

## **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](http://WWW.COASTAL.CA.GOV)



# **W12a**

**A-2-HMB-25-0017 (Vidovich SFD)**

**August 13, 2025**

**CORRESPONDENCE**

From: [Joe Farrell](#)  
To: [Cooper, Isobel@Coastal](#)  
Cc: [NorthCentralCoast@Coastal](#); [Margaret Gossett](#); [Rexing, Stephanie@Coastal](#)  
Subject: Re: Review substantive file documents for Wednesday's item 12a Champs Elysee A-2-HMB-25-0017  
Date: Monday, August 11, 2025 11:19:08 AM

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Thanks for responding Isobel,

Yes we would like to have you set up a google drive and share the documents so we can review asap. Please invite Margaret and me with our email addresses in our correspondence. We appreciate your help in this area but feel like we have very little time left before the hearing.....

Secondly on the issue on the permitting issue for soil infill within the Stoloski CDP, the City has been looking through their records management system and places where it should have been filed and they report that *they can not find a separate permit for soil grading and the one permit for grading is ONLY for road and utility corridors*. The soil that was dumped and graded on 2800 Champs Elysee lot was a very large amount. The soil raised the top of soil by FOUR feet. For context the Pullman Ditch bank was approx 31.5 feet and the surrounding land was roughly at the same level. Now its up by 4 feet and has changed the storm runoff patterns to a significant degree

Grading is “development” under the Coastal Act and requires a valid CDP. The City now confirms no grading permit exists, so this work fell outside any lawful authorization. Even if a City engineer approved plans, that does not replace the Coastal Development Permit requirement. Without that CDP in the record, the 2016–2017 grading is essentially a phantom permit — work with no documented legal basis. Unpermitted grading alters baseline conditions for wetlands, buffers, and drainage, inconsistent with LCP policy 7-51 and 7-57.

I respectfully urge you to have staff review their findings because this non permit and unrecorded no development clause in the Stoloski V Gradstein settlement creates a Substantial Issue for this CDP. These impacts are real, documented, and still unresolved.

Below is another copy of the email Maggie Rodriguez the City Clerk sent to Margaret Gossett Friday afternoon.

We would appreciate your response asap because it may effect our talking points during the hearing on Wednesday

Best  
Joe

----- Forwarded message -----

**From:** Maggie Rodriguez <[mRodriguez@halfmoonbay.gov](mailto:mRodriguez@halfmoonbay.gov)>

**Date:** Aug 8, 2025 at 2:36 PM -0700

**To:** Margaret Gossett <[marg.gossett@gmail.com](mailto:marg.gossett@gmail.com)>

**Subject:** RE: Request for Grading Permit – 2800 Champs Élysée

Hi Margaret!

Thank you for your email and for outlining the specific items you are looking to confirm.

After reviewing our records, we did not find a separate grading permit for the Nov 2016–Jan 2017 site grading on the subdivided lots, and CDP HMB-12-005 does not appear to cover lot grading beyond the road and utility corridors. We located the responsive records which have been uploaded to our NextRequest portal. Please let me know if you have any issues accessing the documents.

In addition, the Planning Division may have additional files responsive to your inquiry. We are in the process of searching those records and expect to provide any findings early next week.

Sincerely,

Maggie Rodriguez



**Maggie Rodriguez**

Assistant City Clerk

501 Main Street, Half Moon Bay, CA 94019

(650) 726-8266

[www.hmbcity.com](http://www.hmbcity.com)

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**From:** Margaret Gossett <[marg.gossett@gmail.com](mailto:marg.gossett@gmail.com)>

**Sent:** Tuesday, August 5, 2025 12:19 PM

**To:** Matthew Chidester <[MChidester@hmbcity.com](mailto:MChidester@hmbcity.com)>

**Subject:** Fwd: Request for Grading Permit – 2800 Champs Élysée

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

On Fri, Aug 8, 2025 at 4:16 PM Joe Farrell <[jfarrellhmb@gmail.com](mailto:jfarrellhmb@gmail.com)> wrote:

**Subject:** Important clarification re: “permitted” grading – 2800 Champs Élysée (A-2-HMB-25-0017: 2800 Champs Élysée)

Hi Isobel,

Following up on my earlier note. City Hall's Records Manager, Maggie Rodriguez, confirms (1) no separate grading permit was found for the Nov 2016–Jan 2017 lot grading, and (2) CDP HMB-12-005 authorizes grading limited to the road and utility corridors—not the 2800 Champs Elysee home site. I'm attaching Maggie's email for reference.

Could you identify the permit or CDP (number, date, scope) that authorized the lot grading referenced as “permitted” in the staff report?

If the records search is still ongoing, please confirm that no such authorization has been located to date and that the report will be corrected/clarified if none is found. Given the hearing timeline, a brief note on this point **before the packet is finalized** would be much appreciated.

Thank you,  
Joe Farrell

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From: **Margaret Gossett** <[marg.gossett@gmail.com](mailto:marg.gossett@gmail.com)>

Date: Fri, Aug 8, 2025 at 2:54 PM

Subject: Fwd: RE: Request for Grading Permit – 2800 Champs Élysée

To: Joe Farrell <[jfarrellhmb@gmail.com](mailto:jfarrellhmb@gmail.com)>

Margaret

----- Forwarded message -----

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Sincerely,

Maggie Rodriguez



Maggie Rodriguez

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501 Main Street, Half Moon Bay, CA 94019

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Kind regards,

Margaret

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From: **Margaret Gossett** <[marg.gossett@gmail.com](mailto:marg.gossett@gmail.com)>

Date: Tue, Aug 5, 2025 at 11:26 AM

Subject: Request for Grading Permit – 2800 Champs Élysée

To: Scott Phillips <[sphillips@hmbcity.com](mailto:sphillips@hmbcity.com)>

Hi Scott,

I hope you are well and having a nice summer. After reading the Coastal Commission staff report, Joe Farrell and I see references to “permitted” grading at 2800 Champs Élysée—but we can’t find any authorization for lot grading outside the road and utility corridors.

We **must** review the actual permit or CDP amendment that allowed the cut-and-fill on the individual parcels (beyond street and trench work). Please have that document ready—Joe and I will stop by your office this afternoon to see it.

Specifically, we need confirmation of:

- A separate grading permit or CDP amendment for the Nov 2016–Jan 2017 site grading on the subdivided lots
- Whether any lot grading was ever intended to be covered by CDP HMB-12-005, or required its own approval

Our County maps show the street grade at 32 ft, yet the house pad sits at 36 ft—a 4-ft change that demands a clear legal basis. Thank you in advance for having that permit ready today.

Warmly,  
Margaret

--

Joe Farrell  
[jfarrellhmb@gmail.com](mailto:jfarrellhmb@gmail.com)  
650.954.7862

On Aug 11, 2025, at 10:12 AM, Cooper, Isobel@Coastal  
<[isobel.cooper@coastal.ca.gov](mailto:isobel.cooper@coastal.ca.gov)> wrote:

Good morning Joe and Margaret,

Apologies on the delayed reply. The Coastal Commission currently operates under a hybrid work schedule and our San Francisco office is minimally staffed on Mondays, I work from my home office. That being said, the materials you are requesting are digital. I am more than happy to create a Sharepoint or Google Drive file to share these folders with you electronically. Please let me know if that works for you!

As for your other requests Joe, please know that I reached out to City planning staff last week and they are working on pulling materials related to the subdivision approval and settlement agreement. It is my understanding that both the lead planner and the Community Development director have been out of office.

Best,  
Isobel

-----Original Message-----

From: Joe Farrell <[jfarrellhmb@gmail.com](mailto:jfarrellhmb@gmail.com)>

Sent: Sunday, August 10, 2025 3:58 PM

To: Cooper, Isobel@Coastal <[isobel.cooper@coastal.ca.gov](mailto:isobel.cooper@coastal.ca.gov)>;

NorthCentralCoast@Coastal <[NorthCentralCoast@coastal.ca.gov](mailto:NorthCentralCoast@coastal.ca.gov)>

Cc: Margaret Gossett <[marg.gossett@gmail.com](mailto:marg.gossett@gmail.com)>

Subject: Review substantive file documents for Wednesday's item 12a Champs  
Elysee A-2-HMB-25-0017

Hi Isobel and Staff,

Margaret Gossett and I will be coming up to the Coastal Commission San Francisco office Monday afternoon to review sections A and B substantial file documents from the Appendicies related to related Substantive File Documents:  
-City of Half Moon Bay CDP File PDP-17-055 -Staff Contacts with Agencies and Groups -City of Half Moon Bay Community Development Department

Look forward to seeing you Monday afternoon Best, Joe Farrell



From: [Margaret Gossett](#)  
To: [Turnbull-Sanders, Effie@Coastal](#); [Bochco, Dayna@Coastal](#); [Hart, Caryl@Coastal](#); [Lowenberg, Susan@Coastal](#); [Kelley, Ariel@Coastal](#); [Preciado, Jose@Coastal](#); [Harmon, Meagan@Coastal](#); [Jackson, Raymond@Coastal](#); [Lopez, Chris@Coastal](#); [O'Malley, Matt@Coastal](#); [Ryu, David@Coastal](#); [Smith, Suzanne@Coastal](#); [Uranga, Juan@Coastal](#); [Rodoni, Dennis@Coastal](#)  
Cc: [NorthCentralCoast@Coastal](#); [Cooper, Isobel@Coastal](#)  
Subject: Wed Item 12a — City Confirms No Grading Permit for 2016–17 Work  
Date: Saturday, August 9, 2025 11:05:49 AM  
Attachments: [Request for Grading Permit 2800 Champs Élysée.eml.msg](#)

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**Context:** City confirms no grading permit found for 2016–2017 work on 2800 Champs Elysee — contradicts staff report premise on permitted grading.

**Subject:** Wednesday, Aug 13 – Item 12a — Supplemental: City confirms no grading permit located (baseline issue)

Dear Commissioners and Staff,

Following my five-factor rebuttal, I am submitting one material update for Wednesday's hearing on Item 12a (A-2-HMB-25-0017: 2800 Champs Élysée).

On August 8, 2025, the City's Records Manager, Maggie Rodriguez, confirmed in writing:

*"we did not find a separate grading permit for the Nov 2016–Jan 2017 site grading," and  
"CDP HMB-12-005 does not appear to cover lot grading beyond the road and utility corridors."*

The City has indicated they are continuing to search Planning Division files, but as of August 8 this was the status provided.

This directly conflicts with the staff report's premise that lot grading was permitted and leaves the baseline for wetlands, buffers, and drainage unsettled.

I respectfully request that the Commission find Substantial Issue under §13115(c) factors (1), (4), and (5).

Kindly add this email and the attached City correspondence ("M. Rodriguez email") to the record.

Respectfully,  
Margaret Gossett  
Former Half Moon Bay Planning Commissioner

**Attachment:** Email from M. Rodriguez (City of Half Moon Bay), dated Aug 8, 2025

**From:** [Maggie Rodriguez](#)  
**To:** [Margaret Gossett](#)  
**Subject:** RE: Request for Grading Permit – 2800 Champs Élysée  
**Date:** Friday, August 8, 2025 2:36:44 PM  
**Attachments:** [image001.jpg](#)

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Hi Margaret!

Thank you for your email and for outlining the specific items you are looking to confirm.

After reviewing our records, we did not find a separate grading permit for the Nov 2016–Jan 2017 site grading on the subdivided lots, and CDP HMB-12-005 does not appear to cover lot grading beyond the road and utility corridors. We located the responsive records which have been uploaded to our NextRequest portal. Please let me know if you have any issues accessing the documents.

In addition, the Planning Division may have additional files responsive to your inquiry. We are in the process of searching those records and expect to provide any findings early next week.

Sincerely,  
Maggie Rodriguez



**Maggie Rodriguez**  
Assistant City Clerk  
501 Main Street, Half Moon Bay, CA 94019  
(650) 726-8266  
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**To:** Matthew Chidester <[MChidester@hmbcity.com](mailto:MChidester@hmbcity.com)>  
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Hi Matthew,

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Kind regards,

Margaret

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From: **Margaret Gossett** <[marg.gossett@gmail.com](mailto:marg.gossett@gmail.com)>

Date: Tue, Aug 5, 2025 at 11:26 AM

Subject: Request for Grading Permit – 2800 Champs Élysée

To: Scott Phillips <[sphillips@hmbcity.com](mailto:sphillips@hmbcity.com)>

Hi Scott,

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Warmly,  
Margaret

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Cc: [NorthCentralCoast@Coastal](#); [Cooper, Isobel@Coastal](#)  
Subject: Public Comment on August 2025 Agenda Item Wednesday 12a - Appeal No. A-2-HMB-25-0017 (Vidovich SFD, Half Moon Bay)  
Date: Friday, August 8, 2025 10:00:05 AM

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## **Rebuttal to CCC Staff's Five-Factor Analysis Finding No Substantial Issue 14 CCR § 13115(c)**

Dear Commissioners and Staff,

As a former Half Moon Bay Planning Commissioner who closely followed this project through multiple public hearings in 2023 and 2024, I respectfully submit this rebuttal to the staff recommendation of No Substantial Issue. I appreciate staff's effort on a complex record; however, several material points appear not to be established in the record: (1) the legitimacy of prior grading, (2) whether the City executed the legally required CDP amendment under the 2014 *Stoloski v. Gradstein* settlement, and (3) the availability of "bypass" infrastructure that settlement required the City to remove from the governing permit. Individually and collectively, these concerns meet the Commission's five-factor test for Substantial Issue.

### **Five-Factor Rebuttal: Substantial Issue Exists**

#### **Factor 1 — Factual and legal support for local approval**

The approval's factual and legal baseline appears uncertain. In April 2019, Planning Commissioners asked whether the lot had already been elevated; City staff responded, "We're not aware of any grading that's taken place on the site" (timestamp 1:04:55). Subsequent site photos and public testimony indicate the house pad was raised years before a formal CDP. The project then proposed a finished floor elevation (FFE) of 36 feet, but there is no professional survey in the record establishing the existing pad elevation, making it difficult to confirm whether the FFE reflects new work or an as-graded condition. Staff notes the City indicated the 2016–2017 grading was permitted to implement subdivision improvements (CCC Staff Report, Aug. 1, 2025, p. 13), yet the administrative record contains no grading permit or amended CDP for that work. Staff's assertion that it is "nearly impossible" to isolate impacts from the 2016–2017 grading because of intervening development is not evidence of no impact; it underscores unresolved factual disputes and cumulative-effects questions—precisely the sort of uncertainty that warrants a Substantial Issue finding.

Separately, the flood-hazard baseline likewise appears unsettled. Section 3.5 of the 2014 *Stoloski v. Gradstein* settlement required the City, within five days, to amend the original

baseline CDP to remove approval for bypass infrastructure in the Pullman Watercourse buffer and to record permanent no-build covenants. There is no sunset for these requirements. Absent evidence of the required CDP amendment (and recorded covenants), the flood-hazard analysis relies on mitigation that may lack legal authorization.

### **Factor 2 — Scope and extent of development**

This proposal is more than minor infill. It is a 4,710-sf residence with a 571-sf garage and a stormwater detention basin on a vacant parcel within the Pullman Watercourse buffer, an area with a well-documented history of flooding and erosion affecting public infrastructure (including access to Roosevelt Beach and Coastal Trail segments). The drainage strategy anticipates a future bypass culvert as central mitigation—the same infrastructure the 2014 settlement required the City to remove from the CDP. The project's size, siting, and reliance on prohibited or unverified infrastructure warrant Commission review.

### **Factor 3 — Significance of coastal resources at risk**

The project implicates water quality, public access, sensitive drainage infrastructure, and potential ESHA. Pullman Watercourse is a manmade, engineered drainage channel that remains hydrologically active and repeatedly overflows, with downstream effects on public access facilities. 2016–2017 grading, for which no permit appears in the administrative record, appears to have altered flow paths, contributing to downstream erosion and sedimentation. There is no restoration plan or bonding in the record to address off-site hydrologic impacts. Staff acknowledges flooding risks but relies on potential future relief via a bypass: “The City included a condition to record a 30-foot easement within the subject property along the Pullman Watercourse to allow for such potential future improvement or bypass projects to alleviate flooding.” (CCC Staff Report, Aug. 1, 2025, p. 12.) The 30-foot easement is a property right, not regulatory authorization; § 3.5 of the 2014 *Stoloski* settlement requires the baseline CDP to remove bypass approval and record no-build covenants—unless and until that framework is lawfully modified, a hypothetical bypass cannot support a No Substantial Issue finding.

### **Factor 4 — Procedural gaps with precedential weight**

The apparent non-execution of the *Stoloski* settlement Section 3.5 CDP amendment affects the permit baseline on which later approvals rest. Settlement obligations are public, run with the land, and bind the City regardless of applicant identity. Nothing in Section 3.5 provides for expiration or sunset; the City's duty to amend the CDP and record the covenants persists and runs with the land until those actions are completed through the required formal processes. Proceeding on a baseline that omits the required amendment risks normalizing departures from court-approved settlements and enforceable CDP conditions, especially in flood-prone areas. Prior construction on other subdivision lots and mapped buildable envelopes do not amend the Baseline CDP by implication; § 3.5 still requires a formal CDP amendment and recorded no-build covenants, and absent those documents in the record, reliance on a hypothetical bypass cannot support a No Substantial Issue finding.

**Factor 5 — Regional/statewide implications for permit integrity**

If a city can issue a new CDP that depends on infrastructure a prior settlement required it to delete—and do so without first amending the baseline permit—other jurisdictions may follow, weakening the enforceability of CDP conditions and settlements statewide. The “No Substantial Issue” standard should not support development where the legal authorization for key mitigation is unverified or contradicted by a binding settlement. Statewide consistency and permit integrity favor Commission jurisdiction. This also implicates statewide public access because flood-driven failures can impair beach access points and the California Coastal Trail corridor (including designated road segments); speculative bypass reliance should not support a No Substantial Issue finding.

**Request**

For these reasons, I respectfully and unequivocally request that the Commission find Substantial Issue and take jurisdiction for *de novo* review of this appeal.

Respectfully submitted,

**Margaret Gossett**

From: [Joe Farrell](#)  
To: [Cooper, Isobel@Coastal](#); [NorthCentralCoast@Coastal](#)  
Cc: [Margaret Gossett](#)  
Subject: Fwd: RE: Request for Grading Permit – 2800 Champs Élysée  
Date: Friday, August 8, 2025 4:16:57 PM

---

**Subject:** Important clarification re: “permitted” grading – 2800 Champs Élysée (A-2-HMB-25-0017: 2800 Champs Élysée)

Hi Isobel,

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From: [Joe Farrell](#)  
To: [Turnbull-Sanders, Effie@Coastal](#); [Bochco, Dayna@Coastal](#); [Hart, Caryl@Coastal](#); [Lowenberg, Susan@Coastal](#); [Kelley, Ariel@Coastal](#); [Preciado, Jose@Coastal](#); [Harmon, Meagan@Coastal](#); [Jackson, Raymond@Coastal](#); [Lopez, Chris@Coastal](#); [O'Malley, Matt@Coastal](#); [Ryu, David@Coastal](#); [Smith, Suzanne@Coastal](#); [Uranga, Juan@Coastal](#); [Rodoni, Dennis@Coastal](#)  
Cc: [Cooper, Isobel@Coastal](#); [NorthCentralCoast@Coastal](#)  
Subject: Aug 13 (Wed), Item 12a – Please Find Substantial Issue: 2800 Champs Élysée  
Date: Friday, August 8, 2025 10:27:17 AM

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**To:** All California Coastal Commissioners

Dear Commissioners,

Ahead of next Wednesday's hearing (Aug 13, Item 12a), please reject staff's "No Substantial Issue" recommendation and find that Appeal A-2-HMB-25-0017 raises a substantial issue under § 30625(a). A de novo review is essential to distinguish the limited, authorized grading for public roads and utilities from the unauthorized grading on 2800 Champs Élysée—and to protect coastal access and potential ESHA.

### **Authorized vs. Unauthorized Grading**

The City's 2012 subdivision CDP (HMB-12-005) allowed grading strictly for public improvements—roads, sidewalks, storm drains, water, and sewer within the public right-of-way. It did not authorize grading for the house pads.

Yet between November 2016 and January 2017, substantial grading occurred on the property, including cut-and-fill operations that elevated the house pad within the Pullman Watercourse buffer. Your staff report asserts that this grading was permitted. However, we have documented multiple contradictions to that claim—including City staff testimony denying any awareness of grading on the house pad, and the continued absence of a grading permit for 2800 Champs Élysée. These facts suggest that elevation changes were completed **years before** the applicant proposed a finished floor height, undermining the credibility of the baseline used for CDP approval.

During the April 2019 planning commission hearing, two planning commissioners questioned whether the lot had already been elevated. City staff responded, "We're not aware of any grading that's taken place on the site." The applicant stated that the proposal would involve a net import of ~15 cubic yards of soil "under the footprint of the house, not the landscaped areas." Yet the proposed finished floor elevation of 36 feet appears to have already been reached—**before** any CDP amendment or grading permit was filed. This contradiction raises fundamental questions about baseline conditions.

Direct transcript excerpt from YouTube (HMB Planning Commission, April 2019):

Planning Commissioner (time stamp 1:04:34): “further I was interested in some of the comments that there were about soil already that the site being raised in elevation has is that something that's been that's happened already is the the staff aware of anything like that”

**City Planner: “We’re not aware of any grading that’s taken place on the site”**

Applicants Architect: “The proposal would be for a net import of 15 cubic yards... under the footprint of the house, not the landscaped areas”

Planning Commissioner: “It would be interesting to know what the circumstances are if indeed the lot has been built up in recent times.”

### **Cumulative Harm to Public Access**

That unpermitted grading now channels stormwater into Young Avenue’s culvert beneath the only vehicular access to Roosevelt Beach’s parking lot. In January 2020, that culvert collapsed and remains closed—even as State Parks prepares imminent repairs—unless permanent drainage controls and buffer restoration are imposed.

### **Procedural Accountability**

In recent appeals **brought by Commissioners Escalante and Hart** concerning the Half Moon Bay Redondo Beach gate closure, the Commission intervened to enforce permit limits and uphold procedural compliance. That same commitment to strict enforcement is essential here.

### **Sea Ranch Precedent**

In *Sea Ranch Ass’n v. CCC* (694 F.2d 1160), the Ninth Circuit confirmed that all grading and earthwork in the coastal zone requires a valid CDP—and that the Commission may order stop-work, full restoration, and long-term monitoring when none is obtained. That enforcement authority is precisely what’s needed here.

### **Attachments**

- Google Earth pre/post grading comparison (Photos 1–3)
- YouTube clip of sheet-flow onto the access road

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### **Requested Actions**

Please find a substantial issue under § 30625(a).

Assume de novo jurisdiction to require:

- Restoration of pre-2016 pad elevations and potential ESHA buffers
- Engineered drainage controls for the soon-to-be-repaired access road
- Performance bonding and ongoing monitoring

Thank you for your commitment to protecting California's coast and ensuring reliable public access. I am available for any questions before next Wednesday's hearing.

Warm regards,

**Joe Farrell**

Appellant, A-2-HMB-25-0017

**Photo 1: April 30, 2016 – Pre-Grading**



**Photo 2: January 10, 2017 – Evidence of Grading ~15 ft from Watercourse (Unpermitted)**



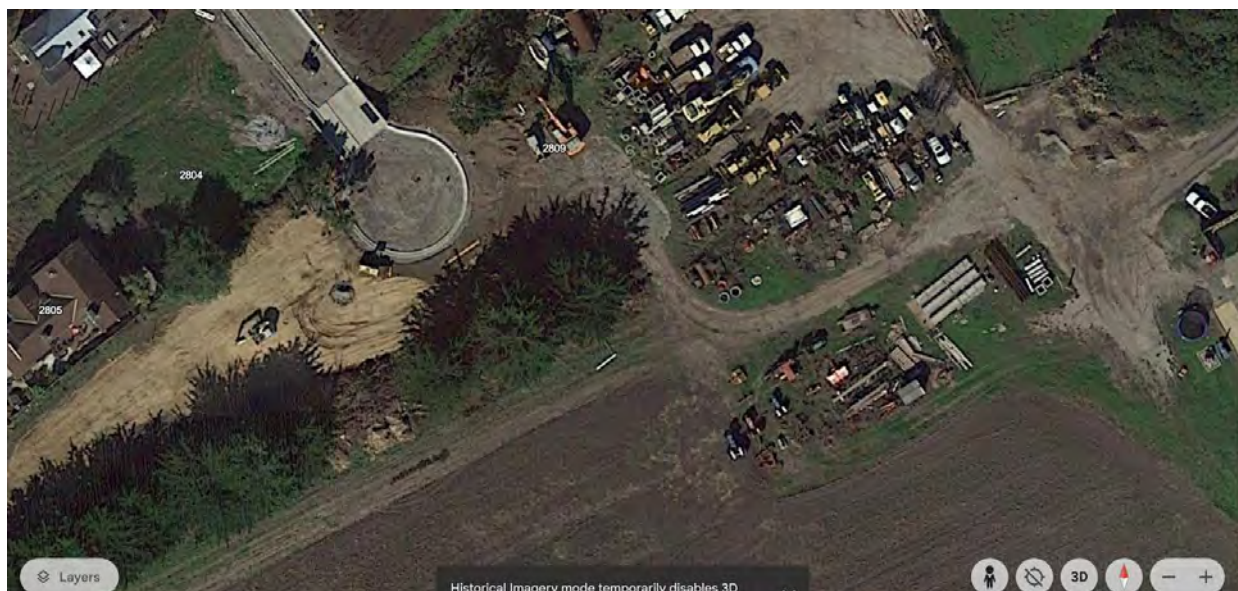


Photo 3: September 30, 2017 – Post-Grading (note unpermitted Monterey Cypress Tree Removal)



YouTube clip of sheet-flow onto the access road

[Flooding and erosion of coastal access trail adjacent to 2800 Champs 1/10/2017](#)

From: [Joe Farrell](#)  
To: [Cooper, Isobel@Coastal](#); [NorthCentralCoast@Coastal](#)  
Subject: Request for Clarification – Grading Permit for 2800 Champs Elysee (A-2-HMB-25-0017)  
Date: Monday, August 4, 2025 5:49:57 PM

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Hi Isobel,

Thank you again for your responsiveness on this matter. After reviewing the subdivision's Conditions of Approval and the parcel maps, we cannot find any explicit authorization for grading beyond the road and utility improvements shown in those plans. Because of this, we are having trouble understanding the basis for the statement in the staff report that the grading at 2800 Champs Elysee was "permitted."

Could you clarify:

1. Was there a specific grading permit (or other CDP authorization) issued for the soil work and elevation change on the 2800 Champs parcel? There's a bit of confusion on our part because the county map shows 32 feet of elevation and the new elevation of that parcel is at 36 feet.
2. If so, could you provide a copy or reference to that permit for our review?
3. Was this grading approval tied to the subdivision work or processed separately?

We are asking because it appears the original CDP for the subdivision anticipated future permits for each home site, and it's not clear to us why site grading occurred before that subsequent CDP review.

Thank you for any documentation or clarification you can provide.

Kind regards,

Joe Farrell

From: [Joe Farrell](#)  
To: [NorthCentralCoast@Coastal](#); [Cooper, Isobel@Coastal](#)  
Cc: [John Rossi](#); [Susan Quaglietti](#); [Brent Simmons](#); [Vic Froelicher](#); [Brad Steinwede](#); [Anju Abel](#); [Jennifer Simmons](#); [Carol Farrell](#)  
Subject: Public Comment on August 2025 Agenda Item Wednesday 12a - Appeal No. A-2-HMB-25-0017 (Vidovich SFD, Half Moon Bay)  
Date: Saturday, August 2, 2025 8:42:47 AM

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**Subject:** Scaled Verification Request – Settlement Buffer Not Analyzed in Staff Report (Appeal A-2-HMB-25-0017)

Dear Isobel,

Following up on our earlier email regarding the Stoloski v. Gradstein settlement and the 30-foot Further Restriction Area:

Could you confirm whether Commission staff is conducting a scaled verification of the detention basin's location relative to this restricted area, and if so, when those results will be available? If this work is underway, we request that both the scaled data and any resulting overlay be shared with appellants and included in the public packet so it can be reviewed prior to the hearing. We believe it is essential that this verification — including the overlay or analysis — be made part of the hearing record so Commissioners and appellants alike have clarity on this issue prior to August 13.

We also note that staff has acknowledged the basin extends into the 35-foot LCP riparian buffer. This fact heightens — rather than resolves — the need to verify its location relative to the narrower but legally binding 30-foot settlement buffer, which was agreed to not only by the prior landowners but also by the City of Half Moon Bay, and which was not addressed in the Staff Report.

For ease of access, the full settlement document is available on the City's website here: [https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/254445/ATTACHMENT\\_4.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/254445/ATTACHMENT_4.pdf).

Absent scaled verification, there remains significant uncertainty about whether the approved project complies with the binding settlement. If the basin is confirmed to encroach, this is not a minor adjustment — relocation would likely require a major amendment to the CDP and potentially a redesign of the project itself. As we noted earlier, that uncertainty itself underscores why this appeal raises Substantial Issue.

Thank you for your prompt attention and for including this information in the public record.

Sincerely,  
Joe Farrell  
(on behalf of Appellants)



[jfarrellhmb@gmail.com](mailto:jfarrellhmb@gmail.com)  
650.954.7862

From: [Brad Steinwede](#)  
To: [Cooper, Isobel@Coastal](mailto:Cooper.Isobel@Coastal); [northcoastcentral@coastal.ca.gov](mailto:northcoastcentral@coastal.ca.gov)  
Cc: [Ringuette, Oceane@Coastal](mailto:Ringuette.Oceane@Coastal)  
Subject: Re: Staff Report Posted for Appeal A-2-HMB-25-0017  
Date: Monday, August 4, 2025 3:51:39 PM  
Attachments: [preview.png](#)  
[Joane Kerbavaz.PNG](#)  
[image001.png](#)

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## Blufftop Contentions

**30106** "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Date : November 1, 2024  
To : Scott Phillips, City of Half Moon Bay  
Linda Hitchcock, California State Parks  
Subject: Pullman Ditch Culvert Replacement Project Biological Report

It has come to my attention that the use of the term "bluff" in the Project and Property Description introductory section of the biological report for the Pullman Ditch Culvert Replacement project (dated June 20, 2022) has been interpreted as to suggest that the project is on or adjacent to a sea cliff or bluff that would invoke a setback requirement.

This interpretation is not correct and is not consistent with other language in that same paragraph as well as in the rest of the document, including maps and figures. To avoid confusion, I have suggested removing the word "bluff" and retaining the reference to "coastal terrace" in the following sentence:

The edited paragraph should read (emphasis added):

**The proposed project is within a coastal area impacted by previous road construction, agriculture, and other activities. The area is a low marine terrace, with soil composed of alluvial deposits from sedimentary rocks and other sources. The topography is fairly flat, sloping gently toward the ocean.**

### Background

The word "bluff" and the term "bluff area" may be commonly used as a description of habitat, rather than a specific landform. In Half Moon Bay State Beach, we use the term to differentiate the habitat found on dunes and sandy areas typically closer to the ocean from that found on the upland marine terraces that comprises the majority of the State Park land.

The Half Moon Bay Local Coastal Land Use Plan (page 6-32) uses the term "blufftop terraces" to describe the area inland from the sea cliff in the definition of sea cliffs as a Terrestrial ESHA (emphasis added):

**Sea Cliffs. Sea cliffs are areas of steep slopes at the interface between the marine environment and land-based habitats including blufftop terraces. Sea cliffs are generally present along bluffmarine environment interface in areas where dune habitat is lacking, primarily south of Half Moon Bay State Beach. All areas that meet this definition of Sea Cliffs are considered ESHA.**

From this definition, the area included in the Terrestrial ESHA and thus requiring a setback is the area of the bluffmarine interface, or the bluff edge. The blufftop terraces are outside of this definition.

### Recommendation

To reduce confusion over the term "bluff" or "blufftop" as it applies to the setback requirements, it may be valuable to use more accurate definitions with illustrations. As an example, the City of San Diego Coastal Bluffs and Beaches Guidelines include the figure below to clearly define the

State-Parks-Pullman-Bio-Report-  
Errata  
PDF Document · 162 KB

In regards to State Parks, Joanne Kerbavaz, Senior Environmental Scientist for State

Parks states that culvert is within a bluff top terrace.

**Sea Cliffs.** Sea cliffs are areas of steep slopes at the interface between the marine environment and land-based habitats including blufftop terraces. Sea cliffs are generally present along bluff/marine environment interface in areas where dune habitat is lacking, primarily south of Half Moon Bay State Beach. All areas that meet this definition of Sea Cliffs are considered ESHA.

Taking the definition of **structure** and the written document provided by Ms **Kerbavaz**, I respectfully still **contest** that the development of 2800 Champs Elysee is 210 feet, well within the 300 foot and thus classifies it as "blufftop and beachfront development".

Brad Steinwede



d in the attached exhibits present the data and  
the best of my ability, and that the facts,  
correct to the best of my knowledge and belief.

Signed:



Joanne Kerbavaz

Senior Environmental Scientist

California State Parks

Politics

and environmental documents in California,  
San Mateo and Santa Cruz counties.

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**half-moon-bay.ca.us**

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On Aug 1, 2025, at 4:25 PM, Cooper, Isobel@Coastal  
<isobel.cooper@coastal.ca.gov> wrote:

Good afternoon,

I am reaching out to inform you that the staff recommendation for appeal A-2-HMB-25-0017 has been posted to the Commission's website, please see item W12a on Wednesday's agenda: [California Coastal Commission](#)

Best,

**Isobel Cooper** | Coastal Planner  
California Coastal Commission  
[Isobel.Cooper@coastal.ca.gov](mailto:Isobel.Cooper@coastal.ca.gov)



From: [Joe Farrell](#)  
To: [NorthCentralCoast@Coastal](#); [Cooper, Isobel@Coastal](#)  
Cc: [John Rossi](#); [Susan Quaglietti](#); [Brent Simmons](#); [Vic Froelicher](#); [Brad Steinwede](#); [Anju Abel](#); [Jennifer Simmons](#); [Carol Farrell](#)  
Subject: Public Comment on August 2025 Agenda Item Wednesday 12a - Appeal No. A-2-HMB-25-0017 (Vidovich SFD, Half Moon Bay)  
Date: Saturday, August 2, 2025 8:42:47 AM

---

**Subject:** Scaled Verification Request – Settlement Buffer Not Analyzed in Staff Report (Appeal A-2-HMB-25-0017)

Dear Isobel,

Following up on our earlier email regarding the Stoloski v. Gradstein settlement and the 30-foot Further Restriction Area:

Could you confirm whether Commission staff is conducting a scaled verification of the detention basin's location relative to this restricted area, and if so, when those results will be available? If this work is underway, we request that both the scaled data and any resulting overlay be shared with appellants and included in the public packet so it can be reviewed prior to the hearing. We believe it is essential that this verification — including the overlay or analysis — be made part of the hearing record so Commissioners and appellants alike have clarity on this issue prior to August 13.

We also note that staff has acknowledged the basin extends into the 35-foot LCP riparian buffer. This fact heightens — rather than resolves — the need to verify its location relative to the narrower but legally binding 30-foot settlement buffer, which was agreed to not only by the prior landowners but also by the City of Half Moon Bay, and which was not addressed in the Staff Report.

For ease of access, the full settlement document is available on the City's website here: [https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/254445/ATTACHMENT\\_4.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/254445/ATTACHMENT_4.pdf).

Absent scaled verification, there remains significant uncertainty about whether the approved project complies with the binding settlement. If the basin is confirmed to encroach, this is not a minor adjustment — relocation would likely require a major amendment to the CDP and potentially a redesign of the project itself. As we noted earlier, that uncertainty itself underscores why this appeal raises Substantial Issue.

Thank you for your prompt attention and for including this information in the public record.

Sincerely,  
Joe Farrell  
(on behalf of Appellants)

[jfarrellhmb@gmail.com](mailto:jfarrellhmb@gmail.com)  
650.954.7862

From: [Joe Farrell](#)  
To: [NorthCentralCoast@Coastal](#); [Cooper, Isobel@Coastal](#)  
Cc: [Vic Froelicher](#); [Susan Quaglietti](#); [John Rossi](#); [Brent Simmons](#); [Jennifer Simmons](#); [Anju Abel](#); [Brad Steinwede](#); [Carol Farrell](#)  
Subject: Public Comment on August 2025 Agenda Item Wednesday 12a - Appeal No. A-2-HMB-25-0017 (Vidovich SFD, Half Moon Bay)  
Date: Friday, August 1, 2025 3:58:51 PM  
Attachments: [2014 Stoloski-Gradstein settlement.pdf](#)

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Dear Isobel,

We are just beginning our review of the Staff Report for Appeal A-2-HMB-25-0017, but we must immediately raise a critical issue that appears to be missing from the analysis: the **2014 Stoloski v. Gradstein settlement agreement** governing these parcels.

This settlement created a **30-foot “Further Restriction Area”** along Pullman Watercourse and prohibits any development in that zone. The key clause is in Section 3.3:

*“Stoloski, and any successor in interest, shall not remove any trees located within the Further Restriction Area as depicted on Exhibit ‘A,’ and shall not build or locate any new structure or undertake any other development in the Further Restriction Area.”*

Based on the approved project plans and the settlement’s Exhibit A, the **stormwater detention basin lies within this 30-foot restricted zone**. This directly violates the settlement. The Staff Report’s “no substantial issue” recommendation does not address this legal restriction, focusing only on LCP buffer policies. The settlement’s prohibition is broader and independently enforceable.

We also want to clarify a likely point of confusion: the **30-foot drainage easement** mentioned in the Staff Report is **not the same as the settlement’s 30-foot Further Restriction Area**. The easement simply allows the City to undertake future drainage improvements; it does not authorize private development and does not remove the settlement’s strict no-development restriction.

**We request that Commission staff provide scaled verification of the detention basin’s location relative to the Further Restriction Area shown on the settlement’s Exhibit A.** This verification is necessary to confirm the extent of conflict between the approved project and the settlement.

Even if the basin were relocated, that change would constitute a **major amendment** requiring new review, underscoring why this appeal cannot be resolved with a “no substantial issue” finding.



We will provide detailed written comments and supporting exhibits shortly, but wanted to flag this critical oversight as soon as possible.

Thank you for your prompt attention.

Sincerely,  
Joe Farrell  
(on behalf of Appellants)

Attachment: Stoloski/Gradstein Settlement

**SETTLEMENT AGREEMENT****1. Parties**

The Parties to this Settlement and Mutual Release Agreement (“Agreement”) dated December\_\_\_\_ 2014, are Mark Stoloski and Robert Gonzales (collectively “Stoloski”), the City of Half Moon Bay (“City”), and Marc Gradstein and Jane Gorman (collectively “Gradstein”), hereinafter referred to individually as “Party” and collectively as “Parties.

**2. Recitals**

This Agreement is made with reference to the following facts:

2.1 On January 17, 2012, the City approved a coastal development permit, planned unit development plan, use permit and tentative parcel map for the subdivision of and related improvements to the property located in the 2700 block of North Cabrillo Highway on the west side of Highway 1 south of Washington Boulevard in the City of Half Moon Bay, California, Assessor Parcel No. 048-133-010 (collectively, “City Approvals”). Stoloski owns the property that is subject to the City Approvals (“Stoloski Property”).

2.2 Gradstein owns the property located at 2805 Naples Avenue, Half Moon Bay, California (“Gradstein Property”), which is adjacent to a portion of the westerly area of the Stoloski Property denominated as the “Common Open Space” area of Parcel D on the tentative parcel map that is part of the City Approvals (“Common Open Space Area”). The Common Open Space Area is depicted on Exhibit “A” to this Agreement, and by this reference Exhibit “A” is hereby incorporated herein. Exhibit “A” also depicts a “Further Restriction Area.”

2.3 On February 6, 2012, Gradstein appealed the City Approvals to the California Coastal Commission (“Appeal”). On May 15, 2014, the California Coastal Commission found that the appeal did not raise a substantial issue, and, on that basis, the Coastal Commission did not hear the appeal (“Commission Decision”).

2.4 On July 14, 2014, Gradstein filed a lawsuit against Stoloski, the City, and the California Coastal Commission entitled, *Marc Gradstein and Jane Gorman v.*

*California Coastal Commission et al.*, San Francisco County Superior Court case No. CPF-14-513756 (“Lawsuit”). The Gradstein lawsuit challenged the City Approvals and the Commission Decision.

2.5 The Parties now desire to settle all claims between them related to the City Approvals and the Commission Decision, including, without limitation, the City’s decision to approve the City Approvals and the California Coastal Commission’s decision that the Appeal did not raise a substantial issue.

3. Consideration and Agreement

In consideration of the foregoing and the respective promises as set forth herein, the Parties agree as follows:

3.1 Stoloski shall not construct or install the 48” Storm Drain Culvert depicted in Exhibit “A” (“Storm Drain Culvert”).

3.2 In connection with the construction of a sewer line on the Common Open Space Area depicted on Exhibit A (the construction of which sewer line is required by City Approvals), Stoloski shall construct the sewer line as depicted on Exhibit “A,” subject to the requirements of the City and Grenada Sanitary District, and shall, acting in good faith, construct the sewer line so as to eliminate or minimize any damage to trees located on the Further Restriction Area, including by eliminating or minimizing damage to the roots of the row of trees on the Further Restriction Area that is located nearest to the Gradstein Property. It is anticipated that construction of the sewer line may require the removal of two or three trees within the Further Restriction Area, and Stoloski agrees that the construction of the sewer line will be conducted so as to minimize the number of trees removed in connection with the sewer line construction within the Further Restriction Area. In the event that any trees are removed from within the Further Restriction Area depicted on Exhibit “A,” Stoloski shall replace each such tree with a 24-inch box specimen tree of the same species.

3.3 For a period of ten (10) years from the date of this Agreement, except for any tree removal required for the construction of the sewer line, and

notwithstanding any provision of the current City Approvals, Stoloski, and any successor in interest, shall not remove any trees located within the Further Restriction Area depicted in Exhibit "A," and shall leave the Further Restriction Area in its existing and currently undeveloped state, and shall not build or locate any new structure or undertake any other development in the Further Restriction Area.

3.4 Notwithstanding the provisions of Section 3.3, Stoloski, and any successor in interest, may remove any tree within the Further Restriction Area depicted on Exhibit "A" pursuant to any government order or requirement, subject to the replacement requirement specified in Paragraph 3.2. In the event that any tree located within the Further Restriction Area causes any property damage or personal injury to Gradstein or their successors in interest, during the ten-year period specified herein (other than as a result of any work performed on such tree by Stoloski or any successor in interest), Gradstein, for themselves and their successors in interest, shall release and hold Stoloski and any successor in interest harmless, and shall make no claim against Stoloski and any successor in interest for any damage or injury, of any kind, caused by any such tree.

3.5 Within five (5) days of the execution of this Agreement by all Parties, the City shall modify the City Approvals to (i) eliminate any approval to construct the Storm Drain Culvert and (ii) incorporate the provisions contained in Sections 3.2, 3.3, and 3.4, so that these provisions become conditions of the City Approvals, binding on Stoloski and any successor in interest (the "Modifications").

3.6 Within five (5) days following the effective date of City's approval of the Modifications, Gradstein shall dismiss the Lawsuit with prejudice at to all Parties.

3.7 All Parties shall bear their own attorney fees and costs incurred in connection with the Lawsuit.

3.8 Except as modified pursuant to Paragraph 3.5, and notwithstanding any other provision of this Agreement, nothing contained herein shall be

deemed to have modified the City Approvals or Stoloski's obligations to fulfill all terms and conditions thereof.

4. Release of Claims and Covenant Not to Sue

For and in consideration of the agreements, the Parties agree as follows:

4.1 Other than with respect to limitations set forth herein, and specifically the provisions in Section 4.6, Gradstein, for themselves and for their successors in interest, covenants not to sue and fully and forever releases and discharges Stoloski, and the City and their respective officers, employees, agents, representatives and attorneys with from any and all remedies, liability, claims, demands, damages, punitive damages, choses in action, disputes, suits, actions, claims for relief and causes of action, in law or in equity ("Claims"), whether known or unknown, choate or inchoate, accruing or accrued, suspected or unsuspected, or foreseen or unforeseen, which concern the City Approvals or the Commission's decision on the Appeal, including, without limitation, (i) all claims to vacate, annul, or set aside any of the City Approvals and the Commission Decision, and (ii) all claims for attorney fees and costs incurred by Gradstein or their counsel in connection with the City Approvals, the Appeal or the Lawsuit.

4.2 Other than with respect to limitations set forth herein, and specifically the provisions in Section 4.6, Stoloski and the City covenant not to sue and fully and forever releases and discharges Gradstein, and their respective employees, agents, representatives and attorneys with from any and all remedies, liability, claims, demands, damages, punitive damages, choses in action, disputes, suits, actions, claims for relief and causes of action, in law or in equity ("Claims"), whether known or unknown, choate or inchoate, accruing or accrued, suspected or unsuspected, or foreseen or unforeseen, which concern the filing and prosecution of the Lawsuit.

4.3 The Parties certify that they have read the provisions of California Civil Code Section 1542 and have consulted their own counsel regarding that Section. The Parties waive any and all rights under California Civil Code Section 1542, which states:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

4.4 The Parties have made an investigation of the facts pertaining to this Agreement as such Party deems necessary.

4.5 It is Parties' intention to settle and release fully, finally and forever all claims related to the subject matter of this Agreement which now exist, may exist or may have existed and shall extend to every type of claim, whether based on a tort, contract, equity, statute, or other theory of recovery that exists now or may be discovered in the future.

4.6 No provision contained in this Section 4, relating the parties' release of claims and covenant not to sue, shall in any way be construed to limit or prevent any Party's ability to enforce the terms of this Agreement, including by way of litigation, if necessary.

5. Miscellaneous

5.1 This Agreement constitutes a settlement and compromise of claims. Neither the offer nor the acceptance of the terms and conditions of this Agreement nor any other aspect of this settlement represents an admission of liability on the part of any Party. No Party shall be deemed to be prevailing by virtue of the terms of this Agreement.

5.2 No court of law or equity shall construe any part or portion of this Agreement as against any of the Parties hereto by virtue of the identity of the drafters.

5.3 This Agreement contains the entire agreement of the Parties and supersedes all prior negotiations and proposed agreements, written and oral. The Parties acknowledge and warrant that neither they, nor their respective agents or attorneys, have made or implied any promise, representation or warranty whatsoever, expressed or implied, not contained in this Agreement to induce the execution of this Agreement. Each Party

acknowledges and warrants that it has not relied on any express or implied promise, representation, or warranty not contained in this Agreement.

5.4 No amendment, alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by all of the Parties.

5.5 No claim or right arising out of a breach of this Agreement may be discharged in whole or in part by a waiver or renunciation of such claim or right unless such waiver or renunciation is supported by consideration, is in writing and is signed by the aggrieved Party. Further, a waiver by any Party hereto of a breach of any of the covenants or agreements hereof to be performed by any Party shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions or conditions hereof.

5.6 This Agreement and all rights and obligations arising out of it shall be governed and construed in accordance with the laws of the State of California.

5.7 This Agreement shall be binding on each Party's successors, assigns, heirs, and beneficiaries.

5.8 This Agreement, consisting of eight (8) pages, including Exhibit A, shall be executed in duplicate originals. One duplicate original of this Agreement, with executed counterpart signature pages, shall be retained by Gradstein. Other duplicate originals of this Agreement, with executed counterpart signature pages, shall be retained by Stoloski, the City and the Commission.

THE PARTIES CERTIFY THAT EACH HAS READ ALL OF THIS AGREEMENT AND FULLY UNDERSTANDS ITS TERMS.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement  
as of the date set forth below.

Dated: December \_\_, 2014

MARC GRADSTEIN

By: \_\_\_\_\_  
Marc Gradstein

Dated: December \_\_, 2014

JANE GORMAN

By: \_\_\_\_\_  
Jane Gorman

Dated: December \_\_, 2014

MARK STOLOSKI

By: \_\_\_\_\_  
Mark Stoloski

Dated: December \_\_, 2014

ROBERT GONZALES

By: \_\_\_\_\_  
Robert Gonzales

Dated: December \_\_, 2014

CITY OF HALF MOON BAY

By: \_\_\_\_\_  
Its: \_\_\_\_\_



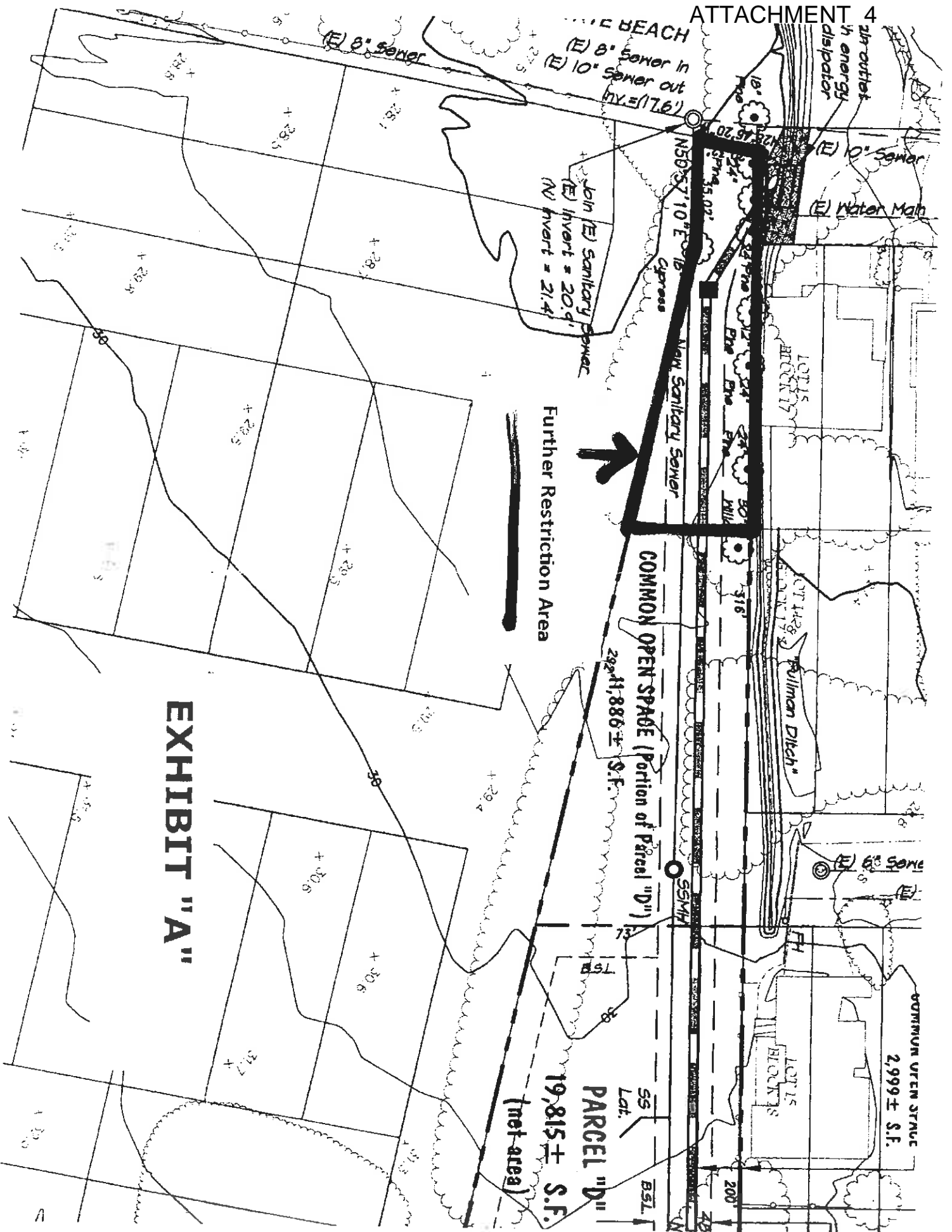


EXHIBIT "A"

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement  
as of the date set forth below.


Dated: December 5, 2014

MARC GRADSTEIN

By:   
Marc Gradstein

Dated: December 5, 2014

JANE GORMAN

By:   
Jane Gorman

Dated: December 5, 2014

MARK STOLOSKI

By:   
Mark Stoloski


Dated: December 5, 2014

ROBERT GONZALES

By:   
Robert Gonzales

Dated: December 15, 2014

CITY OF HALF MOON BAY

By:   
Its: City Manager

PLEASE