16, 2024, errata is [HERE](#). The complete EIR for the project is comprised of the Draft EIR, the Final EIR, and the two errata.

On October 22, 2024, the Planning Commission denied the project without taking action on certifying the EIR. Additional noticing has been provided for the City Council appeal hearing as described below.

NOTICING AND PUBLIC INPUT:

Prior to the City Council meeting, a legal notice was published in the San Mateo County Daily Journal on January 17, 2025. Notices were mailed to residents within 800 feet of the proposed project site, which exceeds the minimum legal noticing requirement of 300 feet. Additionally, notices were posted at 3 locations on the property, notifying the community of this item. Prior to packet distribution, public comments related to the Project received after the Planning Commission hearings are attached (Attachment 11). At time of agenda publication, additional notification was provided by way of the City's e-news, notification to interested parties, and updated City's informational proposed project web page.

Public Comments

One email was submitted to the City on November 12, 2024, concerning compliance with the City's Story Pole policy. The commenter cited sections of City Council Resolution No. C-66-11, which established the current story pole policy. Which was interpreted by the commenter as meaning that "netting" delineating the roof lines is required in all cases. One section that was not cited is No. 5 which states:

5. The Planning Director may waive or modify these requirements where the installation of Story Poles would unduly interfere with the use of the property or where other circumstances would render installation of Story Poles impractical.

The project story poles were first installed in June, 2022. The contractor installing the story poles recommended against using "netting" as described in the City Council Resolution, due to the height and floor area of the project. Their previous experience in the Half Moon Bay area has shown that the netting creates a large amount of wind load and structural failure is common. This is consistent with City staff experience also. Consequently, pursuant to Section 5 cited above, the Director waived the netting requirement and allowed the use of brightly colored triangular pendants. Additionally, prior to preparation of the Draft EIR, the EIR consultant retained a visual

simulation professional, to prepare visual simulations of the hotel buildings. The Director also relied on this information in approving the modifications to the story pole design. It should also be noted that the applicant retained BKF Engineering to confirm the story poles accurately represented the building locations and heights.

Most of the triangular pendants did not survive the next storm, spreading shredded plastic throughout the property and beyond. Consequently, the Director approved replacement of the pendants with narrower strips of brightly colored material. These have proven to be more durable. The current iteration was installed in September of 2024. However, some damage has occurred since then. The applicant has agreed to install additional strips prior to the City Council meeting.

Additionally, the commenter noted that story poles should be installed for the proposed residential lots, located on the north side of Seymour Street, prior to the City Council hearings. Staff determined that this would not be appropriate because this project component is limited to subdividing an existing residentially zoned lot to create three additional lots. An earlier project version, considered for Alternative 2, included eight residential lots, and conceptual plans for townhouse development. Story poles were installed to show the portion of site closest to the highway. However, those conceptual building designs were removed from the project, when the proposed parcel map was reduced from eight lots to four and the story poles removed. Plans have not been developed for future development on these lots and a proposed date for development has not been proposed. Consequently, any use of story poles at this time would be unduly speculative. If, in the future an application is submitted to develop these lots, the City will require story poles at that time.

CONCLUSION:

After discussion and deliberation at two public hearings on October 9, 2024, and October 22, 2024, and considering the professional city staff analysis concluded with a recommendation for project approval, the Planning Commission voted 3-2 to deny the Proposed Project. The signed denial resolution is included as Attachment 5. As a result, the following two options are provided to the City Council:

1. Deny the appeal and affirm the Planning Commission’s decision, based upon the Findings and Evidence contained in Exhibit A of the draft resolution (Attachment 1); OR
2. Grant the appeal, reverse the Planning Commission’s decision, and
 - a. Certify the Environmental Impact Report for the Half Moon Bay Hyatt Place Project, Adopt CEQA Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program based upon the Findings and Evidence contained in the draft resolution (Attachment 2); and

- b. Approve PDP-072-13, an application for a Coastal Development Permit, Site and Architectural Review, and a Parking Exception for a 66,268 square-foot, 102-room hotel; Tentative Parcel Map to adjust the lot line between the hotel parcel and the adjacent James Ford auto dealership parcel and to create four residential parcels on the north side of Seymour Street for future development of up to 16 residential dwelling units as allowed by the R-2 zoning district development standards based upon the Findings and Evidence contained in the draft resolution (Attachment 3).

ATTACHMENTS:

1. Draft Resolution for Denial with Findings and Evidence, Exhibit A
2. Draft CEQA Resolution to Certify the Environmental Impact Report for the Half Moon Bay Hyatt Place Project, Adopt CEQA Findings and a Statement of Overriding Considerations, Exhibit A, Mitigation Measures, Exhibit A, and a Mitigation Monitoring and Reporting Program, Exhibit B
3. Draft Project Approval Resolution with Findings and Evidence, Exhibit A and Conditions of Approval, Exhibit B
4. [Project Plan Set dated September 4, 2024](#)
5. [Planning Commission Signed Resolution for Denial](#)
6. [Planning Commission Minutes, dated October 9, 2024](#)
7. [Planning Commission Minutes, dated October 22, 2024](#)
8. [Application for Appeal dated November 4, 2024](#)
9. [Draft and Final EIR with errata dated September 4, 2024 and October 16, 2024](#)
10. [Coastal Commission - Coastside Fire District](#)
11. [Public Comments Received after Planning Commission hearings](#)

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
455 MARKET ST., SUITE 228
SAN FRANCISCO, CA 94105-2420
(415) 904-5260
NORTHCENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM**

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: North Central Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): _____

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Central Coast district office, the email address is NorthCentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#>).

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: David Schorr
Mailing address: 423 Saint Joseph Ave, Half Moon Bay, CA 94019
Phone number: 650-576-1998
Email address: info@KeepHMBscenic.org

How did you participate in the local CDP application and decision-making process?

Did not participate Submitted comment Testified at hearing Other

Describe: Public comment and input on this project from 2017 thru current

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Made written comment when Applicant appealed Planning denial to City
Council. Council upheld the appeal, overturned Planning denial,
and issued CDP along with other related documents

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: City of Half Moon Bay
Local government approval body: City Council
Local government CDP application number: PDP-072-13
Local government CDP decision: CDP approval CDP denial³
Date of local government CDP decision: January 30, 2025

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Hyatt Place Hotel project, 102 room hotel plus up to 16 townhomes,
lot subdivision, parking exception, certification of EIR,
adoption of Statement of Overriding Considerations

Project location:

Vacant Parcel (5.02 acres), 1100 Block of Main St. (West Side), APN 065-012-030

James Ford Auto Dealership, 100 Seymour St. (South Side), APN 065-012-020

James Ford Parking Area, 101 Block of Seymour St. (North Side), APN 064-352-150

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

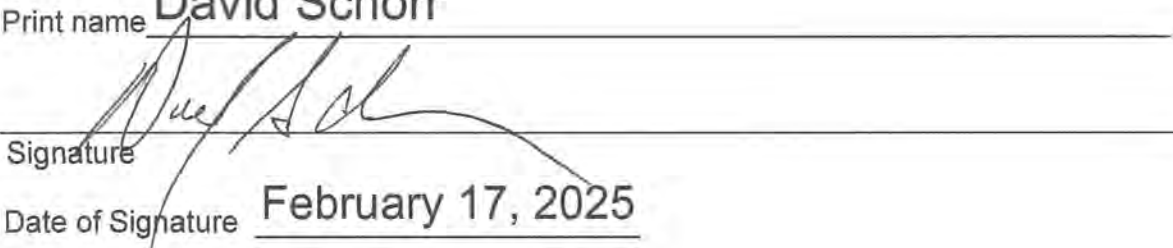
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name David Schorr

Signature 

Date of Signature February 17, 2025

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal attachment – Half Moon Bay PDP-072-13

The Half Moon Bay City Council's decision to reverse its Planning Commission denial and to grant the Hyatt Place project a Coastal Development Permit is not consistent with multiple provisions and policies of Half Moon Bay's certified Local Coastal Program (LCP) because it is not adequately protective of visual resources specifically identified in LCP. It is the clear intent of the City's LCP to protect scenic views of the eastern hills which are described as a major attribute of the City's setting. The issues raised in this appeal are substantial in nature because the City contends that the project does conform with all relevant LCP policies, which is clearly not true. The issues raised in this appeal extend beyond the current project. If the City's interpretation of the LCP goes unchallenged, it will set precedent for future projects that have potential to permanently degrade scenic views of protected visual resources, whether they be views of the eastern hills or views of other coastal resources, including views to and of the ocean. It is requested that the Coastal Commission find Substantial Issue in this matter, set aside the City's approval of the project, and take jurisdiction over the CDP for this project.

This appeal is necessary because the certified LCP is a compromise between advocates of development and advocates for coastal resource protection, and provision of coastal access that does not impact coastal resources. That certified compromise is what the City decision-makers swore to uphold when they took their oaths of office. They are not authorized to further compromise the protection of coastal resources, including visual resources clearly identified in that certified LCP, on behalf of development interests, unless refusing to grant a CDP would constitute a taking. In this case, a lower height structure could have minimized the impact on visual resources clearly identified in the LCP without denying the applicant the use of his property. The City has failed to adequately consider this alternative, which is why Coastal Commission scrutiny is needed.

Two questions need to be answered:

- Is the project as proposed compliant with the LCP? The answer to that is no.
- Did the City use best analysis to reach their conclusions and decision? The answer to that is no.

Therefore, It is requested that the Coastal Commission find Substantial Issue in this matter, and set aside the City's approval of the project.

This Appeal details non-conformance with the Half Moon Bay LCP policy sections and implementing code:

- The EIR for this Project found inconsistency with LUP sections 9-2, 9-3 and 9-12 (page 3-19, 3-20 of FEIR). Basis for denial of the CDP application by the Planning Commission on October 22, 2024 was non-compliance with sections 9-3, 9-12 and 9-23. This decision was reversed on appeal by City Council January 30, 2025.
- In plain reading of the LUP, the Project is non-compliant with Secs 9-1, 9-2, 9-3, 9-5, 9-6, 9-12 and 9-23, and is inconsistent with Municipal Code (IP) sections 18.37.010, 18.37.020, 18.37.030, and 14.37.035. Not all points of inconsistency were discussed or considered by the Planning Commission; as they were pressed for time to complete their review in the October 22, 2024 meeting and had exhausted hours in discussion of CEQA issues. On appeal, City Council gave only cursory attention to issues of LCP compliance.

This Appeal and supporting Attachments detail multiple instances of the City failing to use best analysis in coming to their decision to approve the CDP (and related documents) for this project. Failures include:

- Cherry-picking visual representation viewpoints to minimize the appearance of impacts to visual resources, ignoring aspects of greater impact to the viewing public.
- The City then produced unrepresentative analysis of LCP compliance on these poorly chosen views, resulting in erroneous conclusions, at odds with fact and plain observation
- The City, by approving the CDP, fails to comply with its controlling LCLUP policies 1-2, 1-3, 2-2; and LCPIP sections 18.01.020, 18.20.025, 18.26.040 which require full compliance with the LCP as a prerequisite to issuing a CDP. It also ignores guidance from page 5-36 of the LUP. This is covered in more detail in Attachment B, pages 3 and 4.
- The City fails to adequately take into account CCC prior affirmation of the importance of eastern hillside visual resources (2016 Appeal A-2-HMB-16-0058, for fire training tower)
- The City failed to impose CDP conditions such as height restrictions to avoid foreseeable substantial adverse impact upon protected visual resources of a significant portion of the project, the lot line adjustments to accommodate the 16 townhomes north of the Ford dealership. This point reflects a failure of process under CEQA (lack of adequate definition of project), as well as failure to evaluate those impacts as they relate to LCP compliance
- The City made false statements to create an impression that the hotel buildings “stepped down” in height from the north to the south, supporting their efforts to understate the visual impacts of the project, and to gain approval for the project
- The City failed to rely on fact in asserting the need for this hotel project, when more than adequate coastal access for lodging already exists. The City ignored Chamber of Commerce data showing current excess capacity (and increasing vacancy rates over the past 9 years) of hotel rooms in the target price range for this project
- The City ignored evidence highlighted to them of additional CEQA non-compliance, and an unacknowledged Significant and Unavoidable impact, regarding Vehicle Miles Traveled (VMT) and Traffic Demand Management (TDM).

It is understood that the Coastal Commission is concerned with LCLUP consistency, not CEQA compliance. CEQA issues are referenced in this appeal as it was, in large part, faulty process and EIR analysis (a CEQA process) that has led to multiple points of LCLUP non-compliance.

NARRATIVE:

At the core of this appeal is the simple assertion and observation that the proposed Hyatt hotel project is too large for the specific site, given development constraints imposed by the LCLUP and LCPIP on that specific site, it being adjacent to SR-1, with existing expansive views to the eastern hills and ridgelines. The size of the hotel buildings unambiguously blocks views of protected visual resources. Buildings of lower height, approximately 19 feet in height, on the same footprint, would not violate the LCP and related code, and would allow for a project meeting most of the City’s goals.

As the focus of this appeal is appeal is impact to protected visual resources, please carefully view Attachment A, which is paired “before and after” views of the project site obstructing views of protected visual resources, from reasonable, representative viewpoints. The masking accurately follows the upper limits of the flagging on the story poles erected to represent the hotel component of Modified Alternative 2 of the project. These poles were erected August 2024. As will be discussed elsewhere, City impermissibly declined to erect story poles for the

townhome component of Modified Alternative 2. The attached photos provide a more comprehensive and accurate representation of visual impacts than the EIR/City's faulty perspective of limiting analysis to Viewpoints 2 and 3 from the EIR and Staff Reports.

Following are the details of project non-compliance with LCLUP policies and LCPIP sections. See also supporting documents attached, with prior discussion of these points. The prior dates of these supporting documents shows that concerns were raised to the City regarding LCLUP non-compliance in comments to the DEIR, and again after the FEIR and City Staff Reports on the Hyatt were released, and were part of the public record during consideration of CDP.

GENERAL, FRAMEWORK:

LAND USE PLAN CHAPTER 9:

City and project supporters maintain that the Planning Commission and City Council have broad discretion to "balance" needs in interpreting and implementing the certified LCLUP. References below point to unambiguous, declarative direction in relevant specific sections. That language is highlighted for clarity. To support this appeal's position that unambiguous language needs to be interpreted and implemented unambiguously, please see this quote from *Chapter 1: Introduction and Framework* to the LCLUP, defining terms used in the LCLUP:

Land Use Plan Policies

Each chapter of the Land Use Plan includes narrative and policies. The narrative provides explanation of and justification for the policies and is considered to be part of the Plan. The policies establish planning requirements, programs, and standards for development project review. **The use of "shall" indicates that a policy statement is binding;** whereas the use of "should" or "would" is not mandatory but is strongly recommended to provide flexibility for consideration of how the policy statement may be better addressed; and "may" is permissive. (LCLUP page 1-10)

This should dispel the myth of flexibility in specific policies which has been promoted by the City and project proponents. The terms "require" and "ensure" are reasonably taken to have the same strict interpretation as the term "shall", in relevant sections of Policy and Code discussed following.

Quotes from the Policies section [emphasis added]:

9. Scenic and Visual Resources

...Furthermore, the Coastal Act **prioritizes protection of views from public places** (LCLUP page 9-2)

Visual Attributes and Conditions:

The visual character of Half Moon Bay is defined by its setting on the marine terrace between an exceptional coastline and **the scenic foothills of the Santa Cruz Mountains**, its agricultural heritage, and its small-scale downtown, residential neighborhoods, **and public roads that provide sweeping views of open space** and habitat areas. (LCLUP page 9-2)

Highway 1 is the primary north-south transportation route through the Planning Area. As a result, **a large share of the visual impression of the city is experienced from this corridor.**" (LCLUP page 9-3)

“Highway 1 Positive visual attributes:

Views of hillsides and ridgelines of coastal mountains (LCLUP page 9-4)

Also note that views of hillsides and ridgelines are specifically called out on LCLUP pages 9-3 through 9-8 as positive visual attributes as viewed from all portions of HMB, from residential neighborhoods, from the beaches, and elsewhere, in addition to the importance of views of the hillsides and ridgelines as seen from Highway 1. This deliberate repetition in the LCLUP highlights the importance of visual resources.

Town Boulevard Corridor: Sweeping views of the ocean, **upland slopes**, open spaces, and agricultural areas that make Half Moon Bay so distinctive and picturesque **can all be seen from different segments of Highway 1.** (LCLUP page 9-15)

Upland Slopes. As seen from the majority of the Planning Area, the **upland slopes to the east create a scenic backdrop that contributes greatly to the overall visual quality.** (LCLUP page 9-16)

Scenic corridor policies **require protection of significant views available along Highways 1 and 92,** (LCLUP page 9- 19)

The LUP retains long-standing policies to keep development below the 160-foot contour line on hillsides, and **requires lower-scale building heights along major roads, view corridors, and other public viewing areas to maintain the quality of broad views of the ocean and upland slopes”** (LCLUP page 9-19)

All of the subsequent Policies and Implementation plan sections support of these high-level principles, and decision-making must be guided through that lens. Language of “shall” and “requires” is binding and must be heeded.

SPECIFIC:

Lack of consistency with Policy and Code, specific sections

The overarching intent of Chapter 9 of the LUP was noted above. With specific references to views of inland hills highlighted, this clearly establishes the high-level goals of the Scenic and Visual Resources sections of the LUP.

To this, we must add the following:

Local Coastal Land Use Program (LCLUP page 3-36):

“The small-town character is a leading draw for coastal visitors. Upscaling infrastructure to accommodate visitors and growth will be at cross purposes with maintaining the desirability of this area that visitors seek.”

Concisely and eloquently stated in the certified LCP, this project is inconsistent with the controlling, high-level development guidelines for the city, and would not further coastal access. It would significantly degrade visual resources that visitors come to Half Moon Bay to enjoy.

From the Policies section of the LCLUP, Policy 3-36, regarding traffic and circulation: (LCLUP page 3-47)

“To the extent feasible, limit the approval of new higher trip generating development.”

This is clearly a “higher trip generating development”, with the EIR estimating 575 vehicle trips per day, over 209,000 extra trips per year. The 575 trip per day number is based on Alternative 2, the 129 room hotel option. However, the DEIR does its final analysis on “Modified Alternative 2”, the defined project, which is composed of a 102 room hotel plus 16 townhomes. EIR analysis of this project configuration gave an estimate of 572 trips per day, essentially the same as for the 129 room project. Stated City objectives for the Project could be met in large part with a smaller project on the site, which would reduce traffic impacts while also serving the goals of reducing impacts to Visual Resources.

Additional points of non-compliance with prominent portions of the LCLUP, emphasis added for clarity. Relevant Policy sections are indented and highlighted in yellow, with comment following on each section:

(these concerns are discussed in more detail in public comment made on the DEIR, incorporated by reference here, and available for your inspection in that document ,as well as attached documents) See comments to DEIR for exhaustive comment on these topics.

All of these areas of LCLUP non-compliance can be validated simply by reviewing the before and after comparison photos in Attachment A to this appeal. Non-compliance becomes self-evident from those comparisons.

“9-1. Scenic and Visual Resource Areas. Identify and protect scenic and visual resource areas in Half Moon Bay, including but not limited to the scenic corridors, natural resource areas, and built environment resources as defined in this chapter and designated on Figure 9-1.” (LCLUP page 9-19)

Comment on 9-1: Project fails to protect scenic and visual resource areas, and is therefore non-compliant with 9-1. EIR/City maintains Project is compliant with 9-1, this appeal disagrees based on points of evidence.

This section 9-1 of the LCLUP rests upon Coastal Act Policy 30251 (adopted as one of the LCLUP's policies on LCLUP page 9-1):

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development **shall** be sited and designed to **protect views to** and along the ocean and **scenic coastal areas, ...**

This Coastal Act policy delegates to the LCP certification process, not the City, the decision of what constitutes “views to and along the ocean and scenic coastal areas” and the language is SHALL, which is binding.

The problem with City analysis is that it conflates mitigation measures utilized with policy compliance, which is not the same. The controlling language of 9-1 is to “protect scenic and visual resource areas”. Staff Report to Planning Commission states: “For this project site, the Scenic Corridor Standards require setbacks from SR-1, screening parking lots with landscaping, landscaping that establishes scenic gateways, and no off-premises advertising. The project is in compliance with these requirements.” Yes, the project applied these measures, but due to the height and length of the buildings, it still fails the controlling requirement of 9-1 to protect scenic and visual resource areas, and is therefore not compliant with Policy 9-1. City fails to use best analysis in this case.

9-2. Scenic Resource Protection. New development **shall be sited** and designed to protect views to and along the ocean, to minimize the alteration of natural land form, **to**

be visually compatible with the character of its setting, and, where feasible, to restore and enhance visual quality in visually degraded areas. (LCLUP page 9-19)

Comment on 9-2: The framework for this is the adopted Coastal Act policy 30251 -- the inclusion of other scenic coastal areas was necessary for the LCLUP to be certified as meeting the standards of the Coastal Act. Though in discussion and Staff Reports, the City has dismissed 9-2 as not relevant to this project, by focusing on the first phrase (“views to and along the ocean”), this is incorrect, and faulty analysis, as 9-2 lists a number of inclusive, separate conditions to be met under the heading of Scenic Resource Protection. In fact, the FEIR affirms the independence of these clauses, and states non-compliance with 9-2 at page 3-19 of the FEIR “...the project would affect views of the ridgeline and upland slopes (Viewpoints 2 and 3), which are natural landforms protected under this policy.”, finding the project inconsistent with Policy 9-2, even in light of selective and inadequate viewpoints chosen by the City.

*The project further fails 9-2 with regard to the requirement “**to be visually compatible with the character of its setting**”: the project is outsized in comparison to adjacent built and unbuilt environment. The project is bounded to the south by undeveloped land, on the same side of SR-1. The project is bounded to the southwest, across SR-1 by the undeveloped Wavecrest property. The setting of the hotel project is (protected) broad sweeping views of the inland hills, when traveling both north and south on SR-1. 34 foot tall buildings this close to SR-1 are not visually compatible with that setting.*

City has erroneously cited the Senior Center as an example of a large building in the area, to justify setting compatibility. However, this is faulty analysis, as the Senior Center buildings are neither visually nor physically adjacent or contiguous to the project site. In fact, the Senior Center complex is roughly 1200 feet away from the project site, not seen from the project site, and therefore cannot be used as a point of comparison. The City has also incorrectly compared the hotel project with the Coastal Reperetory Theatre on the inland side of Main Street. The theatre is a single story building, approximately 15 feet tall, and is almost completely screened from view from SR-1 by existing street trees.

At points, the City and applicant have contended that the project will improve the visual quality of the area, this appeal disagrees on this subjective point.

FEIR findings of non-compliance with 9-2 cannot be set aside.

“9-3 Visual Quality. Preserve and enhance the unique visual quality that contributes to Half Moon Bay’s coastal and small-town character, including its open, expansive views from the coastal terrace to the beaches, bluffs, ocean, and upland slopes.”

Comment on 9-3: EIR states Project is NON-compliant, this appeal agrees based on points of evidence.

FEIR findings of non-compliance with 9-3 cannot be set aside.

Planning Commission cited non-compliance with 9-3 as part of its basis for denial of the CDP. In the Staff Report to City Council on appeal, Staff contends that the project is compliant with 9-3. Staff uses faulty analysis and cherrypicking of viewpoints to come to this conclusion. Staff is correct in stating that northbound SR-1 travelers will experience the greatest visual impact from the project, but then erroneously consider only the static viewpoints #2 and #3 as reference, from 300 and 500 feet south of the project’s southern building edge. They claim only minimal and fleeting intrusions to viewshed, etc., further example of faulty analysis and bias in favor of the project. The Town Boulevard Visual Resource code sections do not reference any time

frame of obstruction of view, they are agnostic on that point, simply emphasizing the requirement to protect all views of the inland hills.

City fails to consider impact to southbound travelers on SR-1, please see Attachment A for visual examples of these impacts. Failure to consider travelers in both directions is faulty analysis.

“9-5. Visual Impact Evaluation. Where any development is proposed within a scenic and visual resource area, including as designated on Figure 9-1, a site-specific visual impact evaluation shall be required and may include visual simulations, story poles, and/or other means of visual assessment as appropriate based on the type and location of development”

Comment on 9-5: referencing previous concerns about lack of full definition and description of project, story poles have not been provided for the townhome component of this Project. EIR maintains Project is compliant with 9-5, (FEIR document page 2-12); Staff maintains project is compliant with 9-5. This is untrue, as the townhome component of the project does not have story pole representation.

For elaboration on this point, inclusion/exclusion of the townhome component of the project, please see Attachments B, page 12, and Attachment E page 9.

To reiterate, the visual simulations used by the City, Viewpoints 2 and 3 only, are inadequate to represent impacts to the viewing public. Conclusions and decisions based upon these limited viewpoints are faulty.

“Policies – Development Standards 9-6. Site Planning and Design for New Development. **Require** new development to be subject to design review to **ensure** it is sited and designed to **protect public views of scenic and visual resource areas and to be visually compatible with the character of the surrounding area.** Measures to be considered may include, but are not limited to the following: a. Siting development in the least visible portion of the site; b. Breaking up the mass of new structures; c. Designing structures to blend into the surrounding natural landscape; d. **Restricting building maximum size and height”** (LCLUP page 9-19)

Comment on 9-6: Unambiguous language of “ensure” protection of public views of scenic and visual resource areas is in 9-6; the Project is obviously non-compliant. Project is not visually compatible with character of surrounding areas. To achieve those goals, restricting building maximum size and height is stated as a method to be used, that has not been applied in this case to protect visual resources adequately (again conflating mitigation measures inadequately applied with compliance). The fact that the design has incorporated aspects of conditions a. and b. here is noted. However, the extent to which these approaches have been utilized has not been successful to the controlling requirement of protecting public views of scenic and visual resources areas. EIR maintains Project is compliant with 9-6, this appeal disagrees based on points of evidence.

At the Architectural Advisory Committee meetings (AAC) on this project several years ago, an AAC member raised concerns about the height and mass of the buildings. Those concerns were not implemented by the City to adequately protect visual resources.

“Policies - Scenic Corridors 9-12. Town Boulevard Scenic Corridor. **Require** that new development in close proximity to or easily visible from the Town Boulevard scenic corridor, including Highways 1 and 92: a. **Protects views of visual resource areas** as

seen from the Town Boulevard, including views to the ocean, **upland slopes (i.e. minimizes intrusions into the ridgeline)**, and the historic Johnston House;” (LCLUP page 9-21)

“Update the IP with additional standards for new development along the Town Boulevard based on additional study of the scenic corridor. Assessment should, at a minimum, consider views of visual resource areas from the perspective of existing and potential development along the Town Boulevard and identify scenic segments along Highway 1 and 92, **including views of the ridgelines and other visual resource areas**. Development standards should address, at a minimum, appropriate building heights and setbacks....” (LCLUP page 9-21)

Comment on 9-12: Project is noncompliant with requirement to protect views of visual resources areas including upland slopes and ridgeline views. The repetition of these conditions from one LUP section to another reinforces the importance and primacy of these provisions. EIR states Project is NON-compliant with 9-12, this appeal agrees based on points of evidence.

The FEIR states non-compliance with 9-12 at page 3-20 of the FEIR: “...views of the ridgelines are impacted as viewed from northbound SR-1 approaching the project site from the south. Therefore, the project would be inconsistent with Policy 9-12”

FEIR findings of non-compliance with 9-12 cannot be set aside.

Planning Commission cited non-compliance with 9-12 as part of its basis for denial of the CDP. In the Staff Report to City Council on appeal, Staff contends that the project is compliant with 9-12. Staff uses faulty analysis and cherry-picking of viewpoints to come to this conclusion. Staff is correct in stating that northbound SR-1 travelers will experience the greatest visual impact, but then erroneously consider only the static viewpoints #2 and #3 as reference. They claim only minimal and fleeting intrusions to viewshed, etc., further example of faulty analysis and bias in favor of the project. The Town Boulevard Visual Resource code sections do not reference any time frame of obstruction of view, they are agnostic on that point, simply emphasizing the need to protect all views of the inland hills.

The language of 9-12 is unambiguous and binding (per LCLUP page 1-10, Chapter 1 Introduction and Framework). Staff/City contend that by decreasing the impact presented in Modified Alternative 2 as compared with the original Project, therefore the project is compliant with 9-12. This is faulty logic, and contrary to the plain language and intent of 9-12 and related sections. As with 9-1, the City here improperly conflates applying mitigation measures with Policy compliance.

“9-23. Upland Slopes and Ridgelines. Protect broad views of upland slopes, prominent ridgelines and other intervening ridgelines as viewed from scenic corridors and the beach and shoreline through the following means:

a. Prohibiting new development above the 160-foot contour line and on slopes greater than 30 percent, including grading and subdivisions but excluding public trails and critical facilities or public infrastructure that cannot be located elsewhere;

b. Ensuring new development below the 160-foot contour line is sited and designed to minimize intrusions into the ridgeline through the application of appropriate height and setback restrictions

c. Establishing standards for the Town Boulevard, other streetscapes, and large-scale landscaping projects to highlight and frame, **but not block, views of visual resource areas.**” (LCLUP page 9-23)

Comment on 9-23: This section reemphasizes the requirement to protect broad views of upland slopes, ridgelines and other intervening ridgelines as viewed from scenic corridors. This language is unambiguous and quite clear to plain interpretation. EIR states Project is NON-compliant with 9-23, this appeal agrees based on points of evidence.

Planning Commission cited non-compliance with 9-23 as part of its basis for denial of the CDP. In the Staff Report to City Council on appeal, Staff contends that the project is compliant with 9-23. Staff uses faulty analysis and minimizing language to come to this conclusion. Staff notes setbacks used on the project plans. However, these setbacks are unable to bring the project into compliance with 9-23 due to the height and frontage length of the project. As with 9-1, 9-12, and elsewhere, the City here improperly conflates applying mitigation measures with Policy compliance.

The Town Center and Town Boulevard concepts were intended to encourage development to frame, and indeed highlight, these visual resources in development on a walkable scale, not to justify their destruction.

We next consider City Code, which is the Implementation of the Policies. The project is not in compliance with the following sections, (emphasis added for clarity). Relevant code sections are indented and highlighted in yellow, with comment following on each section:

*“Chapter 14.37
ARCHITECTURAL, LANDSCAPE AND SITE PLAN REVIEW”*

“14.37.035 Design approval criteria.

G. The proposed development **shall** be **compatible** in terms of height, bulk and design with other structures and environment in the **immediate** area.

J. The design **shall** promote **harmonious transition** in scale and character in areas located **between different designated land uses.**”

(<https://www.codepublishing.com/CA/HalfMoonBay/#!/HalfMoonBay14/HalfMoonBay1437.html#14.37.035>)

Project is noncompliant with both G and J. Note the unambiguous, directive language of this Code section.

*Re: G.: The hotel is in fact far larger than any other development existing in the immediate area, failing clause G. EIR authors and Staff maintain otherwise, falsely. See above reference to City improperly comparing the Hyatt project to the Senior Center complex. Clearly, 14.37.035 G states compliance required with structures and environment “in the **immediate** area”. As the Senior Center is 1200 feet away, not physically contiguous with the project site, and not visible from the project site, it cannot be used as a point of comparison to try to justify compliance with 14.37.035 and related Policy sections. City cites the Coastal Rep Theatre as a comparably large structure in the immediate area, but Coastal Rep is a single story building, and is currently almost completely screened from view from SR-1 by existing street trees. City fails to use best analysis in this matter. No other structure in the immediate area is close to the size of this project, therefore the project is not “compatible in terms of height, bulk and design with other structures and environment in the immediate area”, the language of this Code section.*

Re: J.: Except for the Ritz-Carlton, the Hyatt Place project would be the largest structure in Half Moon Bay. Located at the highly visible entrance to the built environment of downtown, the

Hyatt project as proposed cannot plausibly be considered to promote harmonious transition between different land use areas. Immediately to the south on the city zoning map is a strip of Urban Reserve, currently vacant. To the south on the same side of SR-1 is open farmland, as designated by County (that is County land, not City). Across the highway and immediately south is the large open field of Wavecrest, which has a PUD, zoning definition like the subject project parcel, but with a differing land use designation of "Rural Coastal" (DEIR pg 4.11-3, Fig 4.11-1, pdf pg 299) For all practical purposes, the Wavecrest parcel is and will remain open space. Therefore, the proposed project does not promote harmonious transition as compared with surrounding parcels and designated land uses, and is noncompliant with J. It would instead present as a 34 foot tall, 500 foot long wall along the highway.

Consultant response to this concern as raised in the DEIR was non-substantive in nature, illustration of poor analysis on the part of the City.

And, at FEIR pg 2-440, pg 454 of pdf, Response to Comments C-83.36, the EIR states: "These views (VP-2, VP-3) include the most significantly impacted views of the upland slopes from SR-1." **This is patently and knowing false. All other conclusions by the City regarding LCLUP compliance based upon this false statement must therefore be discarded.** This will be discussed in more detail following, and is supported by Attachments A, C, E, and DEIR comments.

"Chapter 18.37 VISUAL RESOURCE PROTECTION STANDARDS

18.37.010 Purpose and intent.

The **specific purpose and intent** of these visual resource protection standards are to:

A. Protect the scenic and visual qualities of coastal areas as a resource of public importance.

B. Ensure that new development is located so as to protect views to and along the ocean and scenic coastal areas.

C. Minimize the alteration of natural land forms.

D. Restore and enhance visual quality in visually degraded areas.

E. Allow development only when it is visually compatible with the character of the surrounding areas. (1996 zoning code (part))."

(<https://www.codepublishing.com/CA/HalfMoonBay/#!/HalfMoonBay18/HalfMoonBay1837.html#18.37.010>)

Project is noncompliant with the clear intent and language of highlighted sections of 18.37.010. The project is admitted to degrade visual character and resources, therefore runs afoul of this section. What is a matter of debate between project supporters and opponents is the extent of this degradation. In this matter of dispute, it is appropriate to have Coastal Commission evaluate.

Consultant response to this concern as raised in the DEIR was non-substantive in nature, illustration of poor analysis on the part of the City.

“18.37.020 Visual resources areas

B. Upland Slopes. Scenic hillsides which are visible from Highway One and Highway 92, as indicated on the visual resources overlay map. These areas occur include hillside areas above the one hundred sixty foot elevation contour line...”

(<https://www.codepublishing.com/CA/HalfMoonBay/#!/HalfMoonBay18/HalfMoonBay1837.html#18.37.020>)

18.37.020 is referenced here as it affirms that the hillside areas are considered visual resources, not only the uppermost ridgeline. References to upland slopes, intervening ridgelines, and hillsides are also found elsewhere in Policy and Code. The EIR/City has in most cases chosen inappropriately to focus solely on impact to/intrusion into the uppermost ridgeline. This is contrary to the intent of visual resource protection standards, and does not defer to Coastal Commission guidance from the fire training tower appeal A-2-HMB-16-0058 (August 2016). In that document, the Coastal Commission clearly affirmed the importance of the intent of the sum of the visual resource protection standards.

“18.37.030 Scenic corridor standards.

B. Development within the Highway One corridor and scenic corridors along all designated shoreline access routes as indicated on the visual resources overlay map where existing permits or development does not exist. In general, structures shall be:

1. Situated and designed to protect any views of the ocean and scenic coastal areas.“

(<https://www.codepublishing.com/CA/HalfMoonBay/#!/HalfMoonBay18/HalfMoonBay1837.html#18.37.030>)

Please note the text in this section which is both bold and underlined: The language and intent of this section clearly protects views of all portions of the hillsides, intervening ridgelines, and uppermost ridgeline, which have been previously defined as being part of designated “scenic coastal areas”. The specific language “Situated and designed to protect any views of... scenic coastal areas” unambiguously prohibits this project or any other development blocking views of inland hillsides, intervening ridges, and uppermost ridgeline. Therefore, the Project is noncompliant with 18.37.030. Also see comment above on 18.37.020, appropriate here as well regarding prior Coastal Commission guidance. And, refer to Coastal Act 30251 -- these policies and zoning sections cannot be read to degrade the protections afforded by that adopted Coastal Act policy.

Consultant response to this concern as raised in the DEIR was non-substantive in nature.

The above sections document project non-compliance with specific Policy and Code sections. Such non-compliance precludes issuance of a CDP, per the controlling sections of the certified LCLUP.

ADDITIONAL GENERAL CONCERNS SUPPORTING REQUEST FOR COASTAL COMMISSION TO FIND SUBSTANTIAL ISSUE:

While the EIR admits to Significant and Unavoidable impacts to visual resources under multiple sections of the LUP, it is important to note that the EIR (and City Staff in their verbal and written reports) consistently minimizes the extent of those Significant and Unavoidable impacts to barely above that threshold, and continue that logic is asserting LCLUP compliance for the project. They do so by incorrectly maintaining that impacts of import are those of impacts to the

views of the uppermost ridgeline only, and they ignore the impact of the Project upon views of upland slopes, hillsides, and intervening ridgelines. This approach carries through to the City's evaluation of compliance with the LCP, further bad analysis. This approach is not adequately protective of visual resources.

It bears repeating: At FEIR pg 2-440, pg 454 of pdf, Response to Comments C-83.36, the EIR states: *"These views (VP-2, VP-3) include the most significantly impacted views of the upland slopes from SR-1."* **This is patently and knowing false. All other conclusions by the City regarding LCLUP compliance based upon this false statement must therefore be discarded.** (See immediately following section)

Viewpoint cherrypicking:

This is the core of objections to the City contending that the project complies with the LCLUP:

FEIR pg 2-440, pg 454 of pdf, Response to Comments C-83.36, and elsewhere, the EIR states: *"These views (VP-2, VP-3) include the most significantly impacted views of the upland slopes from SR-1."* **This is patently and knowing false. All other conclusions by the City regarding LCLUP compliance based upon this false statement must therefore be discarded.**

Unacknowledged impact to protected visual resources is at the core of this appeal and bears close inspection.

The public, and the decision-makers at the City (Planning Commission and City Council) deserve objective representation of the project to evaluate it. In this matter, the City has failed to use best analysis, as it relates both to CEQA compliance, and to LCLUP consistency.

City Planning staff have stated in Planning and Council meetings that they were responsible for picking these viewpoints for analysis, and directed the EIR consultants to work from those data points. This is evidence of poor analysis by the City, as impacts are plainly greater as one approaches closer and transits the project site on SR-1 from the south. Impacts from the north, traveling south, are never considered by the City. They are also significant; see Attachment A renderings.

See related Attachments C, E and DEIR comments for previous, detailed discussion of this point.

In the EIR, in Staff Reports, and verbally in Planning and Council meetings, Staff has asked us to believe that the static Viewpoint 2 and Viewpoint 3 represent the most impactful locations for the viewing public. This is the opposite of the plainly obvious truth – from those points, approximately 300 and 500 feet south of the southern extent of the hotel buildings, the hotel obscures upland slopes, hillsides, and intervening ridgelines (thus violating the LCP even at those points), but is just barely below the uppermost ridgeline. As detailed in prior submission as comment to the DEIR, and to the City subsequent, it is plain and obvious that as one transits northward on SR-1, for the next 800 feet, as one gets closer and closer to the hotel buildings, the impact to visual resources increases dramatically. To pretend that this is not the case, and/or it does not matter, is a failure of analysis and judgement, and is not adequately protective of visual resources. The standard of review does not discount the visual resource impact on travelers in either direction. The City never considers impact to southbound travelers on SR-1 at all, yet another example of poor analysis. See Attachment A for images.

The EIR/City persists in using only these limited viewpoints to analyze both CEQA and LCP compliance. But using bad data produces bad results, as we see here. All other conclusions within the EIR and from the City regarding LCLUP compliance based upon this faulty analysis must therefore be discarded. When a more realistic look at visual impacts is done, LCLUP non-compliance becomes self-evident.

Related issue: The EIR and the City fail to evaluate visual resource impacts of the townhome component of the project. See Attachments B and E for prior submission on this topic. Here, there is a disconnect between project description and City process. City contends that it is merely approving a subdivision map for future development of townhomes, that is what is in the resolution regarding this project. However, this is contradicted by the following:

- The EIR calling out the townhomes as part of Modified Alternative 2 (pg 1-10 of FEIR)
- The EIR evaluating the townhome component of the project for both VMT and greenhouse gas considerations
- The Applicant identifying the townhomes as part of the project, as supportive of City goals

With height of up to 28 feet, set back only 50 feet via wetland buffer at that location, impact to protected visual resources as viewed from SR-1 is inevitable. Recent housing streamlining legislation from the State of California discounts impacts to visual resources required under the LCP. It is therefore important to consider the visual impacts of the townhome component of this project now, as opposed to some undetermined future date.

The townhomes, having been proposed and being reasonably foreseeable development, and having been identified as a project component (see their inclusion in the Statement of Overriding Considerations used to certify the EIR even with Significant and Unavoidable findings) must be evaluated for visual impact. The EIR and City have failed to do so, and have declined to modify their position after objections on this point were raised.

Including the townhomes in the project description, and in the City goals for the project, and providing for the future development of this component of the project without full consideration at this time is impermissible piecemealing under CEQA. While Coastal Commission is specifically concerned with the LCP, as opposed to CEQA, this poor process by the City directly affects LCP considerations, in the form of unacknowledged impact to protected visual resources. It is therefore appropriate to request Coastal Commission consideration of this point of unacknowledged impact to visual resources.

The City willfully and knowingly made false statements to create an impression that the hotel buildings “stepped down” significantly in height from the north to the south, supporting to their efforts to minimize the visual impacts of the project, and to gain approval for the project:

Staff Report to Planning, October 2024 states: “*The buildings step down in height from three stories to two stories from the north end of the site toward the southern gateway corner*”. This language is repeated in the Staff Report to Council January 2025.

This language is particularly troubling, as it was used as part of the basis for arguing for approval of the project, and in claiming CEQA and LCP consistency, specifically site and surroundings compatibility, and harmonious transition from one zone to another.

The problem here is that the language used implies/suggests a 1/3 reduction in height from the northern building to the southern building. This is quite misleading, as simple examination of

the plan renderings, and the plan elevations tells us that both buildings are between 33 and 34 feet in height above existing grade. Both buildings are basically the same height. It is true that there are only two stories in the southern building, but the first floor is of greater height (lobby, reception etc), so that it is virtually the same height as the northern three-story building.

The misleading nature of this statement, made in Staff Reports both to Planning (Oct. 2024) and Council (Jan 2025) was pointed out in writing to the City in Appeal Rebuttal dated January 24, 2025 (due to typo, it was written as January 24, 2024, sorry...), Attachment B. The fact that this statement is plainly and obviously incorrect and misleading should have led the City to retract, modify, or correct this statement, but that was not done, and it remained part of the record to persuade City Council to override Planning Commission and approve the project.

Having pointed this problem out in writing, City's continuing to rely on it can only be considered intentionally misleading.

This is a glaring example of the City using poor analysis to reach conclusions. Because this is related to LCP compliance regarding impact to visual resources, it is reasonable to ask Coastal Commission to reevaluate this.

False equivalence on evaluation of visual impacts:

Throughout the process of the EIR, Planning Commission, and Council hearings on this project, the EIR, the City, and project proponents have repeatedly referred to the visual impacts of the 34 foot tall, 500 foot long hotel building complex as "brief" and "fleeting". There is also frequent reference to other existing development along SR-1 which obstructs protected views. Staff specifically called out in the City Council appeal hearing two single family residences to the north of the project site, acknowledging that they obstruct views. But, they make false equivalence between the much smaller SFR's and the much larger hotel buildings, inappropriately.

The term "fleeting" is used frequently here, and appears to have crept into the lexicon from the fire tower appeal from 2016. In that case, Coastal Commission allowed a 24 foot wide intrusion into the ridgeline as "fleeting". That fire tower is further from SR-1 than the hotel project, so that helps mitigate the tower's visual impact as well. The single family residences mentioned by Staff and project proponents are of similar width. Cumulatively, of course, the impact on visual resources is cumulative, by its nature.

But, if a 24 foot wide structure is considered fleeting in its visual impact, is that same term applicable to a 500 foot long wall of hotel building? "Fleeting" is not a term defined in the Coastal Act or the LCP, so it falls to the Coastal Commission to evaluate whether the impact of this much larger project is permissible, as compared with previous, much smaller, approved projects.

It should be obvious that a complex of hotel buildings 34 feet tall, with nearly 500 feet of highway frontage, is very different from a single family residence, or a fire training tower.

Based on this false equivalence promoted by the City, the discussion then turns to, in effect, "The views are already degraded considerably, so why all the fuss?"

First, see the concern above that cumulative impacts are cumulatively significant. Either visual resources are there, in which case they are worthy of protection, or they are not, in which case these are non-issues. Treating them as less valuable because they are diminished by other development is not proper analysis.

Related:

Although the Bolsa Chica decision holdings (Bolsa Chica Land Trust v. Superior Court (California Coastal Com.) (1999)) applied to wetlands rather than visual resources, the key tenet of the holding was that the damaged coastal resources were still entitled to protection under the Coastal Act. Parallel reasoning would yield that the tall structures near SR-1 that have reduced the City's hillside viewshed do not justify that the remaining viewshed can be destroyed to increase profitability of a project, or that views of the hills outside the City limits when seen from within City limits are not worthy of protection and preservation. The City's reasoning is not adequately protective of visual resources.

The Bolsa Chica analogy is important to consider regarding Code 18.37.030 – prior actions have degraded the visual resources, but that does not diminish the protection that must be afforded to this specific site with these specific hotel (and townhome) plans.

It is worth reiterating on this point the controlling language of “shall” and “require” as mandatory in relevant Policy and code, as specifically called out in Chapter 1 of the certified LCLUP. That language is found in the Policy and Code sections discussed above, where this project is non-compliant. This binding language prohibits development further degrading or impinging upon protected visual resources.

Re: Coastal Act and LCP requirement to balance coastal access vs resource preservation:

As stated in the certified LCP *“The small-town character is a leading draw for coastal visitors. Upscaling infrastructure to accommodate visitors and growth will be at cross purposes with maintaining the desirability of this area that visitors seek.”* (LCLUP page 3-36)

This typifies the balancing act encoded in the certified LCLUP. However, the City failed to rely on fact in asserting the need for this particular hotel project, ignoring or misinterpreting Chamber of Commerce data showing current excess capacity (and increasing vacancy rates over the past 9 years) of hotel rooms in the target price range for this project. The LCP issue is whether there is a shortfall of hotels that are limiting coastal access, and the data trends over 9 years show that there is not a shortfall of hotel space, specifically in the price range to be added to by this hotel.

Given the tension between development and preservation, development should be justified by fact-supported demand, not simply desire to build (or to gain Transient Occupancy Tax, in the case of the City). See Attachments B (pages 7-10), C (page 5), E (page 6) and DEIR comments for details on this, including full data from the Chamber of Commerce.

To summarize this point: the City has seen declining occupancy over the past nine years, both in percentage occupancy, and in raw numbers of rooms occupied. Of the approximately 600 hotel rooms in the city, 45% are at the Ritz, at high price. The remaining roughly 300 rooms are in the mid-price range the Hyatt seeks to add 102 rooms to, and those 300 rooms are only approximately 50% occupied as of 2023 data available. The City goals for this project specifically state that the hotel will fill a need for hotel rooms in that price range, but those goals and claims of need are not backed up by facts of occupancy. The City contention of need for hotel rooms in this price range is not true.

Most telling is the number of vacant rooms per night in Half Moon Bay – in 2015 there were 185 vacant rooms per night, in 2023 there were 263 vacant rooms per night (out of total inventory ~600 rooms). Raw number of empty rooms increasing over time does not speak to demand that

needs to be met with an additional 102 rooms, especially when adding those rooms will degrade protected visual resources.

From the perspective of the Coastal Commission, the City is currently providing more than adequate access to coastal resources in this hotel price range (as evidenced by 50% vacancy rate), and in fact has capacity to provide much more access with existing hotels. The fig leaf of 6 rooms out of 102 at \$148 per night (reduced rate) does not justify the negative and impermissible impact to protected visual resources that this project would create.

The City's certified LCP also questions whether the Hyatt project (along with another proposed hotel) is needed, or can be supported by City infrastructure: "*it is unclear if this much additional lodging will be needed over the course of the planning horizon or if the city's infrastructure can support this level of intensification of new visitor-serving uses.*" (LCLUP page 5-36)

The above illustrates that the City failed to use best analysis regarding purported need for visitor serving accommodations.

The City ignored evidence highlighted to them of additional CEQA non-compliance, and an unacknowledged Significant and Unavoidable impact, regarding Vehicle Miles Traveled (VMT) and Traffic Demand Management (TDM):

See Attachments B (pages 5-6), C (pages 3-4), E (pages 25-26), and DEIR comments for more detail on this topic.

While VMT/TDM and greenhouse gas emissions are CEQA concerns, and not prominent LCP issues, this is offered for two reasons:

- Increased traffic and congestion decreases coastal access, a Coastal Act concern
- This is another example of poor analysis on the part of the City, and refusal to reevaluate when presented with new information

The traffic study (for the 2022 DEIR) looked at a 129 room hotel generating 575 vehicle trips per day. This is in conflict with LCP desire to avoid higher trip generating development (LCLUP Policy 3-36, LCLUP page 3-47)

In speaking to City Council Jan 30, 2025 Staff stated that this likely overstates the impact, as the hotel is now reduced to 102 rooms. However, this statement lacks context and is incorrect. The DEIR and FEIR evaluated the 102 room hotel plus 16 townhomes (the current project Modified Alternative 2), generating a nearly identical 572 vehicle trips per day. Thus, the EIR does not overstate the potential impact of the project recently approved.

This again supports this appeal's contention that the townhomes are part of this project, and as such their visual impact cannot be ignored. If they are not part of the project, why did the EIR evaluate their VMT and greenhouse gas impacts, and discuss wetland setbacks for the townhomes?

As illustration of poor process by the City, see Attachments B (pages 5-6), C (pages 3-4), E (pages 25-26). The sections of those attachments discussing VMT/TDM came about as follows:

The project is required to create a Traffic Demand Management (TDM) plan to reduce VMT by at least 15% to avoid VMT being a Significant and Unavoidable finding of the EIR. The EIR calculated a reduction of 15.4%, with approximately half that reduction a result of airport

shuttles to/from SJC and SFO. However, in public testimony to Planning Commission in October 2024, the project applicant stated that shuttles would not be practical, and would not be used. This means the hotel project (with or without the townhomes) would present yet another Significant and Unavoidable impact, as it would not be able to meet VMT reduction goals. This was pointed out in written comment to the City prior to the second Planning hearing in October, but the City failed to acknowledge or take into account this new information, either at Planning, or when this project went to Council on appeal. This represents less than best analysis by the City, which is part of a pattern we see with this project.

Re: Other correspondence:

The project applicant is leaning heavily on a September 9, 2022 letter from Coastal Commission Planner Peter Benham, citing this as Coastal Commission endorsement of the project as it was proposed at that time. However, one must bear in mind that Planner Benham's careful and thoughtful analysis was based on bad/flawed input data from the City, on visual simulations that misrepresented the extent to which the project blocks protected views of the hills. As such, it must be rejected, and reconsidered in light of accurate representations (Attachment A to this appeal).

Additional issues raised in that letter from Coastal Commission are farm land loss offset and wetland setbacks for the townhome component of the project. This appeal has no comment on the farm land issue but encourages Coastal Commission to evaluate. On the wetland issue, it should be noted that CCC Planner Benham correctly noted the need for a 100 foot setback on the townhome component of the project. This was the standard used in the DEIR for the townhomes, and for the hotel buildings. However, in the FEIR, the document cites a section of City code allowing use of a reduced, 50 foot buffer in this case. This appeal leaves it to Coastal Commission to determine which buffer standard is appropriate for the townhome component of the project.

List of Attachments to the CCC Appeal:

There is admittedly overlap, repetition and redundancy with the following attachments and portions of this Appeal document. These attachments are presented in an effort to provide a full and complete picture of the issues at hand which require Coastal Commission consideration, and the manner in which concerns have been lodged with the lead agency.

ATTACHMENT A - Paired images Hyatt, with story poles, and masked for comparison

ATTACHMENT B - Appeal rebuttal 20250125

- Project non-compliance with Policy and Code

- Issues of precedent

- VMT Significant and Unavoidable Impact discussion, detailed

- Statement of Overriding Concerns and Hotel Occupancy discussion and graphs

- Staff bias

- Townhomes as part of project, visual impact must be considered

ATTACHMENT C - Public comment to PC 20241022

- Controlling Code requirements for LCP compliance, full

- VMT Significant and Unavoidable Impact discussion, detailed

- Hotel occupancy, excess capacity discussion

ATTACHMENT D - PC 20241021 supplemental comment

- Staff and EIR inconsistencies

Issues of precedent

ATTACHMENT E - public comment to PC 20240930

Discussion of inadequacy of proposed Statement of Overriding Concerns

Hotel occupancy data and discussion

Hotel prices in Half Moon Bay, mid-range price category saturation data

Discussion of EIR deficiencies

Lack of complete project definition (townhome component)

Impermissible piecemealing

Incorrect baseline being created, pervasive

Visual resources impact: selected viewpoints chosen for purposes of minimizing impact

Real world views presented as evidence

inaccurate characterization of prior Coastal Commission guidance and precedent (fire tower)

Previous Planning Commission and Coastal Commission precedent regarding

Impacts to visual resources

Lack of consistency with Policy and Code, specific sections

Wetland buffer setback for townhomes vs. hotel buildings

Traffic mitigation plan purely aspirational, without supporting documentation

Hydrology/site runoff

Inconsistencies within the EIR documents

Also please see, and incorporate by reference, extensive comments made in response to the DEIR, 2022, which are in the administrative record for this project

IN CONCLUSION:

Coastal Commission will no doubt hear from the project applicant, supporters, and the City that this hotel is “needed” and beautiful, and that visual impacts are to be ignored as fleeting.

That the hotel is “needed” is not supported, based on Chamber of Commerce data.

That the hotel is not compliant with multiple sections of LCP Policy and Code has been well established by this appeal, supporting documents, and evidence in the administrative record. Compliance with the LCLUP is not optional, and is required for issuance of a CDP.

Simply put, the hotel and townhome project is too big for the site where proposed. The height and length of the buildings on that site unambiguously and significantly impacts protected visual resources.

It is therefore requested that the Coastal Commission consider all the evidence presented and find Substantial Issue with the project, set aside the City’s approval of the project, and take jurisdiction over the CDP for this project.



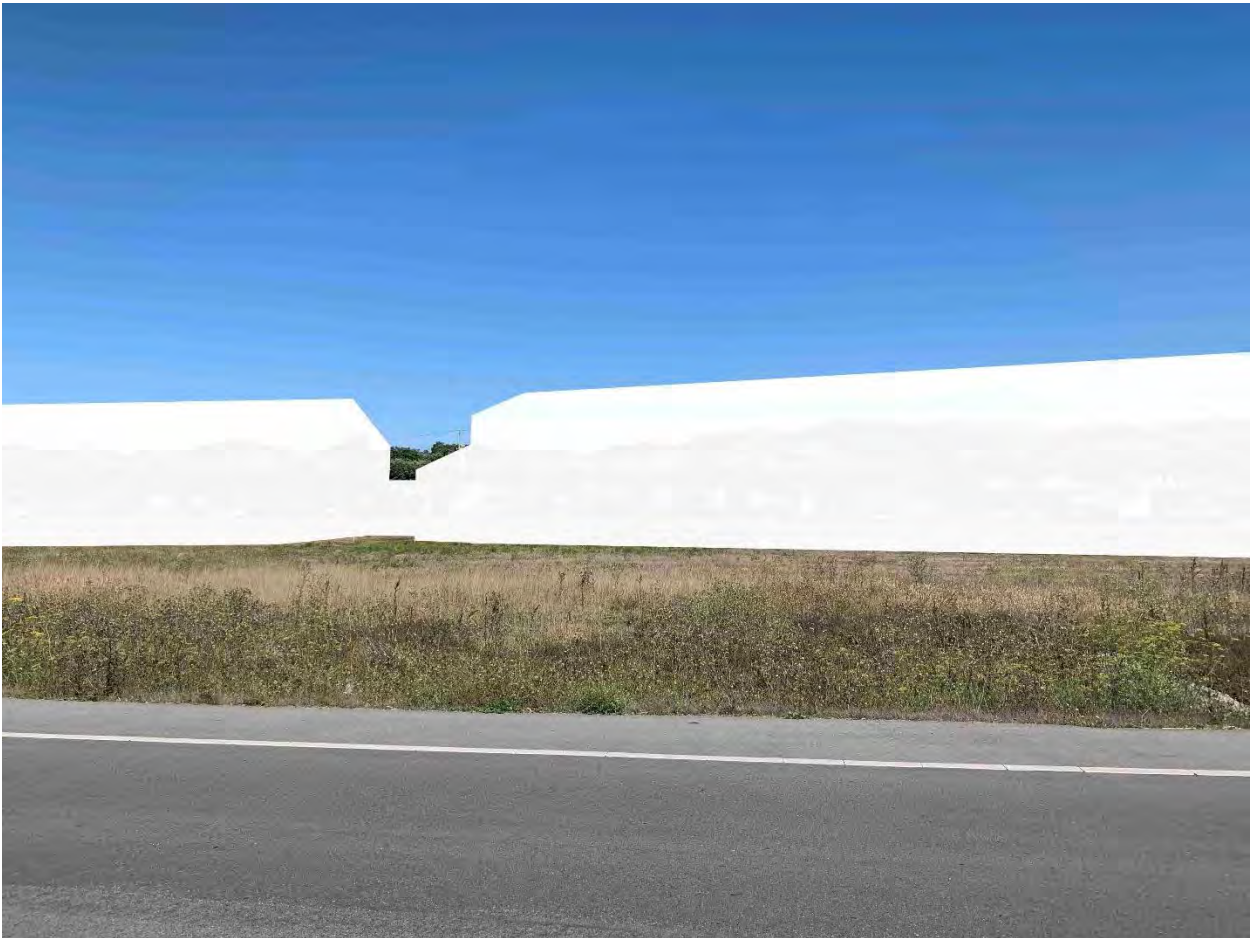
VIEWED FROM SOUTHBOUND SR-1, BEFORE AND AFTER, View 1



VIEWED FROM SOUTHBOUND SR-1, BEFORE AND AFTER, View 2



VIEWED FROM NORTHBOUND SR-1, BEFORE AND AFTER, View 3



VIEWED FROM NORTHBOUND SR-1, BEFORE AND AFTER, View 4



VIEWED FROM NORTHBOUND SR-1, BEFORE AND AFTER, View 5

David Schorr
423 St. Joseph Avenue
Half Moon Bay, CA 94019

January 25, 2024

Re: Hyatt Place and townhome project proposal PDP-072-13

APPEAL REBUTTAL

SUMMARY:

Applicant has appealed the Planning Commission decision to deny the Project. Denial was properly based upon Project inconsistency with LUP 9-3, 9-12, and 9-23.

The Findings for Denial were drafted by the City Attorney present at the October 22, 2024 Planning Commission meeting, and adopted and approved by the Planning Commission by majority vote. The Findings for Denial are valid, and based on proper interpretation of the City LUP and Code.

By contrast, Applicant's appeal is non-substantive in nature, and offers no reasoning or fact to justify overturning the decision of the Planning Commission. The appeal states "The project complies and is consistent with all local and state codes, policies, regulations and conditions." This is untrue, unsupported by fact, and is in conflict with prior decision of the Planning Commission. Planning Commission's denial of the project as currently proposed must be upheld.

The meetings on this Project were chaotic, ran very late, and the Planning Commissioners were clearly rushing towards the end on the October 22, 2024 meeting. Due to running up against meeting end time of 11 pm, and not having the desire to continue this item to yet another meeting, they did not have time to consider reasonable and objective reading of the LUP and supporting IP to also find inconsistency with LUP sections as follows:

In plain reading of the LUP, the Project is also non-compliant with Secs 9-1, 9-5, 9-6, and inconsistent with Municipal Code (IP) sections 18.37.010, 18.37.020, 18.37.030, and 14.37.035. These points were not considered by the Planning Commission due to time and fatigue; they should have been.

These notes are an effort to direct your attention to key points that lead to this conclusion: Consistent with City Code, the City shall not issue a development permit if it cannot make the required findings of full compliance with all applicable sections of the LUP. Full compliance with all relevant sections of LUP and IP are required by the text of LUP sections 1-3 and 2-2. Therefore the Appeal for this Project must be denied.

It has been suggested by some that the LUP is not rigid, and that the City should "balance" the needs of development and income vs. preservation of visual (and other) resources, even if that violates the LUP. That is not correct. The process of striking the balance between development and preservation is what happened in careful drafting of the LUP and its' supporting IP, and certification of same by the California Coastal Commission. That discussion has happened, and the rules and develop limits of the LUP reflect the broad-based values of the community. The importance of visual resources is affirmed and codified in multiple sections of the LUP and IP, emphasizing their importance and primacy. The requirement of LUP compliance as a prerequisite for issuing a CDP is clearly called out in LUP 1-3 and 2-2. This project does not qualify for a CDP; the appeal must be denied, and project denial upheld.

Issues of Precedent:

- In 2022 Planning Commission denied a Caltrans project for a 5' x 12' message sign at the south end of town, on the basis of impact to Visual Character and Resources. That proposed sign had no impact upon views of hills or ridgelines, and is orders of magnitude smaller and less impactful than the Hyatt project, yet was denied based on multiple LUP sections regarding visual resources and visual character.

- In 2016 Coastal Commission allowed the fire training tower project to present a 24 foot wide intrusion into the ridgeline. By comparison, the frontage of this proposed 34 foot tall hotel is 500 feet long, and the same approval cannot be anticipated. Importantly, the Coastal Commission, while allowing the 24 foot intrusion (also set back farther from SR-1 than the Hyatt) strongly affirmed the importance of protection of visual character and visual resources of Half Moon Bay, and specifically views of the inland hills, hillsides, intervening ridgelines, and uppermost ridgeline, as seen from SR-1. In considering denial of the Project, Planning Commission considered how the two projects are not comparable, the Hyatt having much greater impact on visual character and resources.

Additional issues:

Applicant contends on Appeal that “The project complies and is consistent with all local and state codes, policies, regulations and conditions.” However, Applicant does not provide ANY evidence to support that statement, and Applicant’s contention is false. Planning Commission was very clear that this is a very large set of structures which WILL impact visual resources. The specific design elements of color, siding choice and landscaping do not mitigate the mass and bulk, and specifically do not mitigate the 34 foot height of this project. Whether it is “pretty” or not is irrelevant – LUP and IP consistency is required, and the Project does not meet that standard.

The Applicant has noted selective statements by Commissioners praising the aesthetics of the Project. The Planning Commissioners appeared to be using this language to “soften the blow” to the Applicant, as the same Commissioners went on to state concerns over size, mass, loss of views, and clear points of LUP inconsistency, and to vote to deny the project. Those concerns and findings are the accurate and appropriate basis for denial of the Project as currently proposed.

Please also incorporate here by reference the entirety of public comment to Planning Commission dated September 30, 2024, as that document contains a detailed analysis of Project LUP inconsistencies, as well as deficiencies in the Final EIR. I encourage Council members to read that document.

Your fundamental decision here is deciding whether to grant the Appeal by the Applicant, or to uphold Planning Commission decision to deny the Project as proposed. In order to issue a Coastal Development Permit (CDP) for the proposed project, all the other required prerequisites steps also need to be followed – certify the EIR, adopt a Statement of Overriding Considerations, grant the parking exemption, lot line adjustments, parcel map. To do so in the clear lack of conformance with City LUP and IP would be improper, and is not allowable.

The critical issue is to properly consider the controlling authority of our LUP as a prerequisite to the required CDP, which is thus fatal to any supportable approval. Absent conformance with the LUP, which is not subject to any waiver or exception, the CDP cannot be approved.

The EIR document has identified noncompliance with LUP policies: 9-3, 9-12, 9-23. In plain reading of the LUP, the Project is also non-compliant with Secs 9-1, 9-5, 9-6.

The Project as proposed is noncompliant with the clear intent of the introduction to Chapter 9 of the LUP.

Additionally, the project is noncompliant with the following sections (at a minimum) of the IP for the LUP, in the Municipal Code: 14.37.035, 18.37.010, 18.37.020, 18.37.030.

Detailed discussion of the above noted areas of noncompliance has been submitted in writing previously, in comments to the DEIR, FEIR, and supplemental written comments and oral testimony before the Planning Commission.

Noncompliance with our LUP has been well documented and acknowledged, and affirmed by Planning Commission. These violations, per se, prevent issuance of the required CDP. There are no exceptions to requirement of full LUP compliance.

The simple and clear requirements for issuing a CDP are in the HMB LUP:

From LCLUP, pages 1-43,44: **1-3. Findings for Development Approval.** The City shall make the findings for all development that requires a discretionary permit that the development meets the standards set forth in all applicable Land Use Plan policies. The City shall not issue a development permit if it cannot make the required findings.

From LCLUP page 2-19:

2-2. Complete Policy Compliance. Ensure that all new development as defined by the Coastal Act complies with the policies of the Land Use Plan. New development means any project for which a coastal development permit is required. Allow flexibility only when the Land Use Plan provides for an exception.

City Council's order of consideration is very important: You need to consider the CDP before you consider the EIR. This is because the law allows the local lead agency to disapprove the EIR in a case where you have turned down a project, in addition to any (previously documented) inadequacies that the EIR may have. This simplifies your tasks at hand.

As further background to inform discussion from Oct. 9, LUP Section **1-2. Coastal Resource Protection Priorities** clearly establishes the primacy of protecting coastal resources (which includes viewsheds / visual resources):

Protection of ESHA, public access and other coastal resources are a high priority for the City. To the extent that any policies in this Land Use Plan (which serves as the City's General Plan Land Use Element) and other elements of the City's General Plan are ambiguous, the City shall interpret them in the way that best protects ESHA and other coastal resources and maximizes public access. In advance of updating the Implementation Plan for conformance with the policies of the 2020 Land Use Plan, the policies of the Land Use Plan shall provide the standard of review for any proposed new development, including where these policies are more protective of ESHA and other coastal resources and maximize public access as consistent with the Coastal Act.

In other words, if a conflict or question arises, the approach most conservative of resources must be taken, whether that more conservative language is in the adopted 2020 LUP, or in the not yet fully aligned IP/Municipal Code.

Additional documentation from the IP/Municipal Code supporting the fact that a CDP cannot be issued if the Project is not compliant with all applicable sections of the LUP:

18.01.020 Compliance required.

No land shall be used and no structure shall be constructed, enlarged, altered, moved, or used in any district as shown on the zoning district map except in conformance with the regulations established by this title. (1996 zoning code (part)).

Zoning is subservient to Coastal Act and CCC regulations:

18.20.025 Permit required.

Unless otherwise exempted, all development as defined in Section 18.20.020(C) in the city of Half Moon Bay requires a coastal development permit. The coastal development permit must be approved prior to the commencement of development and shall be required in addition to any other permits or approvals required by the city. A local coastal development permit may be combined with any other permit application. When not feasible to combine a coastal development permit with one or more other applications, it may be processed concurrently with or prior to any other procedures required by this title or the municipal code. Prior to initiating the review process for any discretionary or ministerial permits in the city, the community development director shall determine the feasibility of concurrent or prior processing of the coastal development permit. The coastal development permitting requirements herein and exemptions in Section 18.20.030 shall be carried out in full conformity with Sections 30600 and 30610 of the Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations. Any conflicts between the provisions in the zoning code and either the Coastal Act or Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations shall be resolved in favor of the California Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations.

Permit-issuing officials have responsibility to honor zoning ordinance:

18.26.040 Conformance required in issuance of permits and licenses.

All departments, officials and public employees of the city, which are vested with the authority to issue permits or licenses, shall conform to the provisions of this title, and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this title, and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void. (1996 zoning code (part)).

Noncompliance with our LUP has been well documented and acknowledged, and affirmed by Planning Commission. These violations, per se, prevent issuance of the required CDP. There are no exceptions to requirement of full LUP compliance.

The above should help simplify and clarify your decision-making process.

Subsequent to denying this Appeal, and application for a CDP, the City Council should decline to certify the FEIR, and cite specific policies and zoning with which the project is not compatible, naming the evidence of the inconsistency with those policies associated with this Project. Following are additional reasons to separately decline to certify the EIR, and to decline to adopt the Statement of Overriding Considerations:

Public comment on the DEIR identified many areas of concern, inconsistency, faulty logic, and bias towards the Applicant in the DEIR findings. The FIER failed to address these issues in a substantive fashion, and merely “stuck to its guns”, primarily in the area of visual impacts as viewed ONLY from two carefully selected viewpoints 300 and 500 south of the project. **The approach taken in the EIR documents, and recommended by City Planning Staff is not adequately protective of Visual Resources.**

Additional Significant and Unavoidable impact not properly called out in the EIR:

Key point: The project Applicant stated (at the Oct 9, 2025 Planning Commission meeting, public testimony at 9:20 pm) that the hotel will NOT implement airport shuttles, as was required in the VMT Reduction strategy (TDM). As a result of not meeting VMT reduction goals, the Project will therefore create a Significant and Unavoidable impact under CEQA which was not properly identified in the FEIR.

Details of this follow:

The EIR claims a 15.4% reduction in VMT as a result of successful future implementation of TDM. 15.0% is the standard required to reduce impacts from Significant and Unavoidable to Less than Significant (LTS). **Following is demonstration that this claimed reduction is not supportable:**

DEIR Table 4.15-6 Estimated VMT Reductions, page 4.15-29, page 399 of the pdf

Table 4.15-6 Estimated VMT Reductions

Trip Type	No. Daily Trips	Average Distance (mi)	Total VMT ¹	VMT ¹ Reduction	Mitigated VMT	Percent Change
Employees	48	18.9	907	127	780	-14.0%
Guest Trips (Airport) ²	79 ²	29.0	2,304	378	1,926	-16.4%
Guest Trips (Local) ²	448	4.0	1,790	267	1,523	-14.9%
Total	575		5,002	772	4,230	-15.4%

Source: W-Trans, 2020.

From the above Table, we see that guest trips to and from airport are the largest single component of VMT, at approximately 46%. (Although, this may underestimate mileage significantly, as it presumes all guests are coming from airports only 29 miles away, while in truth guests traveling in cars from elsewhere in California will drive much farther than 29 miles to get to and from HMB)

It is not clear by what means employee travel will be magically decreased by 14%.

We also see that any deviation from the proposed VMT reduction will render the percent change below 15.0%, with VMT therefore becoming a Significant and Unavoidable impact not called out in the EIR process.

Note that in the quote above from the FEIR, TDM measures identified include airport shuttle and parking price incentives to discourage private vehicle usage.

Additional details on TDM from DEIR Appendix H:

Guest TDM Programs

Airport/Coastal Shuttle

The hotel should offer a free shuttle service to both San Francisco and San Jose airports to encourage guests to stay without renting a vehicle. Shuttles should operate frequently enough to provide guests with timely service while maximizing the potential for ridesharing. In addition, the shuttle should also stop at appropriate tourist destinations and beaches along the coast so that guests can make short-distance trips without a car.

Parking Price Incentive

Many hotels in more remote coastal locations offer parking to be included in the cost of a room and by doing so, inadvertently encourage guests to bring cars and generate more congestion. As an alternative, the hotel should offer, and advertise, reduced room rates for those who do not arrive in a private vehicle. As an initial step, the hotel can offer a reduced rate of \$10 per night weekdays and \$20 on weekends and holidays, and adjust the price as necessary to manage parking demand.

However, in public testimony before Planning Commission October 9, 2024 (9:20 pm), Applicant stated that airport shuttles would be infeasible and would not be implemented. Applicant further stated that parking fees (a disincentive to drive) at the hotel were not anticipated. Applicant did not address room rate reduction for guests who do not drive to the facility, the flip side of a parking fee.

Without airport shuttle to SFO and SJC, VMT reduction contemplated/predicted is reduced from 772 miles to 394 miles per day. Impact of parking price incentive was not analyzed in the table above. However, taking the airport shuttle VMT reduction off the table alone gives a **percent change of only 7.9% in VMT reduction.**

But... if one removes the airport shuttles from the equation, that also calls into the question VMT and vehicle trip reductions contemplated for Guest Trips (Local). Local guest trips reduced is largely predicated on guests having arrived not in their own vehicles. Absent the airport shuttle, that first step of VMT reduction would not have occurred, so neither will the local guest trip reduction. The remaining measures of in town shuttle and bike rental are likely to yield only a few percentage points of VMT reduction (if that), further demonstrating that the EIR's conclusion of the TDM measures reducing VMT by 15.4% is incorrect and without factual basis.

Additionally, as mentioned in previous comments, in the EIR there are no real-world comparison or examples of comparable TDM plans successfully resulting in >15% reduction in trips for hotels similar to the proposed – remote from airports, no airport shuttle, with effectively no public transit options. Claimed reductions appear to be speculative in nature.

Therefore, having failed to meet the reduction threshold of 15.0%, VMT is yet another impermissible Significant and Unavoidable impact to consider regarding this Project.

Regarding the considerable discussion at October 9 and 22 2024 Planning Commission meetings regarding the extent to which the Project impinges on visual resources: As has come up before, it was pointed out that there have been developments along the Town Boulevard which already obscure views of the inland hills. This is true. Some of those single-family residences have been approved in recent years by the Planning Commission, some prior. However, it is important to note that the visual resource protection standards for the Town Boulevard apply to the entire Town Boulevard, not just the chosen Viewpoint 2 and Viewpoint 3 in the EIR. And, in light of the visual resources as seen from the Town Boulevard having been degraded by incremental and cumulative development projects over the years, it becomes even more important to protect the visual resources which currently remain. **To allow this Hyatt project as proposed would not be adequately protective of Visual Resources.**

Related to this issue, it must be pointed out that this is a case of pervasive “shifting baseline” – a problem plaguing many sections of the EIR for the Hyatt, and also plaguing other Planning decisions. The fact that 17 structures (per Commissioner Hernandez) have been built along SR-1 which block views of the hills, (likely impermissibly in reality) has created a new baseline, that of degraded and blocked access to visual resources. This situation is cited by some as to say, why not have another building along SR-1, the views are already impaired. This is flawed and dangerous reasoning, leading to incremental loss of the (legally protected) visual character and visual resources which make Half Moon Bay so special.

The shifting baseline problem is also prominent in arguments from the developer and supporters of the project. They claim that improvements have been made since original design proposals of 148 rooms, now 102 rooms plus 16 townhomes; setbacks greater than original, etc. None of this is relevant – the project as currently proposed is what needs to be evaluated for LUP consistency. If it is better than original, but still non-compliant, what went before is irrelevant. Without LUP consistency as required by Policies 1-3 and 2-2, and other sections of LUP and IP, no CDP can be issued.

Another deficiency in City process on the Project relates to visual impact of the proposed 16 townhome component. City continues to insist that up for approval here is only the subdivision, not the townhomes themselves. This is inaccurate and inconsistent. Modified Alternative 2, the Project version considered in the FEIR, clearly includes the townhomes, as noted and called out on page 1-10 of the FEIR. As well, the EIR has analyzed greenhouse gas emissions and traffic impacts of the townhome component, making clear that the townhomes are part of Modified Alternative 2, and to be considered as part of the Project. The EIR documents also consider required wetland setback for the townhome component. In public testimony, the Applicant offered that as he decreased hotel room count from 129 to 102, he added the residential component to the Project in light of City desire to have more housing built. It is therefore inexplicable that the City maintains that the visual impacts of the townhome component of this project need not be addressed by installation of story poles. The townhomes would be up to 28 feet tall, with a setback of only 50 feet from wetlands, thus closer to SR-1 than the hotel, with significant and unavoidable impact to legally protected visual resources. The City’s approach to this Project leaves the Project inadequately defined (impermissible under CEQA), deprives the public of the opportunity to evaluate visual impact of the entire Project including the townhomes, and is overall not adequately protective of visual resources.

Statement of Overriding Considerations (SOC):

The strongest argument made by Staff in the SOC is the economic argument of the City needing more TOT, and demand for hotel rooms of the specific type and price range that this Project would provide. However, from Chamber of Commerce data:

- Citywide average occupancy is currently only 55%, has been decreasing year-to-year
- The Ritz is currently above the average occupancy, at roughly 60%
- The Ritz has 261 rooms, close to half of all the rooms in HMB
- If the Ritz is at 60% occupancy with 50% of total rooms, that means the rest of the hotels are on average at approximately only 50% occupancy, not 55%.
- The Hyatt would provide 102 additional rooms in a price range already saturated by other hotels (this data previously entered into the record)

Therefore:

- With the remaining 290 (non-Ritz) rooms at 50% occupancy, the Hyatt would add 102 rooms in the same price range as those 290 rooms, and will be harmful to existing hotel businesses
- Supporting existing local businesses would be better than introducing additional competition at this time

- City TOT revenue, looked at using a trailing average over the past nine years, shows consistent growth due to a number of factors (increased rate, capturing STVR). **TOT now is 25% higher than pre-pandemic.**
- From page 5-36 of the LUP, the City acknowledges that the Hyatt project may not be necessary:

At the time of this LUP update, the City was in the process of reviewing a prospective hotel project at the former L.C. Smith Estate PD for about 130 rooms (note: this is the Hyatt site/project); and had also received a preliminary application for a hotel and RV park at the Surf Beach/Dunes Beach PD which included a 200-room hotel with a spa and conference facilities and 170 RV spaces. Pending further economic and other studies, it is unclear if this much additional lodging will be needed over the course of the planning horizon or if the city's infrastructure can support this level of intensification of new visitor-serving uses.

Since the time of that writing, occupancy has declined further (both in percentage and absolute number of visitor nights per year), emphasizing the redundancy of the proposed Hyatt project, and it's risk to existing hotel businesses.

Planning Commission noted with concern that an economic analysis of the impacts of this project has not been done - leaving in question the extent to which this Project might generate TOT, as compared with negative effects of drawing business away from existing hotels, forcing room rate reductions due to competition of adding 102 more rooms at a time of surplus, and impacts upon City services such as public safety, water and sewer capacity, with likelihood of a new hotel contributing to sewer system and plant overload.

FURTHER ECONOMIC CONSIDERATIONS REFUTING NEED FOR HYATT:

Adopting a Statement of Overriding Considerations is required to allow certification of the EIR in presence of Significant and Unavoidable impacts delineated in the EIR. There is considerable emphasis on stated economic benefit of the Project, in the form of TOT; this forms the basis of the sentiment that this hotel is "needed".

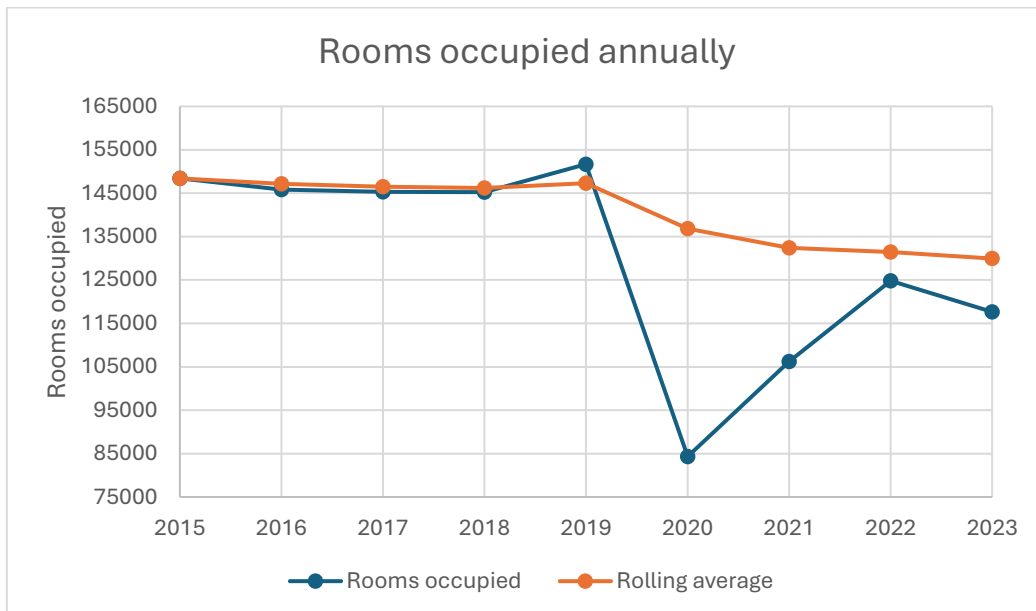
Data does not support that contention.

Claimed economic benefits of the hotel are based on a presumption of "need" for this hotel, when 9 years of (declining) occupancy data clearly shows that this hotel is not needed, and would in fact be harmful to existing hotel businesses.

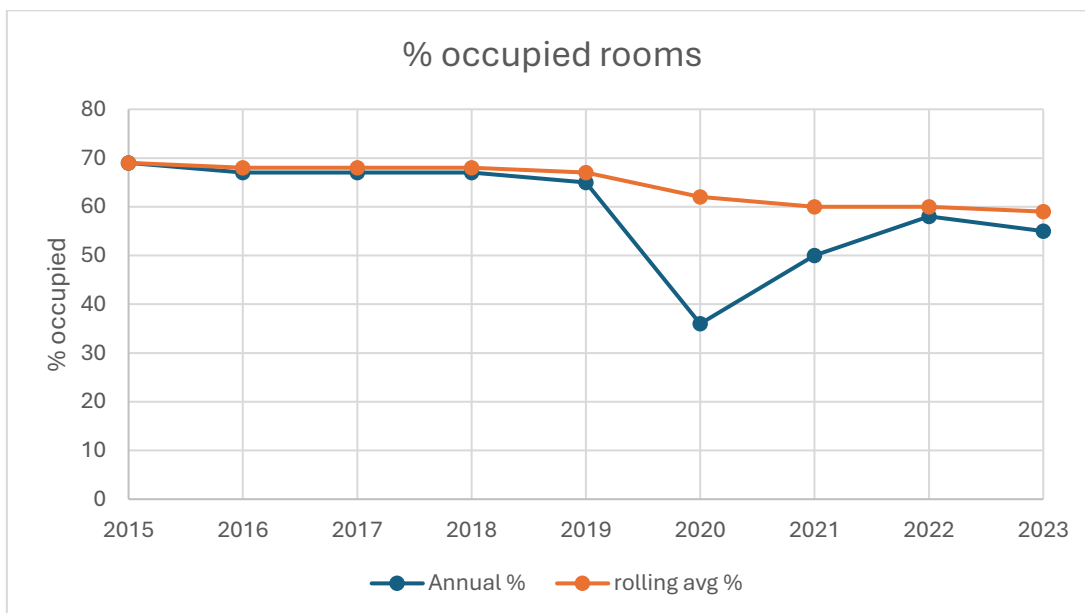
Over the past nine years:

- Occupancy rates in City hotels have fallen consistently, from 69%, now down to 55%.
- The number of occupied rooms per night has fallen by more than 20%.
- The number of empty rooms per night has increased by 44%, from 185 empty rooms per night to 264 empty rooms per night.

Looking at this over 9 years allows us to smooth out the curve from the 2 years badly impacted by Covid. But the trends are very clear and unambiguous – overnight stays are down (by 31,000 room nights per year), and additional capacity of 102 rooms is not needed. *All data is direct from Chamber of Commerce.

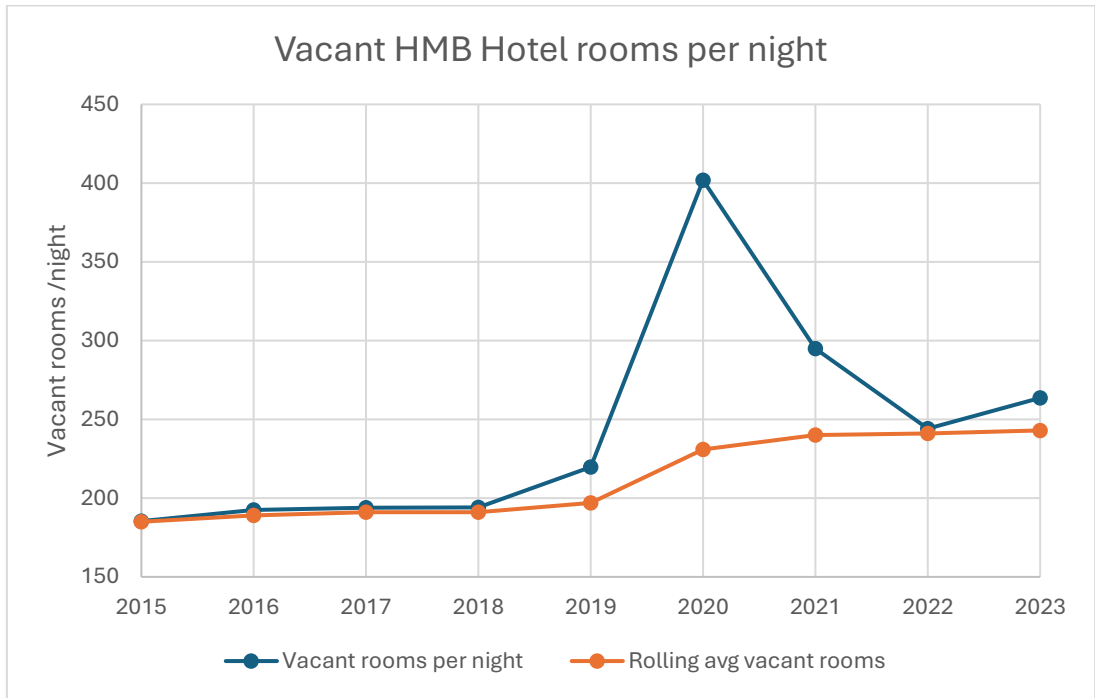


Looking at occupancy as a percentage corroborates declining occupancy:

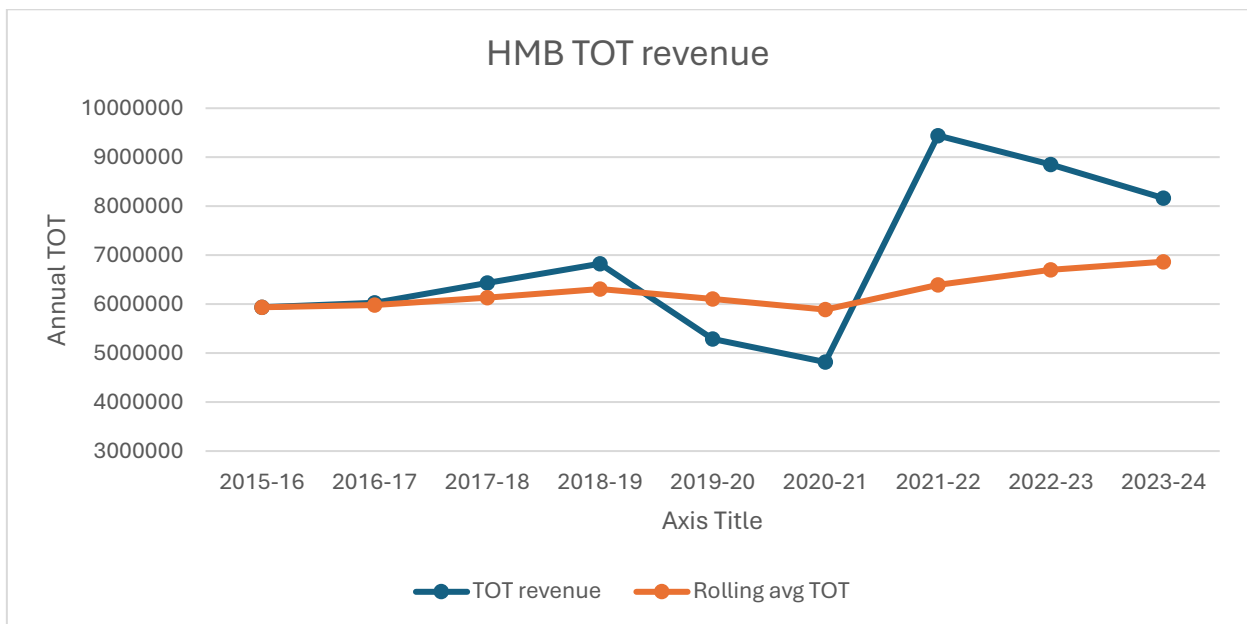


Most telling is the number of vacant rooms per night, which has increased by 44% from 9 years ago, indicating weak demand. In 2015 there were 185 empty rooms per night; in 2023 there were 264 empty rooms per night. That is even in light of 52 rooms removed from inventory as the Coastside Inn changed from hotel to homeless shelter. With those 52 rooms gone, if demand was strong, increasing, or even just steady, the number of empty rooms per night would have decreased. Instead, empty rooms per night have increased steadily.

Graph follows of empty hotel rooms in HMB:
(following page)



Despite declining room count and occupancy, the following chart shows that the City has consistently increased TOT income over the past 9 years, a result of capturing STVR occupancy, as well as raising the TOT percentage. TOT is now more than 25% higher than it was pre-Covid. The City has done well with TOT, with existing hotels. It will do even better if it works to increase occupancy of existing, locally owned properties.



November 2024 passage of the local sales tax ballot measure will provide an additional \$2mm to the City annually. This takes significant pressure off the budget, making the argument for additional TOT less pressing.

Bottom line:

Project noncompliance with our LUP has been well documented and acknowledged, and affirmed by the Planning Commission. These violations, per se, prevent issuance of the

required CDP. City Code does not allow for exceptions to the requirement of full LUP compliance. Additionally, the EIR is deficient and cannot be certified; and the additional hotel capacity is not in the best interests of the City at this time. Planning Commission, the finders of fact in this matter, have determined by adopting Findings for Denial that the Project as currently proposed is not in compliance with multiple sections of the LUP. Therefore, the Appeal must be denied, and Planning Commission denial of the Project upheld.

I would hope that the City is able to communicate clearly to the Applicant, that this is not intended to deny him investment backed expectations for realizing profit from his property; simply that any development on this parcel must comply with existing Policy and Code. A project of lower height and mass should be able to be approved with minimal difficulty or delay. Using the currently proposed footprint, if rooflines of the proposed structures do not exceed 19 feet above existing grade, the project will be in substantial compliance with the LUP and supporting IP.

Thank you for taking the time to consider this submission regarding the proposed Hyatt and townhome project. I am available for any questions or requests for clarification.

NOTE: the above 11 pages were written subsequent to the October 22, 2024 Planning Commission denial of the project, and then the Applicant's appeal. With release of the Staff Report for the January 30, 2025 City Council meeting, we now see that Staff is not giving an inch in their support of the project, nor admitting to any prior errors of analysis or evidence of bias. It is now necessary to address some of the many deficiencies, biases and outright falsehoods in the Staff Report. That will be done here as an addendum, rather than rewriting the foregoing:

Although the Staff Report nominally gives Council options to grant or deny the project appeal, Staff takes the very unusual position of disputing the findings of the Planning Commission, and Staff now declares that the project is fully compliant with all sections of the LUP and the related IP. This is contrary to the decisions of the finders of fact, the Planning Commissions. In doing so, Staff even sets aside the multiple findings on LUP non-compliance enumerated in the EIR. Doing so takes some mental gymnastics, adopting an alternative fact reality, and rather creative interpretation and use of the English language, but this is merely further evidence that Staff is heavily biased in favor of moving this project forward.

Staff also uses very strange and basically meaningless language at multiple points, apparently in an attempt to question or discredit the decisions rendered by Planning: "The Planning Commission was unable to reach consensus on LUP Policy interpretation", "The Commission could not reach consensus on how to interpret the above-stated policies", "The basis of the denial was the Planning Commission's inability to reach consensus on the appropriate interpretation of certain policies in Chapter 9" etc. Planning Commission is not required to come to "consensus" as implied by Staff – the Planning Commission made a well-reasoned majority vote that the project is not in compliance with three sections of Chapter 9 of the LUP.

Staff perpetuates the matter of a "shifting baseline" which has plagued this process for some years. It matters not if the Applicant has downsized, changed, moved, or modified the project over the past 8-10 years. What matters is whether the Project presented here for consideration, at this time, as Modified Alternative 2, is eligible for a CDP, which test it fails on the basis of clearly determined LUP non-compliance (see EIR findings, Planning Commission decision). This problem has been pointed out previously, Staff's refusal to consider this as a valid point further confirms their bias.

Staff perpetuates their insistence that visual impacts are brief and fleeting in nature only. This is accomplished by continuing to insist, to the point of absurdity, that Viewpoints 2 and 3, 300 and 500 feet away from the southern edge of the project, represent the points of view of greatest

impact upon visual resource. This strains credulity, as well as simple reality. It also completely ignores visual resource impacts experienced by SR1 travelers heading south, as well as northbound travelers in the roughly 800 feet to the north of the chosen viewpoints, as they travel north past this extensive project. This problem has been pointed out previously, Staff's refusal to consider this as a valid point further confirms their bias. The size of this project dwarfs any other individual residential project approved in recent years along the SR1 corridor.

Also on this point, Staff describes the visual impacts of the hotel as brief and fleeting. They reference the fire training tower decision, declared as "fleeting" by CCC. However, they ignore the plain fact that the training tower is only 24 feet wide, set back several hundred feet from SR1, whereas the frontage of this hotel approaches 500 feet, and closer to SR1. This problem has been pointed out previously, Staff's refusal to consider this as a valid point further confirms their bias.

To further call into question Staff's judgement on this point, the Staff Report cherry-picks comments from Planning Commissioners to favor their stance, while ignoring statements from several Planning Commissioners specifically and properly observing that the hotel project is in no way comparable to the fire training tower, as it is much larger and longer, presenting greater impact to visual resources. These visual impacts were the logical and proper basis for Findings for Denial adopted by Planning Commission.

Staff willfully, irresponsibly and knowingly makes the following false statement: "The buildings step down in height from three stories to two stories from the north end of the site toward the southern gateway corner to maintain openness." It has previously been entered into the administrative record, and building elevation plans in the project documents confirm, that regardless the number of floors in the two buildings, both buildings measure a nearly identical height of between 33 and 34 feet, due to a higher ceiling height of the first floor of the southern building. This inconsistency has been previously documented, and is easily verifiable from the plan set. In this light, Staff's statement here can only be considered as deliberately and willfully misleading and deceptive, and further confirms their bias in favor of the project.

Story poles and townhome component of the project: This issue has gone back and forth multiple times, accompanied by significant linguistic gymnastics on the part of the City, desiring to have their cake and eat it too. Are the townhomes part of this project or not? For purposes of evading the requirement to install story poles and thereby affording the public, the Planning Commission, and the City Council the opportunity to evaluate the visual impact of the townhomes, the City maintains that the project has only a subdivision without any actual townhomes, and story poles are not therefore required. This is knowingly false and incorrect on several levels:

- The City has declared the townhomes an integral and necessary part of the project to meet City goals and objectives, calling out the townhomes in Statement of Overriding Consideration "C" (to justify certifying an EIR with impermissible Significant and Unavoidable findings) – quoted from the Staff Report as "**The proposed project will provide up to 16 residential units**" This makes it clear that the townhomes are part of the Project, presented as Modified Alternative 2.
- Page 1-10 of the FEIR identifies the townhomes as a component of the project.
- At October 2024 Planning Commission meetings, the Applicant confirmed adding the townhome component to the project to meet City goals
- The DEIR/FEIR evaluate greenhouse gas emissions and traffic impacts of the townhomes, considering them an integral part of the Project as a whole, Modified Alternative 2.
- It is only on the issue of visual impacts where the City illogically declares that suddenly the townhomes are not part of the project, merely a subdivision of land as part of the project now, to allow future townhome development, and therefore exempt from evaluation of visual impacts. The problem with this is it creates a textbook situation of piecemealing, impermissible under CEQA.
- CEQA required adequate definition of a project. To defer consideration of the townhomes to a future date uncertain creates a situation where the Project is not adequately and fully described.

- All of this has been previously documented, Staff's refusal to consider, or even acknowledge this as a valid point, furthers confirms their bias.

It would be possible to continue at length as to the deficiencies and plain bias in the Staff Report, but this document provides more than adequate basis for City Council to uphold Planning Commission's denial of the Project as currently proposed. A smaller hotel project would still meet Coty goals, while decreasing traffic impacts, and potentially eliminating impacts upon legally protected visual resources.

Respectfully submitted,

David Schorr
Half Moon Bay, CA

David Schorr
423 St. Joseph Avenue
Half Moon Bay, CA 94019

October 21, 2024

Re: Hyatt Place and townhome project proposal

As a final communication before you render a decision, I would like to present you with a critical issue that has been ignored, and clarification of disputed evidence that has been presented.

These notes are an effort to direct your attention to key points that lead to this conclusion: The City shall not issue a development permit if it cannot make the required findings of full compliance with all applicable sections of the LUP.

Your fundamental decision here is deciding whether or not to issue a Coastal Development Permit (CDP) for the proposed project. If it is appropriate to approve a CDP, all the other required prerequisites steps also need to be followed – certify the EIR, adopt a Statement of Overriding Considerations, grant the parking exemption, lot line adjustments, parcel map.

The critical issue is failure (to date) to properly consider the controlling authority of our LUP as a prerequisite to the required CDP, which is thus fatal to any supportable approval. Absent conformance with the LUP, which is not subject to any waiver or exception, the CDP cannot be approved.

The EIR document has identified noncompliance with LUP policies: 9-3, 9-12, 9-23. In plain reading of the LUP, the Project is also non-compliant with Secs 9-1, 9-5, 9-6.

The Project as proposed is noncompliant with the clear intent of the introduction to Chapter 9 of the LUP.

Additionally, the project is noncompliant with the following sections (at a minimum) of the IP for the LUP, in the Municipal Code: 14.37.035, 18.37.010, 18.37.020, 18.37.030.

Detailed discussion of the above noted areas of noncompliance has been submitted in writing previously.

Noncompliance with our LUP has been well documented and acknowledged. These violations, per se, prevent issuance of the required CDP. There are no exceptions to requirement of full LUP compliance.

The simple and clear guidance for issuing a CDP is in the HMB LUP:

From LCLUP, pages 1-43,44:

1-3. Findings for Development Approval. The City shall make the findings for all development that requires a discretionary permit that the development meets the standards set forth in all applicable Land Use Plan policies. The City shall not issue a development permit if it cannot make the required findings.

From LCLUP page 2-19:

2-2. Complete Policy Compliance. Ensure that all new development as defined by the Coastal Act complies with the policies of the Land Use Plan. New development means any project for which a coastal development permit is required. Allow flexibility only when the Land Use Plan provides for an exception.

The Planning Commission's order of consideration is very important: You need to consider the CDP before you consider the EIR. This is because the law allows the Planning Commission to disapprove the EIR in a case where you have turned down a project, in addition to any (previously documented) inadequacies that the EIR may have. This simplifies your tasks at hand.

As further background to inform discussion from Oct. 9, LUP Section **1-2. Coastal Resource Protection Priorities** clearly establishes the primacy of protecting coastal resources (which includes viewsheds / visual resources):

Protection of ESHA, public access and other coastal resources are a high priority for the City. To the extent that any policies in this Land Use Plan (which serves as the City's General Plan Land Use Element) and other elements of the City's General Plan are ambiguous, the City shall interpret them in the way that best protects ESHA and other coastal resources and maximizes public access. In advance of updating the Implementation Plan for conformance with the policies of the 2020 Land Use Plan, the policies of the Land Use Plan shall provide the standard of review for any proposed new development, including where these policies are more protective of ESHA and other coastal resources and maximize public access as consistent with the Coastal Act.

In other words, if a conflict or question arises, the approach most conservative of resources must be taken, whether that more conservative language is in the adopted 2020 LUP, or in the not yet fully aligned IP/Municipal Code.

Additional documentation from the IP/Municipal Code supporting the fact that a CDP cannot be issued if the Project is not compliant with all applicable sections of the LUP:

18.01.020 Compliance required.

No land shall be used and no structure shall be constructed, enlarged, altered, moved, or used in any district as shown on the zoning district map except in conformance with the regulations established by this title. (1996 zoning code (part)).

Zoning is subservient to Coastal Act and CCC regulations:

18.20.025 Permit required.

Unless otherwise exempted, all development as defined in Section 18.20.020(C) in the city of Half Moon Bay requires a coastal development permit. The coastal development permit must be approved prior to the commencement of development and shall be required in addition to any other permits or approvals required by the city. A local coastal development permit may be combined with any other permit application. When not feasible to combine a coastal development permit with one or more other applications, it may be processed concurrently with or prior to any other procedures required by this title or the municipal code. Prior to initiating the review process for any discretionary or ministerial permits in the city, the community development director shall determine the feasibility of concurrent or prior processing of the coastal development permit. The coastal development permitting requirements herein and exemptions in Section 18.20.030 shall be carried out in full conformity with Sections 30600 and 30610 of the Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations. Any conflicts between the provisions in the zoning code and either the Coastal Act or Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations shall be resolved in favor of the California Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations.

Permit-issuing officials have responsibility to honor zoning ordinance:

18.26.040 Conformance required in issuance of permits and licenses.

All departments, officials and public employees of the city, which are vested with the authority to issue permits or licenses, shall conform to the provisions of this title, and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this title, and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void. (1996 zoning code (part)).

Noncompliance with our LUP has been well documented and acknowledged. These violations, per se, prevent issuance of the required CDP. There are no exceptions to the requirement of full LUP compliance.

The above should help simplify and clarify your decision-making process.

Subsequent to denying application for a CDP, the Planning Commission should decline to certify the FEIR, and cite specific policies and zoning with which the project is not compatible, naming the evidence of the inconsistency with those policies associated with this Project. Following are additional reasons to separately decline to certify the EIR, and to decline to adopt the Statement of Overriding Considerations:

Additional Significant and Unavoidable impact not properly called out in the EIR:

In addition to public comment on the record pointing out numerous deficiencies of the DEIR in 2022, unresolved in the FEIR of 2024, as well as additional public comments submitted subsequent, further examination of the EIR has revealed what appears to be an additional point of Significant and Unavoidable impact not called out in the EIR, regarding VMT and vehicle trips:

The EIR claims a 15.4% reduction in VMT as a result of successful future implementation of TDM. 15.0% is the standard required to reduce impacts from Significant and Unavoidable to Less than Significant (LTS). **Following is demonstration that this claimed reduction is not supportable:**

DEIR Table 4.15-6 Estimated VMT Reductions, page 4.15-29, page 399 of the pdf

Table 4.15-6 Estimated VMT Reductions

Trip Type	No. Daily Trips	Average Distance (mi)	Total VMT ¹	VMT ¹ Reduction	Mitigated VMT	Percent Change
Employees	48	18.9	907	127	780	-14.0%
Guest Trips (Airport) ²	79 ²	29.0	2,304	378	1,926	-16.4%
Guest Trips (Local) ²	448	4.0	1,790	267	1,523	-14.9%
Total	575		5,002	772	4,230	-15.4%

Source: W-Trans, 2020.

From the above Table, we see that guest trips to and from airport are the largest single component of VMT, at approximately 46%. (Although, this may underestimate mileage significantly, as it presumes all guests are coming from airports only 29 miles away, while in truth guests traveling in cars from elsewhere in California will drive much farther than 29 miles to get to and from HMB)

We also see that any deviation from the proposed VMT reduction will render the percent change below 15.0%, with VMT therefore becoming a Significant and Unavoidable impact not called out in the EIR process.

Note that in the quote above from the FEIR, TDM measures identified include airport shuttle and parking price incentives to discourage private vehicle usage.

Additional details on TDM from DEIR Appendix H:

Guest TDM Programs

Airport/Coastal Shuttle

The hotel should offer a free shuttle service to both San Francisco and San Jose airports to encourage guests to stay without renting a vehicle. Shuttles should operate frequently enough to provide guests with timely service while maximizing the potential for ridesharing. In addition, the shuttle should also stop at appropriate tourist destinations and beaches along the coast so that guests can make short-distance trips without a car.

Parking Price Incentive

Many hotels in more remote coastal locations offer parking to be included in the cost of a room and by doing so, inadvertently encourage guests to bring cars and generate more congestion. As an alternative, the hotel should offer, and advertise, reduced room rates for those who do not arrive in a private vehicle. As an initial step, the hotel can offer a reduced rate of \$10 per night weekdays and \$20 on weekends and holidays, and adjust the price as necessary to manage parking demand.

However, in public testimony before Planning Commission October 9, 2024, Applicant stated that airport shuttles would be infeasible and would not be implemented. Applicant further stated that parking fees (a disincentive to drive) at the hotel were not anticipated. Applicant did not address room rate reduction for guests who do not drive to the facility, the flip side of a parking fee.

Without airport shuttle to SFO and SJC, VMT reduction contemplated/predicted is reduced from 772 miles to 394 miles per day. Impact of parking price incentive was not analyzed in the table above. However, taking the airport shuttle VMT reduction off the table alone gives a **percent change of only 7.9% in VMT reduction.**

But... if one removes the airport shuttles from the equation, that also calls into the question VMT and vehicle trip reductions contemplated for Guest Trips (Local). Local guest trips reduced is largely predicated on guests having arrived not in their own vehicles. Absent the airport shuttle, that first step of VMT reduction would not have occurred, so neither will the local guest trip reduction. The remaining measures of in town shuttle and bike rental are likely to yield only a few percentage points of VMT reduction (if that), further supporting that the EIR's conclusion of the TDM measures reducing VMT by 15.4% is faulty.

Additionally, as mentioned in previous comments, in the EIR there are no real-world comparison or examples of comparable TDM plans successfully resulting in >15% reduction in trips for hotels similar to the proposed – remote from airports, no airport shuttle, with effectively no public transit options. Claimed reductions appear to be speculative in nature.

Therefore, having failed to meet the reduction threshold of 15.0%, VMT is yet another impermissible Significant and Unavoidable impact to consider regarding this Project.

Regarding the considerable discussion at last Planning meeting regarding the extent to which the Project impinges on visual resources: As has come up before, it was pointed out that there have been developments along the Town Boulevard which already obscure views of the inland hills. This is true. Some of those single-family residences have been approved in recent years by the Planning Commission, some prior. However, it is important to note that the visual resource protection standards for the Town Boulevard apply to the entire Town Boulevard, not just the chosen Viewpoint 2 and Viewpoint 3 in the EIR. And, in light of the visual resources as seen from the Town

Boulevard having been degraded by incremental and cumulative development projects over the years, it becomes even more important to protect the visual resources which currently remain.

Statement of Overriding Considerations (SOC):

The strongest argument from Staff in the SOC is the economic argument of the City needing more TOT, and demand for hotel rooms of the type that this Project would provide. I see in other comment on the record that Commissioner Joanes is requesting additional TOT data. I have inquired of the Chamber of Commerce, and while it appears that some of this trade information is proprietary and not available to members of the public, I have been told the following:

- Citywide average occupancy is currently 55%, decreasing year-to-year
- The Ritz is currently above the average occupancy, at roughly 60%
- The Ritz has 261 rooms, close to half of all the rooms in HMB
(44% of all rooms gross, 47% of all rooms functionally available, as 32 rooms at other hotels are in the inventory but not currently offered for rental)
- If the Ritz is at 60% occupancy with 50% of total rooms, that means the rest of the hotels are on average at approximately 50% occupancy, not 55%.

Therefore:

- With the remaining 290 (non-Ritz) rooms at 50% occupancy, the Hyatt would add 102 rooms in the same price range as those 290 rooms, and will be harmful to existing hotel businesses
- Supporting existing local businesses would be better than introducing additional competition at this time
- City TOT revenue, looked at using a trailing average over the past nine years, shows consistent growth due to a number of factors (previously documented). TOT now is 25% higher than pre-pandemic.
- From page 5-36 of the LUP, the City acknowledges that the Hyatt project may not be necessary:

*At the time of this LUP update, the City was in the process of reviewing a prospective hotel project at the former L.C. Smith Estate PD for about 130 rooms (**note: Hyatt**); and had also received a preliminary application for a hotel and RV park at the Surf Beach/Dunes Beach PD which included a 200-room hotel with a spa and conference facilities and 170 RV spaces. Pending further economic and other studies, **it is unclear if this much additional lodging will be needed over the course of the planning horizon or if the city's infrastructure can support this level of intensification of new visitor-serving uses.***

Since the time of that writing, occupancy has declined (both in percentage and absolute number of visitor nights per year), emphasizing the redundancy of the proposed Hyatt project, and it's risk to existing hotel businesses.

Bottom line:

Noncompliance with our LUP has been well documented and acknowledged. These violations, per se, prevent issuance of the required CDP. There are no exceptions to the requirement of full LUP compliance.

Thank you for taking the time to read this submission regarding the proposed Hyatt and townhome project. I am available for any questions or requests for clarification.

Respectfully submitted,
David Schorr

Having now read the Staff memo to Planning Commission for the upcoming meeting, labelled Hyatt_PC_Memo_10.22.2024 , I am compelled to offer comment on that document, as I only looked at it after working with others to compile the comments submitted recently (Monday morning Oct 21).

The FEIR document has identified noncompliance with LUP policies: 9-2, 9-3, 9-12 (found on page 3-19, 3-20 of FEIR). In plain reading of the LUP, the Project is also non-compliant with Secs 9-1, 9-5, 9-6, 9-23; details submitted in previous public comments.

This most recent memo from Staff however, in discussion of Policies 9-2, 9-3 and 9-12, pointedly fails to mention the fact that the FEIR found the project noncompliant with these three policies. Instead, Staff now contends the project complies with these 3 Policies. They reiterate previous statements without addressing the salient facts of noncompliance. Staff interacted with the EIR consultants over a period of numerous years, to create the work product of the DEIR and subsequent FEIR, and they were well aware of the contents of the EIR documents.

Staff is stating (in current memo) that the text revisions on pps 3-19 and 3-20 of the Final EIR are applicable only to the 129 room “Original Project”. This is incorrect. The FEIR states clearly that the Final EIR document is addressing the 102 room “Modified Alternative 2” (“As part of the Final EIR, the analysis for Alternative 2 was updated to reflect the analysis for Modified Alternative 2 and is documented as EIR text revisions” – pg 1-7 of FEIR). “Modified Alternative 2” has been known to be the project iteration favored by the Applicant since late 2022. So, one should assume that the text revisions on pps 3-19 and 3-20 are applicable to the currently defined “Modified Alternative 2”, and the inconsistencies with LUP 9-2, 9-3, and 9-12 stand.

As established prior, the most conservative protections are to be applied in cases of ambiguity between the LUP and it’s IP – so it is instructive to reiterate from code 18.37.030: Scenic corridor standards. B. Development within the Highway One corridor ... structures **shall** be: Situated and designed to protect **any** views of ... scenic coastal area...

The situation remains quite straightforward: The project as proposed is not compliant with numerous sections of the LUP, and therefore the CDP cannot be granted. Following from that, the EIR would not be certified.

I also feel compelled to remind the Planning Commission once again, that just two years ago you denied a Caltrans project for a 5’ x 12’ message sign on the side of the SR-1. Denial was based specifically on noncompliance with LUP Policies related to visual resources, impact and visual character. That project was literally orders of magnitude smaller than the frontage presented by the Hyatt hotel buildings plus the non-defined townhomes. And Caltrans sign came nowhere near views of inland hills, intervening ridgelines, or upper ridgelines. But yet, Planning Commission found three separate policies of the LUP where it was noncompliant, and the project was denied. Using this as precedent, and applying analysis consistently, denial of the Hyatt application seems very straightforward.

David Schorr
423 St. Joseph Avenue
Half Moon Bay, CA 94019

PUBLIC COMMENT ON HYATT PLACE PROJECT, City File Number: PDP 072-13

Electronic attachments to this submission:

- Att. A: Visitor Serving Features cost estimate
- Att. B: CCC fire tower Substantial Issue Determination
- Att. C: Findings for Denial Caltrans message sign
- Att. D: Photos – current story poles with building outline masking

September 30, 2024

Dear Planning Commissioners;

Regarding the Resolution before you on October 9, 2024 on the Hyatt hotel proposal:

“1. Certify the Environmental Impact Report for the Half Moon Bay Hyatt Place Project, Adopt CEQA Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program (Attachment 1); and

2. Approve PDP-072-13, an application for a Coastal Development Permit, Site and Architectural Review, and a Parking Exception for a 66,268 square-foot, 102-room hotel; Tentative Parcel Map to adjust the lot line between the hotel parcel and the adjacent James Ford auto dealership parcel and to create four residential parcels on the north side of Seymour Street for future development of up to 16 residential dwelling units as allowed by the R-2 zoning district development standards (Attachment 2).”

I request that you reject this Resolution in its entirety. Reasoning and explanation follows.

In summary, the Statement of Overriding Considerations (SOC) presented by Staff is inadequate to justify certifying the EIR for this Project, and inadequate to justify approving the CDP and other conditions of point 2 of the Resolution.

Separate from the inadequacy of the Statement of Overriding Considerations, the EIR is deficient on many points, and cannot be certified. To try to keep this submission relatively brief, I will focus on the most important aspects of deficiency, rather than going through every single point in detail, which would involve 100 to 200 pages of submission.

In this submission, unless otherwise specified, “Project” refers to “Modified Alternative 2” as noted in the FEIR, rather than the original Project definition.

STATEMENT OF OVERRIDING CONSIDERATIONS:

This is the crux of the procedural issue right now, as the EIR has identified Significant and Unavoidable impacts of the proposed Project. Absent adopting a Statement of Overriding Considerations (which subsequently would have to be adopted by City Council), the project as proposed cannot be approved under CEQA.

A Statement of Overriding Concerns (SOC) must present credible and reasonable evidence that social/economic/other benefits on the project outweigh the consequences of the negative impacts of the Significant and Unavoidable findings of the EIR. Staff maintains that they have met that burden - the public disagrees.

So, we should look in detail at each of the six points raised by Staff in the SOC:

Text of SOC A:

“ A. The Proposed Project will provide Coastal Act and Local Coastal Act priority uses geared towards visitors and workforce housing. This is in alignment with Coastal Act Section 30222: Private lands; priority and development purposes, which states that “[T]he use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.”

*The Proposed Project is also in alignment with LCLUP General Policies 2-3: Priority Land Uses, 2-4: Sustainable Land Use Pattern; LCLUP Land Use Policies 5-73: Location of Visitor Serving Commercial Development; 5-71: Inclusion of Lower Cost Accommodations. The Proposed Project will provide 102 hotel rooms to coastside visitors. **A portion of the 102 rooms meet the Coastal Commission’s definition of Low-Cost Affordable Rooms and furthers the goal to provide no- and low-cost amenities. This enables visitors from a wider range of incomes to secure overnight accommodations on the coast, which in turn benefits other visitor-serving businesses throughout Half Moon Bay.***

COMMENT on SOC A: Documents elsewhere in the Project File provide the detail that six (6) out of 102 rooms will be provided at a lower cost of \$148 per night. The Applicant is attempting to comply with LCP provisions and Coastal Commission guidance, of providing between 15 and 25% of hotel rooms at lower cost, by adding the equivalent of another 14 rooms through in lieu expenditures on other development activities classified as low-cost and no-cost visitor serving amenities. In this case, the Applicant is applying \$1.78 million in development costs of wetland preservation/protection, and bike and pedestrian paths as the in lieu contribution. Given that a good portion of this is dedicated to the wetland preservation/protection which is separately required for this Project, that expenditure is not an additional contribution towards low-cost and no-cost visitor serving amenities; it would have to happen anyway.

Note that Sec. 5-71 in HMB LUP states as alternatives to actual counted low-cost rooms: “*...other low-cost public access and recreation benefits such as airport shuttles, bicycle rentals, or trail connections*”

In Sec. 5-71, the already required wetland activity of mitigation/enhancement/preservation work is not called out as a low-cost public access feature. In the cost estimate for this portion of work (Attachment A), it appears to be split roughly half and half between wetland work and pathways/benches, etc. Therefore, it seems overly generous to allocate the entire \$1.78 million on this estimate towards low-cost room offsets.

Additionally, one should reasonably question the visitor serving value of the bike and pedestrian pathways to be installed – they will be sandwiched between the hotel buildings and the highway, and likely see very little use by the public. It is also rather ironic that anybody who does use these pathways, when looking towards the east, they will see the hotel buildings, rather than existing views of the beautiful rolling hills, upland slopes, and ridgelines which will be blocked by the hotel buildings.

On balance, actual tangible benefits of lower-cost visitor serving amenities would be better served by allocating a larger number of rooms at the \$148 per night level. Recall, “*This enables visitors from a wider range of incomes to secure overnight accommodations on the coast*” - that is the clear and simple intent of the LCP policies at issue. Only 6 rooms is a pretty minimalist approach to fulfilling that goal. While technically the proposed accommodations (rooms plus in lieu) may be LCP compliant, at only 6 rooms of actual low-cost accommodation, this does not satisfy the criteria of an Overriding Consideration, it is simply a required condition of development. You don’t get extra points for simply following the rules.

Text of SOC B:

“B. The Proposed Project will provide other no- and low-cost amenities including a publicly accessible bikeway and pedestrian pathway adjacent to SR-1. The site currently has no public access along SR-1. Furthermore, the project will create 2.02 acres of an enhanced, native-planted wetland buffer adjacent to the existing wetlands within the SR-1 Caltrans road right of way in a dedicated open space easement. The open space area includes the paths, benches, and educational interpretive signage that describes the open space area. These new bike and walking paths provide public access to an area that does not exist today. This access allows for new public views of interest from the site looking to the west (Wavecrest area) and towards the ocean beyond. The Proposed Project will also provide bicycle rentals on site, which is another amenity that will help visitors enjoy the coast as well as provide access to other businesses within Half Moon Bay.”

COMMENT on SOC B: Please see discussion of point A above regarding the questionable value of the bike and pedestrian pathways. As noted, wetland buffer protections and enhancements are separately required for this development. The discussion of point B mentions views to the Wavecrest area and towards the ocean, but pointedly ignores the consideration mentioned in discussion of point A, that the currently existing views towards the east, the legally protected views of the upland slopes, intervening ridgelines, and upper ridgeline, will be eliminated by the hotel buildings themselves. Given the limited length of the pedestrian and bike pathways, and likely low utilization, Staff’s arguments here do not satisfy the criteria of an Overriding Consideration.

Text of SOC C:

“C. The Proposed Project will provide up to 16 residential units on property that is currently used for automobile parking and will contribute to the City meeting its 6th cycle RHNA housing obligations. The project applicant intends to provide a portion of the units at below market rental rates to project employees, although the applicant is not required to do so and the project is not conditioned as such. The provision of housing to a variety of housings and at various income profiles is a City goal, as recognized in LCLUP Policy 2-6, “Encourage a diversity of housing types, including housing at a range of affordability levels, densities, sizes, and ownership types with equitable access to environmental benefits. Meet the needs of Half Moon Bay’s diverse population, including young families, multi-generational families, students, young professionals, and seniors.” The Proposed Project will help the City towards this goal.”

COMMENT on SOC C:

The topic of housing, and affordable housing, is very important, and very emotionally charged. People look favorably upon projects that provide true affordable housing for people in need. However, I ask the Planning Commissioners to read point C very carefully. People will want to interpret Staff’s verbiage here as this project contributing to affordable housing stock. But that is not the case.

- Staff states that the Applicant “intends” – not *shall*, or *will*, but *intends*; and Staff further states that Project approval is not conditioned upon these intentions, in other words, this is neither required nor binding.
- “A portion” is not a defined quantity – it could conceivably be only one out of the 16 units to be developed.
- “Below market rental rate” is not affordable housing – that point must be made very clear. On a two bedroom townhome, if market rate is \$3000 per month, renting at \$2900 per month would indeed be below market rental rate, but would not satisfy any affordable housing needs.

If the intent here is to create the impression that affordable housing will be created by this Project, that is not adequate or appropriate. This should be turned from an intention into a binding condition upon the Applicant, with a defined and significant portion of the 16 townhomes dedicated to truly affordable housing. As delineated and written, Staff's recommendations do not satisfy the criteria of an Overriding Concern.

Text of SOC D:

"D. The Proposed Project will generate Transient Occupancy Tax (TOT) revenue for the City in support City Council FY 2024-25 budget direction to staff to identify and pursue sources of revenue to off-set the increased cost of providing city services. The City's FY 24-25 Adopted Budget recognizes that "...reserves will not be enough to sustain the City in the future unless revenues increase, or services and expenditures are drastically decreased. A key priority for staff and the Council in the coming fiscal year will be to identify strategies to balance the budget for the future, including additional sources of ongoing revenue, increased pursuit of grants and philanthropic support for community projects and programs, and continuing to find new efficiencies and cost savings wherever possible. These are all important practices for any organization, but especially now for the City of Half Moon Bay."

COMMENT on SOC D:

This is likely the crux issue upon which Staff is relying to support the Statement of Overriding Considerations, an economic benefit argument. Staff's Point D here dovetails with, and rests upon the following language from the Final Environmental Impact Report (FEIR):

*"As described in Section 3.0, Project Description of the Draft EIR, the Original Project would be consistent with the City's project objective of meeting demand for branded and reasonably affordable hotel rooms to support **Half Moon Bay's growing local tourist and agribusiness economies**. Past studies indicate that there is adequate visitor demand on the coast to support the project. Furthermore, the Chamber of Commerce has also found a need for conference facilities to support mid-week hotel use, which is off-peak from the high weekend demand. The proposed hotel would be mid-range, featuring more amenities than a budget hotel, but would be lower in cost than a luxury hotel."*

The language of the SOC and the separate language elsewhere in the FEIR are problematic in many significant ways:

Bottom line, Staff contends that this hotel is necessary to support a growing tourist economy, and to fill a specific price niche. The validity of the phrase "growing tourist economy" is key to this assumption, upon which this point of the SOC is based. It implies that we do not have enough hotel rooms available to allow our local tourist economy to grow. As demonstrated following, that is false, and therefore the entire contention of point D of the SOC fails.

The following table is occupancy and transient occupancy tax (TOT) data from the past nine years, taken from City budget Actuals, and cross-referenced against figures available from the Chamber of Commerce BID documents.

REST OF PAGE BLANK, please see next page for table

YEAR	TOT totals	# rooms total	% occupancy	Rooms occupied per night	Rooms empty per night
2015-2016	\$5,935,558	Not available	Not available	Not available	Not available
2016-2017	\$6,024,860	579	72	417	162
2017-2018	\$6,434,808	579	72	417	162
2018-2019	\$6,828,108	624	72	449	175
2019-2020	\$5,291,821	640	67.4	431	209
2020-2021	\$4,817,532	640	67.4	431	209
2021-2022	\$9,442,518	not stated, inferred as 588 (loss of 52 at Coastside Inn)	55-60 from other sources, news articles, Chamber report, 57.5%	338	250
2022-2023	\$8,852,640	not stated, inferred as 588 (loss of 52 at Coastside Inn)	55-60 from other sources, news articles, Chamber report, 57.5%	338	250
2023-2024	\$8,167,938	not stated, inferred as 588 (loss of 52 at Coastside Inn)	55-60 from other sources, news articles, Chamber report, 55% from CoC	323	265

First, a couple of caveats and notes:

- The pandemic obviously decreased TOT revenue FYs 2019-2021, with a significant rebound the following fiscal year 2021-2022. However, if you average those 3 unusual FYs, it comes to roughly \$7 million per year, continuing the sustained trend towards increasing amounts of TOT year-to-year.
- By looking at this over the longer stretch, we can see that the City is most certainly not hurting for TOT revenue. TOT has increased significantly, and consistently, from 2015 through 2024. Factors here include folding in TOT from short-term vacation rentals (STVR) in the past several years, increasing the TOT from 10% to 15% (if I have my numbers correct), and likely an underlying increase in room rates at our existing hotels.

These numbers from the City and the Chamber clearly demonstrate that an additional 102 rooms of overnight lodging are not required, nor are they likely to be required in the near or midterm future. All factors indicate that the number of overnight visitors to hotel accommodations has been decreasing consistently over the past seven years or so. This is corroborated by occupancy rates dropping from 72% in the years pre-pandemic, to 55% currently.

** In particular, **please look at the last column of the chart**, which shows that the number of empty/available rooms per night has been increasing steadily over the past several years. There are currently 265 empty rooms on the average night here, more than ever before.

These hard facts and numbers clearly and convincingly contradict Staff’s assertion that this new hotel is necessary to support a growing tourist economy. From a business perspective, it is also highly questionable “*that there is adequate visitor demand on the coast to support the project*” as Staff asserts. The economic viability of the project is not the purview of the Planning Commission, but it is worth thinking about nonetheless.

Rebuttal to additional Staff assertions in point D:

“Furthermore, the Chamber of Commerce has also found a need for conference facilities to support mid-week hotel use, which is off-peak from the high weekend demand. “

COMMENT: Project as currently proposed has only a single relatively small room for meetings, at 1250 ft.². It would therefore have a very minimal impact on supply of conference facilities.

“The proposed hotel would be mid-range, featuring more amenities than a budget hotel, but would be lower in cost than a luxury hotel.”

And

*“project objective of meeting demand for branded and **reasonably affordable** hotel rooms”*

COMMENT: Dovetailing with the statistics provided above regarding declining occupancy rate, and increasing numbers of vacant rooms per night, we must look at the value, desirability and affordability of a Hyatt hotel. Right across the highway from this proposed hotel is the Best Western-branded Aristocrat Hotel, adjacent to Camerons. Rooms at the Best Western rent out at \$300-340 per night. One would reasonably expect a Hyatt property to be more expensive than a Best Western, in the range of \$400 per night. Given the previously well-documented declining occupancy rates, I find it hard to believe that the masses are clamoring for another 102 rooms of \$400 per night hotel space. The term “reasonably affordable” is obviously open to interpretation, but I have a hard time applying that term to hotel rooms at \$300 and above, much less at \$400.

EIR and Staff documents contend that this hotel is necessary to fill a gap in this particular price range of traveler options. That is not the case. Following are October 2024 nightly rates (exclusive of TOT) at local hotels:

Half Moon Bay Inn	225
Quality Inn	234
Miramar Inn & Suites	257
Ocean View Inn	279
Mill Rose Inn & Garden	304
Aristocrat - Best Western	349
Seal Cove Inn	350
Nantucket Whale Inn	358
Half Moon Bay Lodge	371
Beach House Half Moon Bay	397
Harbor View Inn	418
Oceano Hotel and Spa	420
Cypress Inn on Miramar Beach	470
Ritz Carlton	1348

This clearly disproves EIR and Staff contentions, and demonstrates that there are many hotel rooms currently vacant nightly in the \$300-\$400+ per night price range.

Given the glaring inconsistencies between hard facts of occupancy and Staff's simply relying on a belief/factually unsupported statement of need for additional hotel rooms, Staff's recommendations cannot be considered as valid, and therefore do not meet the criteria of an Overriding Concern.

Text of SOC E:

"E. The Proposed Project will help the City towards achieving Strategic Initiatives. The FY 24-25 Adopted Budget includes Strategic Elements, which are high-level objectives that provide a long-range vision for the City's future and a consistent focus for the City's services. Based on the Strategic Elements, the City Council has adopted Strategic Initiatives intended to help guide the City's actions and work plans as well as focus efforts on addressing the City's identified priorities. Fiscal Sustainability Strategic Element Initiatives include the following, which the Proposed Project helps further:

· Support and sustain a business environment that contributes to economic prosperity and revenue generation and improves the community's economic well-being. · Promote a balanced economic development approach that retains, attracts, and supports businesses Citywide for a strong, stable, complementary, and diverse business environment, including tourism, coastal resources, conservation, and farmland cultivation."

COMMENT on SOC E:

Fiscal responsibility and sustainability on the part of the City is indeed an important goal. While an additional 102 rooms of hotel availability will likely add some amount of additional TOT, the data provided in discussion of point D demonstrates that the City has been successful in steadily increasing TOT revenue over the past nine years. This is absent adding any additional hotel rooms. In fact, with the Coastside Inn converting 52 rooms to homeless shelter, room count has dropped since 2021. Under conditions of steady or (City-claimed) increasing demand (at odds with fact), this should lead to increased occupancy rates. Instead, we are seeing the opposite, consistently declining occupancy rates. Nonetheless, by folding in TOT on STVRs and increasing the TOT rate, the City is seeing significantly increased TOT revenue, **negating the need for additional hotel rooms at this time**, especially in light of the acknowledged Significant and Unavoidable impacts of this Project. Property tax income is also up significantly this past year, by approximately \$1 million. All of this suggests that City revenue side numbers are quite strong, and more attention should be paid to the expense side of the ledger (which is not the concern of Planning Commission).

Considering all of the above, it must be made clear that Staff is knowingly making incorrect statements about the economic and tourist environment/data/income/occupancy we currently have. Staff assertions on point E do not satisfy the criteria of an Overriding Consideration, as their arguments for need for additional TOT are not valid.

In fairness, we must also consider the likely negative effects of the Hyatt hotel project upon existing hotel/lodging businesses. From the Statement of Overriding Considerations:

*"City goals: Support and **sustain a business environment that contributes to economic prosperity** and revenue generation and improves the community's economic well-being. · **Promote a balanced economic development approach that retains, attracts, and supports businesses Citywide** for a strong, stable, complementary, and diverse business environment"*

While a new hotel will add some TOT revenue, it will also siphon business from existing, locally owned hotel businesses. This is especially true when a national chain moves in, with membership reward programs, etc. I have already been approached by one of the local small hotel owners, expressing significant concerns about their viability should Hyatt come to town. With average occupancy running at 55%, I can imagine that many of our existing small hotel

owners are on the edge financially currently. Occupied rooms per night and occupancy rates have been dropping consistently. This is not the time to add to hotel room inventory, as that is extremely likely to hurt, or even kill off existing local hotels, in direct opposition to City goals of sustaining and retaining stable businesses . We would be better off making efforts to support existing businesses before bringing in new competing businesses.

Text of SOC F:

“F. The Proposed Project will anchor the south end of the Main Street corridor, as anticipated in the recently City Council-adopted Half Moon Bay Streetscape Master Plan, July 2024.”

COMMENT on SOC F:

“Anchoring” is a very loose term, without specific definition or defined value. In addition, Staff presenting this is simply a reiteration of self-defined Project goals, rather than demonstrating any distinct and measurable social/economic/other value. Therefore, point F as stated by Staff does not satisfy the criteria of an Overriding Consideration.

Summary:

Considering all of the above, Staff’s Statement of Overriding Considerations is inadequate and cannot be adopted. This applies whether looking at the conditions individually, or collectively. And, failing adoption of the Statement of Overriding Considerations, the EIR cannot be certified, and the CDP and related exemptions and other conditions cannot be approved.

DISCUSSION OF EIR DEFICIENCIES:

This could easily run to several hundred pages. But if that were the case, nobody would read it. I will attempt to limit this to a high-level discussion of glaring deficiencies. For purposes of entering information into the administrative record, I will be incorporating by reference documents and information previously submitted, as far back as 2017.

Summary of areas of deficiency:

1. incomplete definition of project; leading to incomplete evaluation of project
2. impermissible piecemealing
3. incorrect baseline being created, pervasive
4. visual resources impact: selected viewpoints chosen for purposes of minimizing impact
5. inaccurate characterization of prior Coastal Commission guidance and precedent (fire tower)
6. previous Planning Commission and Coastal Commission precedent regarding impacts to visual resources
 - a. Fire tower 2016
 - b. Caltrans message sign 2022
7. lack of consistency with Policy and Code, specific sections
8. wetland buffer setback for townhomes vs. hotel buildings
9. traffic mitigation plan purely aspirational, without supporting documentation
10. hydrology/site runoff
11. lack of substantive response to public comment, pervasive
12. inconsistencies

1. Incomplete definition of project; leading to incomplete evaluation of project

- California Environmental Quality Act (CEQA) requires a project description that is accurate, stable, and finite. The project description should reflect the details of the project, its site, and its surroundings.
- Project size and scope: The amount of detail in the project description should reflect the project's size and scope, as well as the expected impacts.

To put it plainly, Planning Commission cannot approve a project for which there is not a full and adequate definition and description.

At issue here is the townhome component of the Project. This is clearly intended to be part of the Project as a whole; lot line adjustments and subdivision parcel maps are included in the project scope, and noted as requiring Planning Commission action for approval. As part of looking at Modified Alternative 2, the EIR considered VMT/vehicle trips and greenhouse gas emissions from the townhome component of the Project, as well as discussion of a 50 foot versus 100 foot wetland buffer setback for the townhomes, so it is indisputably included in the scope and evaluation of the entire Project.

As such, the townhome component of the project must be adequately defined, per CEQA, and subject to thorough evaluation as part of the EIR process.

What is lacking, rendering the EIR deficient on this point, is evaluation of Visual Impact of the townhome development. Situated close to the highway, of as yet undefined height (demonstrating lack of complete project definition), though with a statutory upper limit of 28 feet, it is certain that the townhomes will have impact upon protected visual resources (inland hills, upland slopes, ridgelines). As such:

- plans for the townhomes on the parcel subdivision must be provided, including elevations and setbacks
- the EIR must evaluate visual impacts of this portion of the Project
- story poles must be installed, per City policy, minimum of six days before any public hearing, to allow the public and Planning Commissioners to view in real time, in situ, impacts to visual resources

The City has declined to respond to requests that story poles be installed for this portion of the Project, going back to early August 2024.

The City will say that future plans for this “potential” development will undergo its own CEQA evaluation. But that is disingenuous at best, as the townhomes are clearly stated as part of the current Project, though not adequately defined. Should the City continue down this path, that would lead to the next issue, that of:

2. impermissible piecemealing

CEQA Guidelines define a project under CEQA as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment.

Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which

may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies.

In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. When future phases of a project are possible, but too speculative to be evaluated, the EIR should still mention that future phases may occur, provide as much information as is available about these future phases, and indicate that they would be subject to future CEQA review.

(ref: CEQA Portal Topic Paper, ceqaportal.org)

From this, an excerpt:

*“In general, **if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis.**”*

The Statement of Overriding Considerations, as quoted following, has identified the townhome component as an integral, desired, and required part of the larger Project:

“The Proposed Project will provide up to 16 residential units on property that is currently used for automobile parking and will contribute to the City meeting its 6th cycle RHNA housing obligations.”

Therefore, the townhome component is considered “necessary to achieve the project objectives”, and cannot be exempt from complete and thorough analysis in this EIR, rather than some future EIR.

To fail to analyze the visual impacts of the townhome component at this time, both within the EIR and by failure to erect story poles; but to delineate the parcel map, wetland buffers, etc., which are necessary and logical precursor steps to later development, is textbook and impermissible piecemealing.

This is especially important in this particular case, because impact upon protected visual resources is the primary basis of complaint about this Project, and is the source of the Significant and Unavoidable impacts that the project has already been determined to create. However, as will be discussed later, the EIR consultants and Staff are seeking to minimize the extent of the Significant and Unavoidable visual resource impacts in general, throughout the EIR. The townhome component will add an additional 50 to 75 feet of impactful frontage (at this time height is not defined) of visual obstruction of protected visual resources. This is plainly apparent from the minimal setback of the development from the highway (even less than that of the hotel buildings). Evaluation of impact to visual resources from the townhome component has been omitted from the EIR, and that is impermissible.

3. incorrect baseline being created, pervasive

Under CEQA, baseline conditions are the conditions which exist on the parcel prior to the proposed development activities. While it is true that the very limited visual simulations presented in the EIR compare existing conditions to built conditions, the language used throughout the EIR in dozens, if not hundreds of places, seeks to use, or at least imply, a

different standard of comparison. The net effect is to create in the mind of the reader the impression that Modified Alternative 2 is an improvement, in some way, from what preceded it.

Repeatedly, the EIR authors compare the visual impact of Modified Alternative 2 (current Project) with the visual impact that would have occurred with the Original Project, at 147 rooms, closer to the highway, and other Alternatives that have been considered along the way over the past years. This is stressed over and over, although it is in fact completely irrelevant – what should be referred to at all points in the text is the comparison of existing, undeveloped status compared with impact of the Modified Alternative 2. This may seem a subtle point, but it colors the way people interpret the language of the EIR. And it is incorrect.

Several (of many) examples:

Example 1:

Top paragraph on page 2-432 of FEIR, pg 446 of pdf

“Modified Alternative 2 was found to not impact protected views of the ridgelines as demonstrated from Viewpoints 2 and 3. Therefore, Modified Alternative 2 would be consistent with LCLUP Policy 9-2, where the Original Project would be inconsistent.”

This single excerpt is illustrative of several problems found throughout the EIR. To my current point, the EIR takes pains to compare the current project with the original project, which is irrelevant. Problem #2, to which I will return later is that of cherrypicking Viewpoints 2 and 3, which has significant consequences for evaluation of impacted visual resources. Problem #3 is the EIR choosing to focus on the ridgeline protrusion only, rather than protection of views of upland slopes, to be discussed in detail later.

Example 2:

FEIR p 2-15, pdf p 29:

“Modified Alternative 2, which is smaller than the Original Project, does not intrude into the ridgeline as presented in Viewpoints 2 and 3.”

As in Example 1, the same problems persist: Creating an impression of improvement by comparing current with original project, rather than current with existing conditions; and relying on extremely limited and carefully chosen Viewpoints upon which to rest all analysis and conclusions. Also, the EIR itself later declares that the hotel does project into the ridgeline from Viewpoint 3, an inconsistency.

Example 3:

page 5-51 of FEIR, pg 609 of pdf

“Both Modified Alternative 2 and Alternative 3 would substantially reduce the aesthetic impacts associated with the project as a result of the reduced project massing, increased setbacks, and improved site plan”.

Found in the section of the EIR discussing comparison of alternatives, this nonetheless persists in creating a comparison between the original project and the current project, rather than between the current project and existing site conditions.

The use of this minimizing language is especially significant, as even the EIR authors have ascertained that the current Project does have Significant and Unavoidable impacts to visual

resources. There are many more examples of this use of language and inappropriate comparison, but this document is long enough already.

4. **visual resources impact: selected viewpoints chosen for purposes of minimizing impact**
5. **inaccurate characterization of prior Coastal Commission guidance and precedent (fire tower)**
6. **previous Planning Commission and Coastal Commission precedent regarding impacts to visual resources**
 - c. **Fire tower 2015**
 - d. **Caltrans message sign 2022**
7. **lack of consistency with Policy and Code, specific sections**

The above four or topics and subtopics are the core of objection to the EIR conclusions and Staff recommendations regarding the Hyatt project. They are linked, interrelated, and overlapping, and cannot be discussed separately. Please bear with me for the complexity and detail here.

At the top of the hierarchy here are high-level, overarching, and controlling general principles deeply embedded in City Policy and Code documents, which are in turn based upon, and formulated in compliance with, the California Coastal Act. Individual Code sections are implementation of the high-level Policies, and are all subordinate and subservient to the high-level Policies. The overarching intent of high-level Policies must be kept in mind when looking at individual components of implementing code. Any conflicts or ambiguity due to lack of precision in wording or definition should be decided on the side of conservative interpretation, to provide the best protection of environmental resources, under CEQA.

It is therefore important to set the tone of this analysis by quoting relevant excerpts directly from the header section of Chapter 9 of the LUP, Scenic and Visual Resources: (emphasis added for clarity)

“LAND USE PLAN CHAPTER 9:

9. Scenic and Visual Resources

Furthermore, the Coastal Act **prioritizes protection of views from public places**

The visual character of Half Moon Bay is defined by ... and **its small-scale downtown Highway 1 Highway 1** is the primary north-south transportation route through the Planning Area. As a result, **a large share of the visual impression of the city is experienced from this corridor.”**

“Positive visual attributes:

Views of hillsides and ridgelines of coastal mountains

Sweeping views of the ocean, **upland slopes**, open spaces, and agricultural areas that make Half Moon Bay so distinctive and picturesque **can all be seen from different segments of Highway 1.**

Upland Slopes. As seen from the majority of the Planning Area, the **upland slopes to the east create a scenic backdrop that contributes greatly to the overall visual quality.**

Scenic corridor policies **require protection of significant views** available along Highways 1 and 92,

The LUP retains long-standing policies to keep development below the 160-foot contour line on hillsides, and **requires lower-scale building heights along major roads, view corridors, and other public viewing areas to maintain the quality of broad views of the ocean and upland slopes”**

All of the subsequent Policies and Implementation through Code are in service of these high-level principles, and decision-making must be guided through that lens.

Sadly, the EIR, and supporting Staff recommendation of Statement of Overriding Considerations, instead picks and chooses words and phrases from Policy and Code, and uses them to promote adoption of the Project as proposed.

The importance of views to and of upland slopes including intervening ridgelines, culminating in uppermost ridgelines, is very clearly expressed in the language and intent of Chapter 9. However, the EIR authors parse the language of Chapter 9 and its implementing Code very differently – choosing to focus almost exclusively on visual impact only as it regards protruding above the highest ridgeline. That, by plain reading of the text, is a very narrow and inappropriate interpretation of both the language and intent of Chapter 9.

The intention of broad interpretation of protection of views of visual resources is clearly affirmed in the California Coastal Commission (CCC) findings regarding the fire tower appeal of 2015 (Attachment B). While allowing the fire tower, as a 24 foot wide “fleeting” intrusion into the ridgeline, set back approximately 250 feet from the highway, they clearly affirmed the importance and validity of the overarching intent and language of visual resources protections in the LUP in force at the time (these protections were continued into the revision of the LUP adopted in 2020).

Excerpts from CCC Substantial Issue Determination (Attachment B) regarding the fire tower appeal of 2015 follow, emphasis added for clarity: (Chapter 7 of the earlier LUP referenced here is now Chapter 9 of the current LUP). Note, these are the words of the CCC:

“The IP clearly intends to protect the scenic and visual qualities of coastal areas, allow development only when it is visually compatible with the character of the surrounding areas, and conserve and enhance important visual resources within the City, including views of the inland hillsides at the eastern edge of the city as expressed by IP Sections 18.01.010(G) and 18.37.010(A) and (E), cited above. Specifically regarding development in upland slopes areas, IP Section 18.37.035(C) requires that new development be sited so as to not intrude or project above the ridge line skyline as seen from Highways 1 and 92.”

AND

“Although the City-approved project is not located on an upland slope, that does not mean that the ridgeline protection policies don’t apply. Indeed, the LCP intent is to protect the views of the eastern hillsides, including avoiding development that projects above the ridgeline (see, for example, LUP Policy 7-10 and IP Section 18.01.010(G) cited above). In addition, the LCP makes clear that the area within 200 yards of Highway 1 is a scenic corridor to which specific requirements adhere. The City has taken the position, however, that these requirements only apply if the area is mapped on the visual resources map. Such interpretation is not adequately protective of visual resources, however.”

AND

“In its final resolution, the City acknowledges that the subject site is located within 200 yards of Highway 1, therefore requiring the application of LCP Policy 7-10, which states in the second sentence that “[s]tructures shall be subordinate in appearance to the natural landform, shall be designed to follow natural contours of the landscape, and shall be sited so as not to intrude into the skyline as seen from public viewing places.” This is appropriate as the LCP intent is clear in that it means to protect the scenic quality of the hillsides along the City’s eastern boundary, and it would be inappropriate (and not protective of this resource) to try to imply only certain such views are protected, and others not, because of mapping inadequacies.

With respect to the Highway 1 corridor protections, the LCP has a variety of requirements that affect the proposed project, including that development shall remain at or below twenty-eight feet in height, shall not interfere with any views of scenic coastal areas, shall be located where least visible from the public view, and shall be designed to maintain a low height above natural grade (see IP Sections 18.37.030 (A)(3) and (B)(1), (2) and (5)). Ultimately, when read in conjunction, LCP Chapter 7 and the IP consistently describe an overall LCP intent to protect Highway 1 corridor and ridgeline vistas, including the Highway 1 scenic corridor (at least 200 yards out from the edge on either side of Highway 1) and the City’s eastern hills, thus requiring an analysis of the City-approved project’s consistency with all relevant provisions, including all those that refer to visual concerns related to the inland ridgelines and Highway 1 views.”

Laborious flogging of the terminology “hillsides”, “inland hills”, “eastern hills” is necessary in light of the EIR authors’ insistence that views of the ridgeline are important whereas views of the hillsides are not. The logical end of the EIR’s position is that development that eclipses 99% of the views of the inland hills is allowed, but as long as there is a glimpse of the uppermost ridgeline, it’s all good. That is obviously absurd, and plainly contrary to the intent of Policy and Code.

The LUP has been updated since the fire tower issue was decided, but the intent and protections of the pre-2020 LUP have carried forward unchanged, and in great detail, to the current, approved and adopted LUP.

To this point, CCC would likely disagree with the following EIR contention that Policy 9-1 does not apply to this Project, and EI contention that the Project is consistent with Policy 9-1:

From Att_2_CDP_Reso_Ex_A_Findings document for 10/9/2024 PC meeting:

“Policy 9-1. Scenic and Visual Resource Areas. Identify and protect scenic and visual resource areas in Half Moon Bay, including but not limited to the scenic corridors, natural resource areas, and built environment resources as defined in this chapter and designated on Figure 9-1.

***Compliance:** Figure 9-1 (Scenic and Visual Resource Areas) shows the location of visual resource areas, including upland slopes, none of which occur on the project site. Policies limiting development on upland slopes do not apply to this project because no development on upland slopes is proposed. Other policies better address development at lower elevations for the protection of upland slopes.”*

Therefore, having established that City Policy and Code have the clear intent of protecting views of hillsides, upland slopes and intervening ridgelines as well as the uppermost ridgeline, and this policy having the affirmation of validity from CCC, we can move on to the next component of complaint about inadequacy of the EIR with respect to visual resources:

FEIR p 1-8, pdf pg10:

*“The view from the southern Downtown gateway intersection of SR-1 and Higgins Canyon Road (Viewpoint 2) provides a view of an open field, and of **the protected ridgeline view**. The ridgeline represents both a scenic vista and a scenic resource, per the LCLUP. As shown in Figure 5-9 (Appendix 3.0-A of the Final EIR) Modified Alternative 2 would not interfere with the long-range views of the ridgeline for Viewpoint 2 (same as the Original Project).”*

Image of Viewpoint 2 with visual simulation is found on FEIR p 5-30, pdf p 588. It is true that from so far to the south, ridgeline views are not impacted, but hillside views are.

FEIR p 5-50, pdf pg 608

“The protected view of the ridgeline (available from Viewpoint 3) would not be obstructed by the structures associated with Modified Alternative 2. As such, Modified Alternative 2 would not result in a significant and unavoidable impact to protected scenic vistas and visual resources within a scenic corridor in the Coastal Zone, and would therefore be environmentally superior for this environmental criterion”

Image of Viewpoint 3 with visual simulation is found on FEIR p 5-31, pdf p 589

Combining discussion of both Viewpoint 2 and Viewpoint 3:

FEIR p 2-14, pdf pg 28

“Modified Alternative 2, is smaller than the Original Project and does not intrude into the ridgeline as presented in Viewpoints 2 and 3.”

However, this language in the FEIR is problematically contradicted by the following within the same document:

FEIR Section 5.3.2, p 5-7, pdf p 565:

*“Impact AES-1. The project would have a Substantial Adverse Effect on a Scenic Vista. **Significant and Unavoidable.** **The project would interfere with the protected long-range views of the ridgelines north and east of the project site from SR-1 (Viewpoint 3).** Although screening techniques and other design considerations would be used, the mass and scale of the proposed development would obstruct views of the protected ridgeline from SR-1. This is a significant and unavoidable impact.”*

So, you might ask, if the EIR has declared that there are Significant and Unavoidable Impacts, which can only be bypassed through a adoption of a Statement of Overriding Considerations, why belabor the point?

All of the foregoing is to demonstrate the effect of the discrepancy between the EIR focusing solely on intrusion into the ridgeline, versus the overarching and clear intent of the LUP, and Coastal Commission interpretation of LUP, that views of the inland hills and intervening ridgelines are of equal importance. Ridgeline interruption is an example of intrusion upon views of protected visual resources, not the only situation in which protected visual resources can be impacted.

By inappropriately narrowing the focus of evaluation to that of intrusion into views of ridgeline, rather than the more general views of the hillsides and ridgelines, the EIR is attempting to present the impact upon visual resources as isolated and inconsequential impacts.

As previously mentioned, this is inconsistent with the intent of the LUP, and inconsistent with prior CCC interpretation of City LUP.

Cherrypicking of viewpoints to minimize perception of impacts: Further, by very carefully choosing Viewpoint 2 and Viewpoint 3, and by making believe that these viewpoints are the only locations worthy of evaluation of viewshed impacts, for the public traversing the designated scenic visual corridor of Highway 1, the EIR is able to artificially minimize the overall impact of the massing of the building to these two discrete and artificially selected locations.

Even at that, it is important to call out the selectiveness of the Viewpoints used, and to demonstrate conclusively how they were chosen with intent to keep visual impact within a perceived “acceptable” level.

Following is a photo taken September 25, 2024, shortly after new story poles were reinstalled. This photo was taken from the northbound lanes of Highway 1, to replicate the location and viewing angle of EIR Viewpoint 3 (Image of Viewpoint 3 with visual simulation is found on FEIR p 5-31, pdf p 589), over 300 feet south of the hotel buildings. The upper and lateral boundaries of the structures as delineated by installed story poles and flagging lines were outlined and then masked to provide a real-world simulation of the impact of the buildings upon visual resources.

This real world, current view and masking comports fairly closely with that of the simulation in EIR Viewpoint 3, although the current photo puts the top of the buildings right at the ridgeline, whereas EIR Viewpoint 3 simulation has them slightly below.



Viewpoint 3, >300’ south of southern aspect of hotel buildings, current story poles, with masking (by author of this submission)

In any case, the EIR declares under Impact AES-1 that from this Viewpoint 3, more than 300 feet south of the buildings, the mass of the building does interfere with long-range ridgeline views. The implication is that this is as bad as it gets – and that would be consistent with conservative evaluation procedures required by CEQA -- **if only it were true.**

However, if one proceeds only 150 feet further north on Highway 1, the same viewing angle of the mass of the hotel buildings gives us the following, current and real world impact:



150' feet north of Viewpoint 3, over 150' from southern aspect of hotel buildings (by author of this submission)

As you can see, a small shift northward results in a significantly more pronounced impact to visual resources. The building is clearly above the uppermost ridgeline from this viewpoint. And, at this point we are still ~200 feet south of the southernmost extent of the hotel buildings. These impacts continue to increase in severity and noticeability (if that's a word) over the next 700 feet of northward travel. I encourage the Commissioners to use their own eyes to validate these findings.



~230' north of Viewpoint 3, though still ~80' south of the Hotel buildings (by author of this submission), viewshed impacts further increased.

The point of this evidence is to illustrate that by utilizing only two carefully chosen and isolated viewpoints, and inappropriately focusing only on intrusions into the ridgeline, the EIR was able to just barely reduce the visual impacts to a level where they had to admit to them, but they are not at all representative of the experience of the loss of protected views of the inland hills, intervening ridgelines, and uppermost ridgeline, whether traveling north or south on SR-1 (*a designated visual corridor, to which protections apply*) past the project site.

While ignoring the reality of the mass of the building obscuring significant portion of protected views of hills, hillsides and intervening ridges, the only way the EIR authors are able to present the hotel buildings as not projecting into the uppermost ridgeline is to view the hotel buildings from more than 300 feet from the southern aspect of the proposed hotel buildings. This is why Viewpoint 3 was carefully chosen. From **every** point further north of that, protected views are impacted definitively and more significantly as one processes along SR-1 northbound; the buildings protrude above the ridgeline, and obscures progressively more of the protected upland slopes and intervening ridgelines. **To purposely ignore this in the EIR is simply wrong.**

Traveling in the southbound direction, the impact to visual resources is apparent from opposite the existing Ford dealership, with increasing impacts as one travels south. No viewpoints from southbound SR-1 were used in the EIR, a failing of both process and analysis, and of oversight of the EIR by City Staff. **To purposely ignore this in the EIR is simply wrong.** Photos of Project as viewed from southbound SR-1 are in Attachment D to this document.

And please realize that all of this was by design in the EIR:

At FEIR pg 2-440, pg 454 of pdf, Response to Comments C-83.36, the EIR states: “*These views (VP-2, VP-3) include the most significantly impacted views of the upland slopes from SR-1.*” **This is patently and knowing false. All other conclusions within the EIR based upon this false statement must therefore be discarded.**

Previously entered as public comment in the DEIR are photos of the 2022 installation of story poles from multiple vantage points along the scenic corridor, shown against the backdrop of existing views of inland hills, intervening ridges, and uppermost ridgelines. These photos were not masked for massing simulation, but are part of the administrative record, they show the vertical poles and flagging lines against the background of the hills, and are there available for your inspection and comparison.

The reinstallation of story poles in 2024 has not materially changed the visual impacts, as the overall height of the building has remained at 33’9”. The overall frontage of the building has actually increased by 16 feet compared with 2022, with the increase of the breezeway space between the two buildings. This much vaunted increased gap between buildings however is appreciated only if one is directly opposite this gap, and looking at 90° off axis from direction of travel on the highway – a fleeting improvement, and insignificant as compared with the 500 foot frontage of the hotel buildings.

Additional updated photos, of the current 2024 story poles, both as seen now and with masking, are available for viewing at www.KeepHMBscenic.org In the interest of keeping the size of this document “reasonable”, these photos are not included in this written document, but are provided as attachments electronically, to be considered part of the administrative record on this project (Attachment D).

6. issues of precedent

- a. Discussed previously is the fire tower appeal to CCC of 2015, wherein the CCC affirmed the importance of protection of views of inland hills, hillsides, and intervening ridges, as well as the uppermost ridgeline views.

Also in that decision document from CCC, they refer to the 24 foot wide intrusion of the fire tower into the ridgeline as a “fleeting” impact. This is relevant to discussion of the current EIR and Project, and will be referenced later in this submission.

- b. In 2022 the HMB Planning Commission denied an application for a Caltrans project of an electronic message sign to be placed at the southern border of city limits, on the northbound side of SR-1. The proposed sign measured 5’ x 12’. It would be activated only in times of emergency road conditions with advisories to travelers. As such, approximately 99% of the time it would present simply as a black square, flat feature.

The Findings for Denial, (Attachment C) drafted by Staff at the instruction of Planning Commission, and approved by Planning Commission in 2022 cited non-compliance with the following regulations:

- Coastal Act Section 30251
- LUP Policy 9-1
- LUP Policy 9-2
- LUP Policy 9-12

Based on Planning Commission finding that a 5’ x 12’, typically inactive and blank message display was noncompliant with numerous significant LUP and Coastal Act provisions, that should inform decisions on a new development, unique to the setting, and out of character with surrounding development, with a height of 34 feet, and frontage of nearly 500 feet, along SR-1, with EIR-acknowledged Significant and Unavoidable impacts to protected visual resources.

Summary re: precedent: A 24-foot wide intrusion to the ridgeline could be considered “fleeting”, and development was allowed to proceed for that project. A 5’ x 12’ inactive roadside message sign could be considered “fleeting”, yet was denied on the basis of impact to visual resources. The subject proposed 34’ x 500’ hotel frontage, with acknowledged Significant and Unavoidable impacts to Visual Resources, cannot be considered as “fleeting” in nature by comparison, and should not be approved.

7. lack of consistency with Policy and Code, specific sections

The overarching intent of Chapter 9 of the LUP was discussed above, on page 12. With specific references to views of inland hills highlighted, this clearly establishes the high-level goals of the Scenic and Visual Resources sections of the LUP.

To this, we must add the following:

Local Coastal Land Use Program, Ch 3, p 36 (LCLUP):

“The small-town character is a leading draw for coastal visitors. Upscaling infrastructure to accommodate visitors and growth will be at cross purposes with maintaining the desirability of this area that visitors seek.”

Concisely and eloquently stated, this unneeded project is inconsistent with the controlling, high-level development guidelines for the city.

From the Policies section of the LCLUP, section 3-36, regarding traffic and circulation:

“To the extent feasible, limit the approval of new higher trip generating development.”

This is clearly a “higher trip generating development”, with the EIR estimating 575 vehicle trips per day, over 209,000 extra trips per year. Stated City objectives for the Project could be met in large part with a smaller project on the site, which would also serve the goals of reducing impacts to Visual Resources.

Additional points of non-compliance with prominent portions of the LUP, emphasis added for clarity:

(these concerns are discussed in more detail in public comment made on the DEIR, incorporated by reference here, and available for your inspection in that document)

“9-1. Scenic and Visual Resource Areas. **Identify and protect scenic and visual resource areas** in Half Moon Bay, **including but not limited to the scenic corridors**, natural resource areas, and built environment resources as defined in this chapter and designated on Figure 9-1.”

Comment on 9-1: Project fails to protect scenic and visual resource areas, is non-compliant with 9-1. EIR maintains Project is compliant with 9-1, this reader disagrees based on points of evidence.

“9-3 Visual Quality. **Preserve and enhance the unique visual quality that contributes to Half Moon Bay’s coastal and small-town character, including its open, expansive views from the coastal terrace to the beaches, bluffs, ocean, and upland slopes.”**

Comment on 9-3: EIR states Project is NON-compliant, this reader agrees based on points of evidence.

“9-5. Visual Impact Evaluation. Where any development is proposed within a scenic and visual resource area, including as designated on Figure 9-1, a site-specific visual impact evaluation shall be required and may include visual simulations, story poles, and/or other means of visual assessment as appropriate based on the type and location of development”

Comment on 9-5: referencing previous concerns about lack of full definition and description of project, story poles have not been provided for the townhome component of this Project. EIR maintains Project is compliant with 9-5, this reader disagrees based on points of evidence.

“Policies – Development Standards 9-6. Site Planning and Design for New Development. **Require new development to be subject to design review to ensure it is sited and designed to protect public views of scenic and visual resource areas and to be visually compatible with the character of the surrounding area.** Measures to be considered may include, but are not limited to the following: a. Siting development in the least visible portion of the site; b. Breaking up the mass of new structures; c. Designing structures to blend into the surrounding natural landscape; d. **Restricting building maximum size and height”**

Comment on 9-6: Unambiguous language of “ensure” protection of public views of scenic and visual resource areas; the Project is non-compliance. Project is not visually compatible with character of surrounding areas. To achieve those goals, restricting building maximum size and height is stated as a method to be used, that has not been applied in this

case to protect visual resources adequately. The fact that the design has incorporated aspects of conditions a. and b. here is noted, however, the extent to which these approaches have been utilized has not been successful to the controlling requirement of protecting public views of scenic and visual resources areas. EIR maintains Project is compliant with 9-6, this reader disagrees based on points of evidence.

“Policies - Scenic Corridors 9-12. Town Boulevard Scenic Corridor. **Require** that new development in close proximity to or easily visible from the Town Boulevard scenic corridor, including Highways 1 and 92: a. **Protects views of visual resource areas** as seen from the Town Boulevard, including views to the ocean, **upland slopes (i.e. minimizes intrusions into the ridgeline)**, and the historic Johnston House;”

“Update the IP with additional standards for new development along the Town Boulevard based on additional study of the scenic corridor. Assessment should, at a minimum, consider views of visual resource areas from the perspective of existing and potential development along the Town Boulevard and identify scenic segments along Highway 1 and 92, **including views of the ridgelines and other visual resource areas**. Development standards should address, at a minimum, appropriate building heights and setbacks....”

Comment on 9-12: Project is noncompliant with requirement to protect views of visual resources areas including upland slopes and ridgeline views. The repetition of these conditions from one LUP section to another reinforces the importance and primacy of these provisions. EIR states Project is NON-compliant with 9-12, this reader agrees based on points of evidence.

“9-23. Upland Slopes and Ridgelines. **Protect broad views of upland slopes, prominent ridgelines and other intervening ridgelines as viewed from scenic corridors** and the beach and shoreline through the following means:

a. Prohibiting new development above the 160-foot contour line and on slopes greater than 30 percent, including grading and subdivisions but excluding public trails and critical facilities or public infrastructure that cannot be located elsewhere;

b. Ensuring new development below the 160-foot contour line is sited and designed to minimize intrusions into the ridgeline through the application of appropriate height and setback restrictions

c. Establishing standards for the Town Boulevard, other streetscapes, and large-scale landscaping projects to highlight and frame, **but not block, views of visual resource areas.**”

Comment on 9-23: This section reemphasizes the requirement to protect broad views of upland slopes, ridgelines and other intervening ridgelines as viewed from scenic corridors. This language is unambiguous and quite clear to plain interpretation. EIR states Project is NON-compliant with 9-23, this reader agrees based on points of evidence.

When we consider City Code, which is the Implementation of the LUP, the project is not in compliance with the following sections: (emphasis added for clarity)

“Chapter 14.37
ARCHITECTURAL, LANDSCAPE AND SITE PLAN REVIEW”

“14.37.035 Design approval criteria.

G. The proposed development **shall** be **compatible** in terms of height, bulk and design with other structures and environment in the immediate area.

J. The design **shall** promote **harmonious transition** in scale and character in areas located **between different designated land uses.**”

Project is noncompliant with both G and J.

Re: G.: It is in fact by far oversized compared to all other development existing in the area, failing clause G. EIR authors and Staff maintain otherwise, falsely.

Re: J.: As the largest structure in this area, and the largest structure in Half Moon Bay, except for Ritz, and located at the highly visible entrance to the built environment of downtown, the Project as proposed cannot plausibly be considered to promote harmonious transition between different land use areas. Immediately south of the city zoning map is a strip of Urban Reserve, vacant. To the south on the same side of the highway open farmland, designated by County. Across the highway and immediately south of the large open field of Wavecrest – this is currently a PUD, like the subject parcel, but with a differing land use designation of “Rural Coastal” (DEIR pg 4.11-3, Fig 4.11-1, pdf pg 299) For all practical purposes, this parcel is and will remain open space. Therefore, the proposed project does not promote harmonious transition as compared with surrounding parcels and designated land uses, and is noncompliant with J.

Consultant response to this concern as raised in the DEIR was non-substantive in nature. (point 11 of objections)

And, at FEIR pg 2-440, pg 454 of pdf, Response to Comments C-83.36, the EIR states: “These views (VP-2, VP-3) include the most significantly impacted views of the upland slopes from SR-1.” **This is patently and knowing false. All other conclusions within the EIR based upon this false statement must therefore be discarded.**

“Chapter 18.37 VISUAL RESOURCE PROTECTION STANDARDS

18.37.010 Purpose and intent.

The **specific purpose and intent** of these visual resource protection standards are to:

A. Protect the scenic and visual qualities of coastal areas as a resource of public importance.

B. Ensure that new development is located so as to protect views to and along the ocean and scenic coastal areas.

C. Minimize the alteration of natural land forms.

D. Restore and enhance visual quality in visually degraded areas.

E. Allow development only when it is visually compatible with the character of the surrounding areas. (1996 zoning code (part)).”

Project is noncompliant with the clear intent and language of highlighted sections of 18.37.010.

Consultant response to this concern as raised in the DEIR was non-substantive in nature. (point 11 of objections)

“18.37.020 Visual resources areas

B. Upland Slopes. Scenic hillsides which are visible from Highway One and Highway 92, as indicated on the visual resources overlay map. These areas occur include hillside areas above the one hundred sixty foot elevation contour line...”

18.37.020 is referenced here as it affirms that the hillside areas are considered visual resources, not only the uppermost ridgeline.

“18.37.030 Scenic corridor standards.

B. Development within the Highway One corridor and scenic corridors along all designated shoreline access routes as indicated on the visual resources overlay map where existing permits or development does not exist. In general, structures shall be:

1. Situated and designed to **protect any views** of the ocean and **scenic coastal areas.**“

*Please note the text in this section which is both bold and underlined: The language and intent of this section clearly protects views of all portions of the hillsides, intervening ridgelines, and uppermost ridgeline, which have been previously decided defined as being part of designated “scenic coastal areas”. The specific language “Situated and designed to protect any views of... **scenic coastal areas**” unambiguously prohibits this Project or any other development blocking views of inland hillsides, intervening ridges, and uppermost ridgeline. Therefore, the Project is noncompliant with 18.37.030.*

Consultant response to this concern as raised in the DEIR was non-substantive in nature. (point 11 of objections)

In summary, the discussion of deficiencies of the EIR, points 4, 5, 6, 7 as discussed preceding:

While the EIR admits to Significant and Unavoidable impacts visual resources under multiple sections of the LUP, it is important to note that the EIR consistently minimizes the extent of those Significant and Unavoidable impacts to barely above that threshold. They do so by inappropriately maintaining that impacts of import are those of impacts to the views of the uppermost ridgeline only, and they ignore the impact of the Project upon views of upland slopes, hillsides, and intervening ridgelines.

It bears repeating: At FEIR pg 2-440, pg 454 of pdf, Response to Comments C-83.36, the EIR states: “These views (VP-2, VP-3) include the most significantly impacted views of the upland slopes from SR-1.” **This is patently and knowing false. All other conclusions within the EIR based upon this false statement must therefore be discarded.**

If the EIR is successful in persuading Planning Commission that their analysis is valid, it is therefore easier for Staff to make the argument through the Statement of Overriding Considerations that the impacts, while legally defined as Significant and Unavoidable, are “not that bad”, and easier to negate through the adoption of a Statement of Overriding Considerations.

Seeing as how the analysis is flawed, the conclusions which are based upon that analysis cannot be considered valid.

In addition to the lack of consideration given to the impact upon views of protected hillsides and intervening ridgelines, the other prominent deficiency of analysis is that of allowing admission of visual impact as Significant and Unavoidable **only** from Viewpoint 2 and Viewpoint 3. In fact, there are impermissible significant and unavoidable impacts protected views long stretches as viewed from both northbound and southbound travel SR-1. In the southbound travel direction,

this is conservatively estimated at 500 linear feet of view impact. In the northbound travel direction, approximately linear 800 feet of unambiguous view impact.

By limiting analysis of impact to protected views to isolated points of Viewpoint 2 and Viewpoint 3, the EIR described impacts to views as “fleeting” (FEIR pg 1-8, pdf pg 10).

“Fleeting” is not a term defined under CEQA. However, we do have precedent on this, in writing, directly from CCC regarding the fire tower appeal of 2015. There, the CCC allowed development of the fire tower, which had a 24 foot wide protrusion into the ridgeline, set back over 250 feet from the highway. This 24 foot wide impact to visual resources, 250 feet back from the highway, was specifically described as “fleeting”. Given that the hotel buildings, and then adding the yet undefined townhome component, is on the order of 500 feet linear feet of direct frontage, it is not possible to define or describe the visual impact of Project here as “fleeting”.

All of this is to say that Significant and Unavoidable impacts upon protected visual resources by the subject Project are in fact considerably more significant, noticeable and severe than the EIR would like to admit.

8. wetland buffer setback for townhomes vs. hotel buildings

With Modified Alternative 2 being considered, there was a recent design change not accounted for in the analysis. Increasing the space between the two main buildings by 16 feet expands the frontage, but also changes the relationship of building footprints to the 100 foot wetland area buffer required. This modification should be checked against the wetland delineation map to determine if the Project complies when this modification is applied.

The DEIR properly imposed a 100 foot wetland buffer upon the entire Project, including the townhome component. In the FEIR, Staff recommends a reduced buffer of 50 feet for the townhome component, pursuant to LCLUP Policy 6-41, part b, to allow for additional (but not adequately specified) development of the townhome component.

Relevant references follow:

From DEIR p 5-31, p 471 of pdf:

“Mitigation Measure BIO-4a: *The subdivision plans for the reduced intensity alternative, Alternative 2, shall be revised to ensure that all of the resulting parcels can be developed without intrusion into the **100-foot wetland buffer** so as to be consistent with Policy 6-57 Land Divisions of the 2020 LCLUP.”*

From FEIR p 1-7, p 9 of pdf

“By comparison, Modified Alternative 2 conforms with LCLUP Policy 6-57 because all proposed parcels can be developed without encroachment into an ESHA or being located within the **50-foot ESHA buffer.”**

From FEIR p 5-35, p 593 of pdf.

“Mitigation Measure BIO-4b: *Residential development of the subdivided 1.15-acre site north of Seymour Street shall comply with all applicable wetland buffer requirements, specifically the **50-foot wetland buffer** allowed by LCLUP Policy 6-41, part b.“*

Apparently, something changed between the time of the DEIR and the FEIR.

It is the decision of Planning Commission to accept or reject Staff recommendations as to whether or not the reduced buffer should apply to the townhome component of the Project.

This conflict highlights again the previously stated problem that this Project is not fully and adequately defined, as is required by CEQA. Without adequate and complete description and definition, complete and thorough analysis cannot be completed. This additionally highlights the previously raised issue of piecemealing, by making some, but not all of the determinations necessary for the townhome component, which is clearly acknowledged as part of the larger and complete Project.

To put it plainly, Planning Commission cannot approve a project for which there is not a full and adequate definition and description.

9. traffic mitigation plan purely aspirational, without supporting documentation

From FEIR pg 3-29, pdf 542

“Significance after Mitigation. As concluded from the Traffic Impact Study (Appendix H), implementation of Mitigation Measure TRA-1, VMT levels would demonstrate a reduction of 15.4 percent through adherence to the TDM suite. Therefore, implementation of the project would result in less than significant impacts.”

What this language implies but does not explicitly state is that absent the aspirational TDM strategies, raw VMT/trip numbers from the Project would represent Significant and Unavoidable impacts, and therefore impermissible under CEQA.

It is also notably curious/convenient that the traffic measures proposed result in exactly 15.4% theoretical decrease, where 15.0% is the required goal per City Staff to decrease impact from Significant and Unavoidable to the level of Less Than Significant. Since all of this is pretty much made up, without any basis in actual experience or fact, it does seem that the results may have been manufactured to suit the goal. See the following:

Ref: FEIR p 5-41, pdf pg 599:

“4.15, Transportation and Traffic, the City of Half Moon Bay Staff has determined that a project that generates 15 (or more) percent less than the unmitigated project VMT, with the implementation of Transportation Demand Management (TDM) measures, would indicate a less-than-significant VMT impact.”

Staff assigning 15% reduction to achieve LTS appears to be arbitrary in nature, it could have been 10%, or 20%, or any other number.

The EIR fails to cite any data or results from comparable hotel projects, (i.e., moderate size mid-to upper price range hotels, geographically isolated from major transit hubs (airports), and lacking service by public transportation in a meaningful fashion) where greater than 15% reduction in guest travel has been accomplished through similar TDM.

Additionally, the EIR contemplates VMT at 3965 miles per day – including all employee and supplier travel? Back of the envelope calculation says that the 3965 mile figure is suspiciously low, considering, in part, that anybody not flying in is likely to be driving a significant distance from somewhere else in California, or farther afield. All supplier travel is coming from over the hill, in low MPG heavy trucks, as compared with hotels on the Peninsula, where suppliers are close by.

All this adds to the uncertainty, speculation and assumptions which have miraculously led to decreasing VMT by exactly 15.4%, just barely over the 15.0% declared by Staff to reduce travel

impacts to LTS for this project. Skepticism over the VMT figures was a public comment on the DEIR, which did not receive substantive response in the FEIR. (point 11 of objections)

Reality check:

It falls into the realm of wishful thinking that guests (families/couples) who have driven here, to stay in an expensive overnight accommodation, with all of their beach toys, children, etc., are going to opt for taking a shuttle to one of the local beaches. And then having to call for pickup when they want to come back, or go someplace else in a timely fashion to make the most of their vacation opportunity. Even worse, if that's the only guest group being transported in a large, low MPG vehicle to/from the beach at that particular time, the shuttle vehicle would make a round-trip to drop them off, and another round-trip to pick them up, doubling VMT for that activity, as compared with a personally owned vehicle traveling to the beach, and then back to the hotel.

With relatively low daily guest volume (compared to an airport hotel for example), and remote from airports, it's also quite unlikely that a shuttle service to and from SFO and SJC could be successfully implemented to the satisfaction of guests, or be operated in a fashion that decreases VMT and/or GHG emissions. If it's not convenient, people are not going to use it, that's the plain truth. Similarly to the paragraph above, if a low MPG vehicle is used on demand to go back and forth to the airport to transport a single guest group, that doubles the VMT and more than doubles the GHG output of the same guest group renting their own vehicle. On this point as well, it does not seem that the TDM proposed are practical in the real world.

In summary, at 575 estimated vehicle trips per day (EIR data), claims of LTS impact should be looked at skeptically.

10. hydrology/site runoff

Concern has been raised by another member of the public, posted to local NextDoor, regarding potential downstream impacts of this project. Specifically, the watercourse known as the Seymour Ditch has significant, ongoing, progressive erosion problems as it approaches the bluffs. The subject parcel here contributes drainage to the Seymour Ditch. With an additional 3 acres of hardscape, runoff is certain to increase, and during moderate to severe storm events, will most certainly overwhelm whatever on-site retention features are constructed. The EIR is silent on the subject of runoff to the Seymour Ditch. I am unaware of the total acreage of the watershed for Seymour, and how significant this might or might not be, but it has not been evaluated in the EIR. It is well-known that erosion of our drainage ditches is a source of great concern, contention, and litigation in Half Moon Bay.

Hydrology reality check:

From the EIR:

"A review of the FEMA Flood Zone Maps for San Mateo County indicates that the project site is not subject to flooding during a 100-year flood event. The project site and immediate vicinity are designated as an unshaded "Zone X", delineating a minimal flood risk hazard according to FEMA. "

There may be a technical definition or difference between "flooding" and "inundation", but simple observation indicates that during moderate to severe prolonged storm events, more than 50% of this parcel is under 6 to 12 inches of water, quite regularly. With poor drainage, that standing water can persist for days, weeks or months (hence, wetlands...).

Photographic evidence of this persistent inundation as it occurred between December 2016 and March 2017 was previously submitted to the City (and incorporated here by reference). That winter, the parcel was continuously inundated for at least three months.

This raises the very basic question of what will happen when 3 acres of the parcel (60%) is paved and built. The water has to go someplace, and given existing site conditions and historical observation, it seems unlikely that the proposed mitigation measures will be successful. It also seems extremely likely that the bike and pedestrian paths will be submerged consistently during storm events. There may also be damage to the first floor of the hotel structure itself, due to the volume of water that falls and accumulates on the site.

Despite the EIR authors' claim that this is not going to be a problem, some additional consideration appears to be warranted. This may or may not be a specific CEQA concern, but is a practical consideration for development and operation of a (any) Project on this parcel.

12. Inconsistencies:

The following examples of multiple inconsistencies in the FEIR create in the mind of the reader confusion and uncertainty as to the validity other findings and conclusions of the EIR authors and of Staff.

1.

page 5-51 of FEIR, pg 609 of pdf – discussing the parcel map for townhomes:

*“The project **does not** include any residential units and **will not** support the City’s efforts to meet its Regional Housing Needs Allocation (RHNA) for the Cycle 6 Housing Element.”*

First, note that the townhome component was considered part of the Project at the time of the DEIR, so this statement is incorrect.

This is inconsistent with the Statement of Overriding Consideration verbiage:

*“The Proposed Project will provide up to 16 residential units on property that is currently used for automobile parking and **will contribute** to the City meeting its 6th cycle RHNA housing obligations.”*

2.

From Att_2_CDP_Reso_Ex_A_Findings document for 10/9/2024 PC meeting:

In discussing compliance with California Coastal Act:

“Compliance: (snip)....**The Project would be built on an already-developed site; would not impact** environmentally sensitive habitat areas, **agricultural lands**, or coastal access; and **would not have any adverse environmental effect**. It also is located far from areas that are vulnerable to sea level rise.”

Inconsistencies:

- statement that project “would be built on an already developed site” is not true – baseline conditions are undeveloped land
- statement that project “would not impact agricultural lands” is not true -- there are mitigation measures in place for acknowledged impacts, i.e., loss of ag lands

- statement that project “would not have any adverse environmental effect” is not true – there are acknowledged Significant and Unavoidable impacts to visual resources. Additionally, stating that the project would not have ANY adverse environmental effect is false. Even beyond the Significant and Unavoidable impacts acknowledged, there are VMT and greenhouse gas impacts which are described by the EIR as LTS, but very close to the upper limit of LTS, verging on Significant and Unavoidable. The assertion of compliance in this regard, that there are NO adverse environmental effects, as written by Staff, is inaccurate and untrue.

3.

Previously noted inconsistencies in the FEIR regarding Significant and Unavoidable Impact AES-1 : The EIR at different points says that obstruction of views into the ridgeline both will and will not occur from Viewpoint 3. This inconsistency can reasonably cause confusion in the mind of the reader, and cast doubt on other conclusions within the FEIR:

Ref: Top paragraph on page 2-432 of FEIR, pg 446 of pdf

“Modified Alternative 2 was found **to not impact protected views of the ridgelines** as demonstrated from Viewpoints 2 and 3. Therefore, Modified Alternative 2 would be consistent with LCLUP Policy 9-2, where the Original Project would be inconsistent.”

AND:

Ref: Top paragraph on page 5-26 of FEIR, pg 584 of pdf

“Modified Alternative 2 **will not introduce interferences with the ridgeline view.**”

Vs:

FEIR Section 5.3.2, p 5-7, pdf p 565:

“Impact AES-1. The project would have a Substantial Adverse Effect on a Scenic Vista. **Significant and Unavoidable.** **The project would interfere with the protected long-range views of the ridgelines** north and east of the project site from SR-1 (Viewpoint 3). Although screening techniques and other design considerations would be used, the mass and scale of the proposed development would obstruct views of the protected ridgeline from SR-1. This is a significant and unavoidable impact.”

These inconsistencies in the document can create in the mind of the reader confusion and uncertainty as to the validity other findings and conclusions of the EIR authors and of Staff.

It must be noted that in making a determination of Significant and Unavoidable impacts, the EIR does call out noncompliance with multiple sections of the LUP: 9-3, 9-12, 9-23. In the opinion of the author of this submission, the Project is non-compliant with additional sections of the LUP, Secs 9-1, 9-5, 9-6.

It would be possible to present many more pages of inconsistencies and deficiencies of this EIR document. But I believe at this point it is not necessary, and that the foregoing, in total, more than adequately demonstrates:

1. adequate basis for Planning Commission to decline to certify the Environmental Impact Report for the Half Moon Bay Hyatt Place Project, decline to adopt CEQA Findings and a

Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program and

2. decline to approve PDP-072-13, an application for a Coastal Development Permit, Site and Architectural Review, Parking Exception, and Tentative Parcel Map and all associated conditions,

for the Project as currently proposed, and as it is described in the FEIR as Modified Alternative 2.

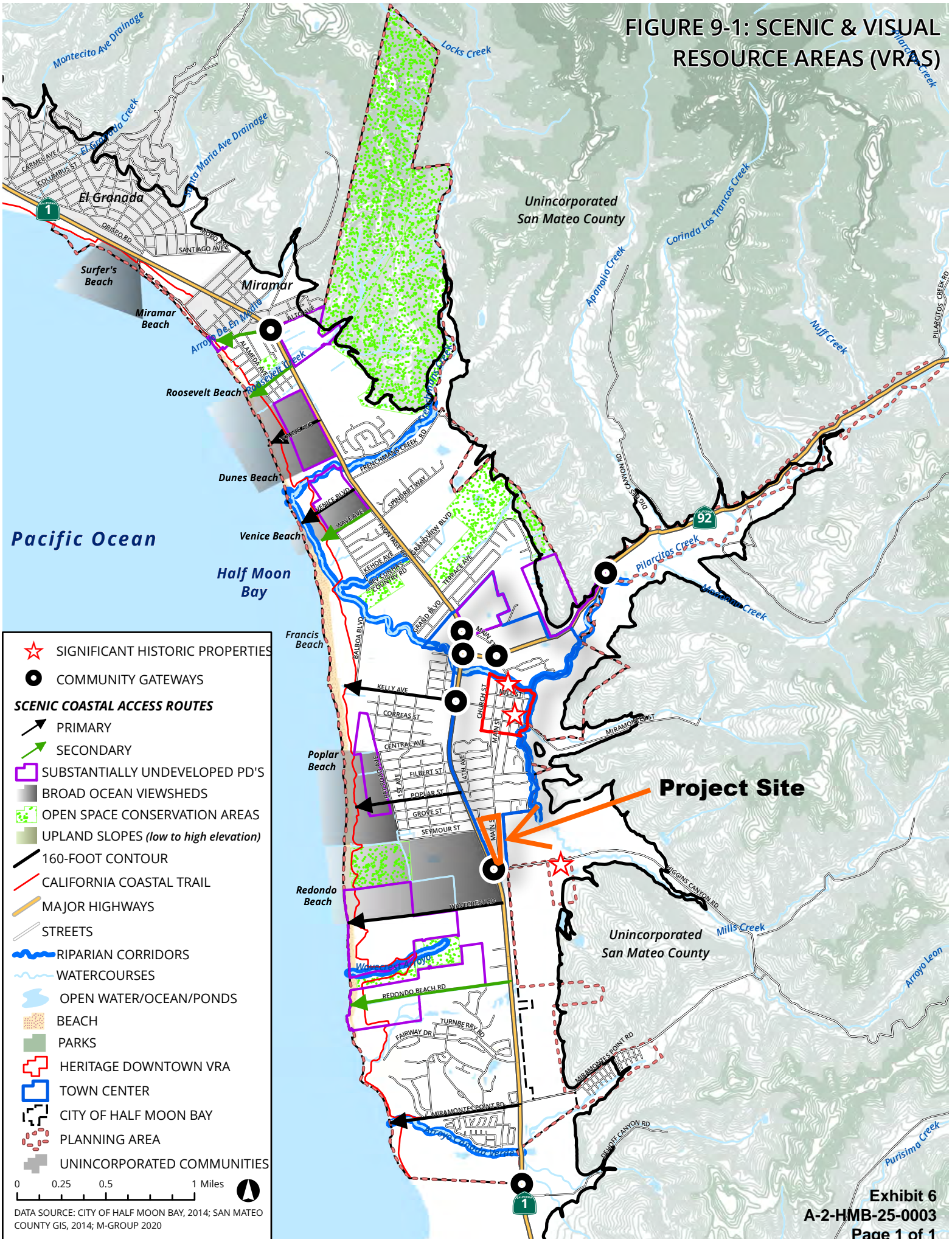
Planning Commission should therefore direct Staff to draft Findings for Denial regarding certification of the EIR, and for denial of the CDP; to be acted upon at the next Planning Commission meeting.

I would hope that the City is able to communicate clearly to the Applicant, that this is not intended to deny him investment backed expectations for realizing profit from his property; simply that any development on this parcel must comply with existing Policy and Code. A project of lower height and mass should be able to be approved with minimal difficulty or delay.

Respectfully,

David Schorr
Half Moon Bay, California

FIGURE 9-1: SCENIC & VISUAL RESOURCE AREAS (VRAS)



**EXHIBIT 7: PROJECT VISUAL SIMULATIONS – HYATT HOTEL APPEAL
CITY OF HALF MOON BAY**

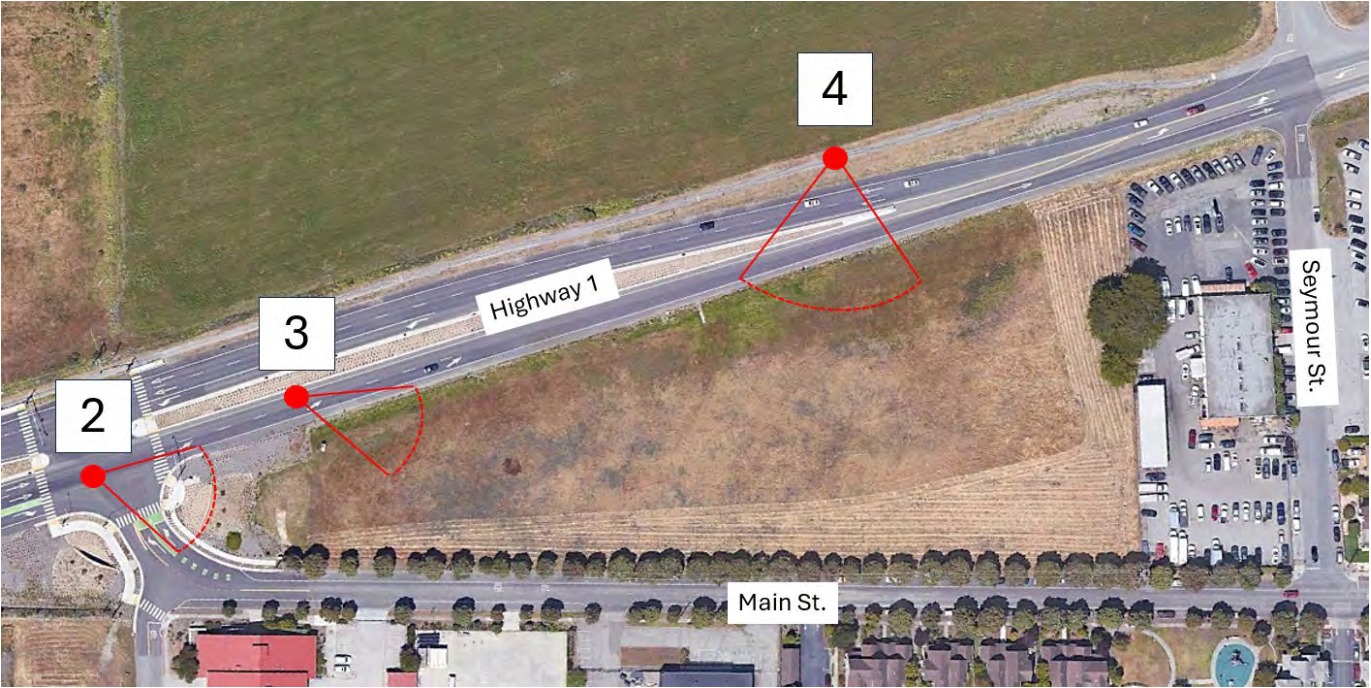


Figure 1: Map of visual simulation viewpoints used by the Applicant.



Figure 2: Applicant's visual simulation of hotel project as seen from Viewpoint 2, south of Highway 1 and Main Street intersection.



Figure 3: Applicant's visual simulation of hotel project as seen from Viewpoint 3 on Highway 1.



Figure 4: Applicant's visual simulation of hotel project as seen from Viewpoint 4 on the Naomi Partridge Trail.



Figure 5: Appellant's visual simulation of hotel project looking southeast from Highway 1.



Figure 6: Appellant's visual simulation of hotel project looking east from Highway 1.

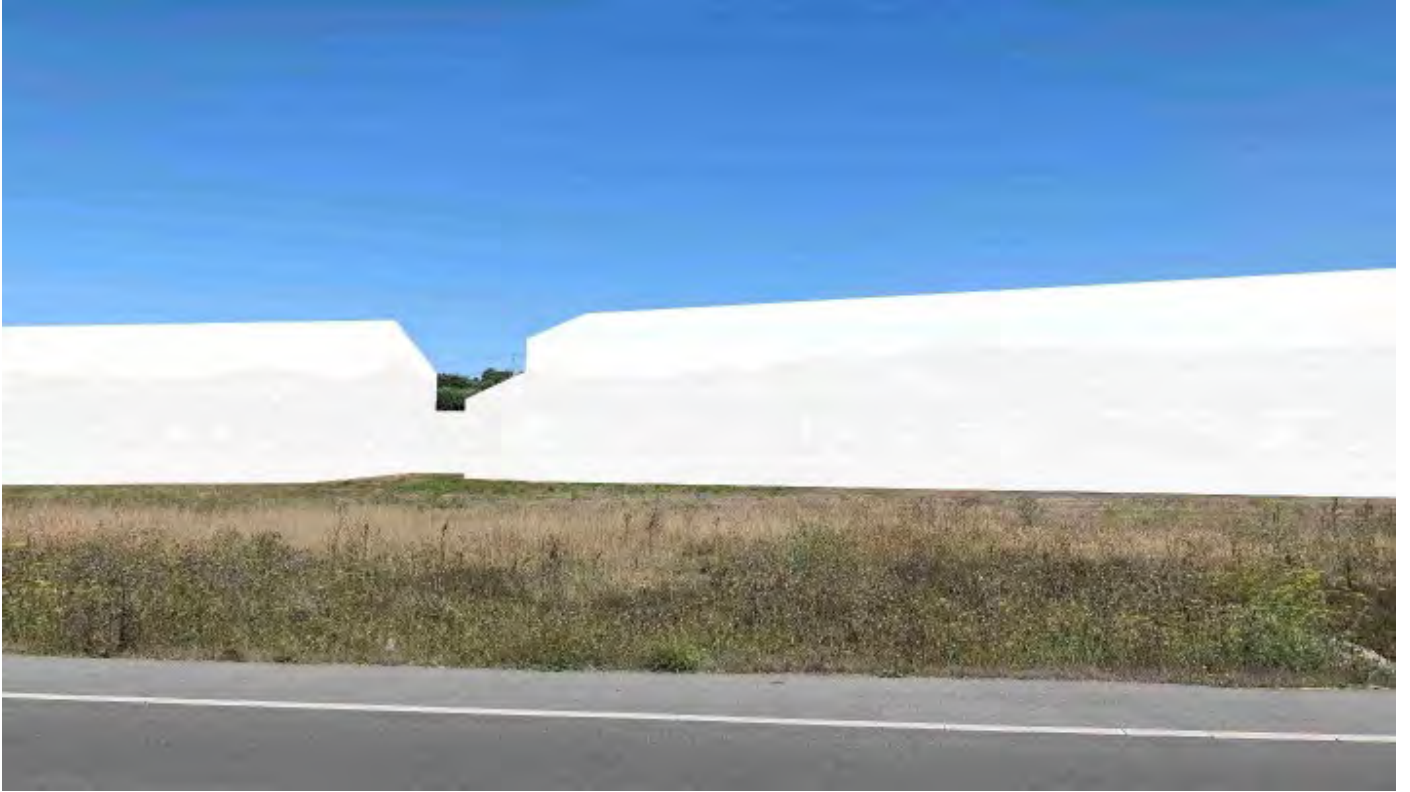


Figure 7: Applicant's visual simulation of hotel project looking east from Highway 1.



Figure 8: Applicant's visual simulation of hotel project looking northeast from Highway 1.