CITY OF HALF MOON BAY

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City of Half Moon Bay

Planning Department
501 Main Street Half Moon Bay CA 94019
Phone: 650.726.8250 / Fax: 650.726.8261

APPEAL FORM

ACTION OF CITY BEING APPEALED: Planning Commission Decision at meeting of October 22, 2024

PROJECT OR REFERENCE NUMBER: PDP 072-13

LOCATION: 1100 Block of Main St (APN 065-012-030); 100 Seymour St (APN 065-012-020); North Side of Seymour St (APN 064-352-150)

DATE OF ACTION: October 22, 2024

DATE APPEAL PERIOD ENDS November 5, 2024
(If Applicable)

NAME OF APPELLANT: RGJC South LLC, Et al., Greg Jamison, partner
(Please Print)

ADDRESS: P.O. Box 426, Half Moon Bay, CA 94019

PHONE NUMBER AND EMAIL: 650 243-8954 / greg1@coastside.us

SIGNATURE OF APPELLANT: Greg Jamison

STAFF USE ONLY

Action Appealable to Coastal Commission _____ Yes _____ No

Subject to City Appeal Fee Per Master Fee Schedule _____ Yes _____ No

City Fee Collected: _____

Received by: _____ **Date:** _____

Please Attach a Separate Statement of Appeal That Describes in Detail the Grounds for the Appeal and the Relief Being Sought

Applicant/Owner Greg Jamison

P.O. Box 426
Half Moon Bay, CA 94019
greg1@coastside.us

October 31, 2024

Hon. Mayor Joaquin Jimenez and Council Members
Half Moon Bay City Hall
501 Main Street
Half Moon Bay, CA 94019
Attn: Steve McHarris, CDD Director

Project: City File #PDP 072-13 – Appeal from Planning Commission

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

Dear Mayor and members of the City Council:

On October 22, 2024, the proposed development for PDP-072-13 was denied approval by the City of Half Moon Bay Planning Commission. The denial was based on three policies found in the City of Half Moon Bay LCLUP. Policies 9-3, 9-12, and 9-23. Attached as **Exhibit A**.

Here is a **'Transcript'** obtained from the video of the Planning Commission meeting held October 22, 2024, listing the findings read by the City Attorney to the Planning Commissioners to support a motion for a denial. (PC Video 4:39:03).

9-3 *"The project does not preserve and enhance Half Moon Bay's unique visual quality because the projects height and mass interferes with expansive views of upland slopes from the coastal terrace."*

9-12 *"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."*

9-23 *"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."*

Roll Call: Vote 3-2 in favor of a motion approved for a denial resolution. **Meeting Adjourned.**

I am the applicant representing the above-mentioned project and disagree with the findings. Through the eight public hearings going back to 2016, all policies have been followed as the proposed development plan has gone through several revisions in response to input from the City Staff, Planning Commission, Architectural Advisory Committee, the California Coastal Commission, public input, and implementing design elements into the plan in response to environmental concerns from the various studies that have been completed on the subject property. **The project complies and is consistent with all local and state codes, policies, regulations and conditions.**

Analysis of the Planning Commission Meeting held October 22, 2024

Regarding Aesthetics

During deliberations it was clear that all five commissioners supported the design of the hotel. Comments made during the meeting are as follows:

Commissioner Gorn, "so as a point of discussion, I would say, my personal opinion, is that this is a beautiful project, it's a really nice-looking hotel, in a place where a hotel would be good, where the TOT is not insignificant. Like I see the benefit to us." PC Video at 2:11:38.

Commissioner Ruddock, "first of all I agree with Commissioner Gorn, that I personally find that this to be a beautiful project. I think more importantly the reason that the aesthetics are not being debated anymore is partly due to very positive and helpful impact from the public and also our architectural advisory committee made up of three professional architects who have given an awful lot to the city on this project and many others over the years." PC Video at 2:21:30.

Commissioner Hernandez, "I agree with a lot of the comments my colleagues have made. I do think after, I guess this is eight meetings now, that have been public, we've ended up with a much better looking project that fits in, uses coastal resources, and I think it satisfies the policy concerns I have about a gateway location from an aesthetics perspective, I think it does, the setback in particular and the inclusion of native plants species that are coastal scrub and other plants and some native trees, does create a transition into the urban setting and it's consistent with the policies and that stuffs pretty clear." PC Video at 2:26:24.

Chair Gossett, "the hotel itself is beautiful, I think the design is lovely, but the other thing, so I do want to compliment the applicant on bringing forward something that beautiful." PC Video at 2:49:48.

Vice Chair Joanes, "I'm not saying I don't want a hotel there. I am just saying that this hotel as designed, it's a beautiful place, but as designed, how do we resolve this visual quality. That's what I'm saying. The hotel is beautiful, the hotel is needed. The hotel will give us a lot of, you know, possible financial revenues. There is no question about that. Were tasked with this policy and how do we figure this out. And this is what I am saying." PC Video at 3:58:17.

Regarding Policies 9-3, 9-12, 9-23 of Chapter 9, Scenic and Visual Resources of the LCLUP

During this October 22, 2024, Planning Commission Meeting, three of the Planning Commissioners could not see how the CEQA Guidelines and the LCLUP Policies could apply to the proposed project in such a way to approve the development.

The following provides a history of what has been accomplished over the years from the previous City meetings to address the concerns for these policies:

June 29, 2021, a Special Meeting, Joint Study Session Planning Commission with the Architectural Advisory Committee was held. Alternative 2 was introduced as a reduced plan containing 102 guestrooms. This plan shifted the hotel buildings further to the north and east to create more Open Space along the south end and west side of the hotel to protect the Viewpoints from the southern Gateway area and to reduce visual impacts from the Naomi Patridge Trail west of Hwy 1 when viewing to the east towards the hotel. During the review of Alternative 2 that evening, it was suggested to see if we could create additional space between the two hotel buildings to open up that area more for even better views.

August 9, 2022, Planning Commission Meeting. *(This meeting was held during circulation of the DEIR. The public review period is 60 days from July 15, 2022, ending September 13, 2022)*. In response to comments from the June 29, 2021, meeting, the applicant offered to increase the space between the two hotel buildings, by doubling the space from 16 feet to 32 feet apart. The change offered during this meeting was welcomed.

September 9, 2022, The California Coastal Commission (CCC) provided a letter to the City of Half Moon Bay. This letter was issued by CCC in response to the DEIR 60-day public review period and in response to the Planning Commission meeting of August 9, 2022. The **California Coastal Commission** letter is attached as **Exhibit B**. A Quote from the letter states the following:

> *3. Visual Impact. The proposed development has several impacts to visual resources in the area. The project site is adjacent to Highway 1, which is not officially designated as a scenic corridor in the LUP, but is described in the LUP as providing "a large share of the visual impression of the City." In addition, Highway 1 contains long-range views of the ridgelines north and east of the project location. As a result, the DEIR states that the City has expressed intent to treat Highway 1 corridor as a visual resource area. In addition, the project is located at the southern entrance of the City of Half Moon Bay and is essentially the gateway to the downtown area. Therefore the project has a greater potential to impact the character of the surrounding area and the first impressions of the City. The selection of Alternative 2 addresses many of these concerns by increasing the setbacks from Highway 1, the Southern Gateway, and Main Street, both reducing the impact to the view of the ridgelines from Highway 1, and the view of the proposed hotel from the southern entrance to the City. In addition, based on communication with the applicant, and from the option presented in the August 9th, 2022 Half Moon Bay Planning Commission Meeting by the project architect, Staff understands that the applicant intends to further break up the building massing, roughly doubling the space between the two proposed buildings to further reduce the impact on view lines inland from Highway 1.* ***Staff is supportive of the selection of Alternative 2 and the planned design changes.*** *Per LUP Policy 9-6 "Site Planning and Design for New Development", please ensure 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.*

Viewpoint Map of the Site

Attached is **Exhibit C**, which is a copy of the **Viewpoint Map, Figure 4.1-2** from the EIR that shows the "Project" as 129 guestrooms. For your convenience, an Overlay of "Modified Alternative 2" (from Figure 5-1, of the EIR) as 102 guestrooms has been added. Modified Alternative 2 includes the increase in space between the two buildings from 16 feet to 32 feet apart. Seeing both plans on the same page shows the major reduction in the footprint of the structures that Modified Alternative 2 provides with how it is positioned on the site and how these changes increased substantially the views from various locations.

Comments

All the Commissioners had comments regarding these policies, but one that was specifically interesting came from Commissioner Gorn as shown on PC Video 2:11:38 to 2:19:32.

Commissioner Gorn, "So as a point of discussion, I would say, my personal opinion, is that this is a beautiful project, it's a really nice-looking hotel, in a place where a hotel would be good, where the TOT is not insignificant. Like I see the benefit to us. Personally. I see that. This 3,965 daily VMT trip miles travelled thing, somehow, cutting down to 3,354 is like, I just don't believe that's happening. But those other benefits of having that project in, you know I could overlook the VMT thing, I could overlook the parking variance, this lot line adjustment, this parcel division, this approving the project with a housing component that is not actually a part of the project but is a part of the approval, ok, you know, maybe but so to me there is two things that standout that are not, personal opinion that we have to deal with as facts and those are the two big problems with this project. And one of them is the view and where the view is and how that view meets LCP standards. And I don't see LCLUP, I see so many spots where it's a problem. Where I wouldn't want to overrule that. ***I think if I was on City Council and I was trying to make a decision about, you know, policy, then maybe I would, you know, somehow overlook that****. But as a Planning Commissioner and what were supposed to look at is the LCLUP I think that is pretty-pretty serious."*
PC Video 2:11:38 to 2:14:02.

Conclusion

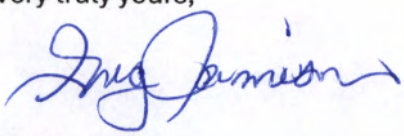
As the record demonstrates, City review for this proposed development has spanned over eight years. We have made substantial modifications to the proposed development to provide a project that includes a major reduction in size through structural clustering and is in line with the city standards, policies, and regulations. When viewing the site from Hwy 1 looking east, only about 50% of the site has structures. The proposed development provides Low-Cost Visitor Serving elements that comply with the City of Half Moon Bay and the California Coastal Commission policies. These features provide **new public access** to this area that includes two acres of open space with bike paths, walking paths, park benches, educational signage and environmental restoration. This development is a substantial benefit to our community by providing Transient Occupancy Tax Revenues, creating new jobs, supporting the local shops and restaurants, anchoring the south end of Main Street, and enhancing our Southern Gateway to the City.

For reasons clearly identified, I request that the City Council follow City Staff recommendations for approval of this development as is defined in the City Staff Report and Supplemental Documents that are part of the Agenda Packet for the Planning Commission Meeting held on October 9, 2024 and the continuation to the Planning Commission Meeting held on October 22, 2024, including the additional Supplemental Information provided and all agenda packet information as it relates to City File #PDP 072-13.

It is time for the applicant's reasonable expectation of the proposed development plan to be realized, and for the City Council to reverse and override the Planning Commission and approve the project.

Thank you for your consideration.

Very truly yours,



Greg Jamison

Exhibit A

Listed are the Policies as written in the LCLUP, adopted by Half Moon Bay City Council Resolution No. C-2020-94 October 20, 2020, and Certified by the California Coastal Commission LCP Amendment No. LCP-2-HMB-20-0081-2 April 15, 2021, are as follows:

Policies - General

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.

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.

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.

STATE OF CALIFORNIA — NATURAL RESOURCES AGENCY GAVIN NEWSOM, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION

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

September 9, 2022

Hyatt Place EIR
ATTN: Jill Ekas
City of Half Moon Bay
Community Development Department
501 Main Street, Half Moon Bay, CA 94019

Subject: Draft Environmental Impact Report for the Half Moon Bay Hyatt Place Project

Dear Ms. Ekas:

Thank you for the opportunity to comment on the above-referenced Draft Environmental Impact Report (DEIR) for the Half Moon Bay Hyatt Place Project located at the southern entrance to downtown Half Moon Bay along State Route 1. The proposed project includes the construction of a 90,784 square-foot hotel on a 5-acre parcel and would include up to 129 guest rooms as well as supporting facilities including a board room, lobby and lounge area, swimming pool, fitness area, and a meeting room/multipurpose room. Up to 148 parking spaces would be provided, with at least 129 parking spaces dedicated for hotel guests. The hotel would be varying heights, up to a maximum of 35 feet. The western portion of the property is proposed to be maintained as an open space area with the addition of an off-street bike path.

Since publication of the DEIR, the applicant has made clear that they wish to pursue Alternative 2, “Reduced Intensity” project (reduces the square footage of the structures from 90,784 square feet to 66,784 square feet, reduces the number of rooms to 102, reduces the length of the property from 608 feet to 452 feet, and includes other “reduced intensity” reductions and alterations in height, landscaping, and amenities; in addition requires lot line adjustment on the 5.02-acre parcel, adding 0.61 acres to an adjacent parcel containing an auto dealership and using the resulting 4.41 acres for the reduced-size hote, which will createadditionnal parking for the dealership, allowing for the creation of an 8-lot subdivision in a 1.15-acre parcel that is currently being used as dealership parking), as laid out in the DEIR in Section 5.5.2. This decision was made upon consultation with City staff and upon further feedback provided through public hearings and at some point in the future may allow for affordable housing.

Since it is Staff’s understanding that the applicant is now pursuing Project Alternative 2 of the Draft EIR, the comments below are intended to address the potential impacts of this alternative, not of the original project.

1. **Subdivision in Wetland Buffers.** In Alternative 2 of the draft EIR, the applicant states that if the 1.15-acre site was subdivided as proposed, it would result in a new parcel that falls within the 100-foot buffer required by the LCP for the identified seasonal wetlands. Mitigation Measure BIO-4a on page 5-31 proposes a revised subdivision to keep parcels from intruding into the 100-foot buffer. However, given the size constraints and shape of the parcel as illustrated in Figure 5-1, it is difficult to see how the subdivision would be revised to accommodate the required 100-foot buffer. Please provide more details on how this subdivision would be planned, including a preliminary site layout of the subdivision that accommodates this buffer.

2. **Conversion of Agricultural Land.** The 5.02-acre site was previously used as agricultural land, but according to a review of historic aerial imagery performed by the applicant has not been actively used for agricultural activities since 2013. The project site is also sited within the "Town Center" area as designated by the certified Half Moon Bay Local Coastal Plan-Land Use Plan (LCP-LUP). The "Town Center" is an area of high residential and commercial density described in Chapter 2 of the LUP as an area where future development should be concentrated. As such, the LCP permits the conversion of agricultural land within the "Town Center", with Policy 4-9 "Conversion of Prime and Non-Prime Agricultural Land" stating:

   "*Conversion of prime and non-prime agricultural land within the Town Center shall be permitted for anticipated urban development….*"

   However, Policy 4-9 is supplemented by Policy 4-10 "Mitigation for Conversion of Agricultural Lands" which requirees mitigation for agricultural land conversion as follows (emphasis added):

   "All conversions of prime and non-prime agricultural lands to a new non-agricultural use, excluding farmworker housing, agricultural compatible uses, and supplemental uses as defined in this chapter such as habitat restoration and recreation, shall be mitigated at a ratio to be established based on the quality of agricultural lands converted, their location, and other relevant factors as evaluated in a report prepared by a qualified professional for the City's review and approval. Methods for mitigation may include but are not limited to establishing agricultural conservation easements, soil restoration, or in lieu fees in partnership with land trust and conservation agencies. Protection or restoration of agricultural lands within city limits is preferred; followed by lands within the coastal zone of unincorporated San Mateo County and finally by other coastal zone areas."

   Therefore, the City should require a report prepared by a qualified professional and approved by the City that assesses and recommends appropriate mitigation, and ratios for the same, for the loss of the 5.02 acres of agricultural land. Any

recommendations for mitigation should then be incorporated into the City's required permit conditions for the proposed project.

3. **Visual Impact.** The proposed development has several impacts to visual resources in the area. The project site is adjacent to Highway 1, which is not officially designated as a scenic corridor in the LUP, but is described in the LUP as providing "a large share of the visual impression of the City." In addition, Highway 1 contains long-range views of the ridgelines north and east of the project location. As a result, the DEIR states that the City has expressed intent to treat Highway 1 corridor as a visual resource area. In addition, the project is located at the southern entrance of the City of Half Moon Bay and is essentially the gateway to the downtown area. Therefore the project has a greater potential to impact the character of the surrounding area and the first impressions of the City. The selection of Alternative 2 addresses many of these concerns by increasing the setbacks from Highway 1, the Southern Gateway, and Main Street, both reducing the impact to the view of the ridgelines from Highway 1, and the view of the proposed hotel from the southern entrance to the City. In addition, based on communication with the applicant, and from the option presented in the August 9th, 2022 Half Moon Bay Planning Commission Meeting by the project architect, Staff understands that the applicant intends to further break up the building massing, roughly doubling the space between the two proposed buildings to further reduce the impact on view lines inland from Highway 1. Staff is supportive of the selection of Alternative 2 and the planned design changes. Per LUP Policy 9-6 "Site Planning and Design for New Development", please ensure 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.

4. **Lower-cost Visitor Serving Accommodation.** LUP Policy 5-71, "Inclusion of Lower-Cost Accommodations" states:

   "Require new development of higher-cost accommodations and/or new development that would fail to provide lower cost accommodations on land where that use is allowed and suitable to provide lower-cost accommodations (e.g. a lower-cost bank of rooms in a hotel, a hostel, campground, cabins, etc.). The lower-cost accommodations may be provided as listed in order of priority as follows: on-site, off-site, or through payment of an in-lieu fee fund to support establishment of new lower-cost accommodations in the coastal zone. The provision of lower-cost accommodations shall equate to 15 to 25 percent of the number of approved high-cost accommodations in consideration of the price range of the proposed lodging options and provision by the development of other low-cost public access and recreation benefits such as airport shuttles, bicycle rentals, or trail connections. Require full replacement of any existing low-cost rooms proposed for conversion to high-cost rooms."

As such, please ensure lower-cost visitor-serving accommodation is incorporated into the project design and provide the analysis that establishes the final provision of accommodation. This analysis should include the reasoning behind determining the final percentage of accommodation provided (between 15 and 25 percent), and the process behind determining the final cost of the rooms provided as lower-cost accommodation. Staff have been in communication with the applicant on this process and are happy to provide additional support if needed.

5. **Tribal Consultation.** The DEIR makes several recommendations regarding the protection of potential archeological and cultural resources. In addition, the Coastal Act and LUP also require adequate Tribal Consultation for projects with potential to impact such resources. Per the Commission's Tribal Consultation Policy (TCP) adopted August 8, 2018, the Commission has committed to early and effective communication with the Tribes and Tribal Nations of California. A copy of the Commission's TCP may be found on the Commission's website at https://www.coastal.ca.gov/env-justice/tribal-consultation/. The City should require the project applicant to reach out and coordinate with tribes who may be culturally connected to the project area, in order to address any concerns the tribes may have regarding the proposal. Please let Commission Staff know if you would like a list of tribes with potential cultural connections to the project area.

Thank you again for the opportunity to comment on the DEIR for this project, and for continuing to coordinate closely with Commission staff. Please do not hesitate to contact me if you have any questions.

Sincerely,

Peter Benham

Peter Benham
Coastal Planner
North Central Coast District
California Coastal Commission

cc: State CEQA Clearinghouse (SCH # 2018032059)
Greg Jamison, RGJC South, LLC, Half Moon Bay, CA (Applicant)

THIS PAGE IS FROM THE EIR, FIGURE 4.1-2, VIEWPOINT MAP OF THE "PROJECT" ADDED HERE IS THE BUILDING FOOTPRINT OF "MODIFIED ALTERNATIVE 2" AS AN OVERLAY TO COMPARE THE TWO PLANS

Hyatt Place Half Moon Bay Project

Legend

1 Viewpoint 1
2 Viewpoint 2
3 Viewpoint 3
4 Viewpoint 4

PINK - Outlines the Structures that Represent "Modified Alternative 2" as 102 Guestrooms as shown in the EIR, Figure 5-2.

BROWN - Outlines the Structures that represents the "Project" as 129 Guestrooms as shown here, Figure 4.1-2.

Viewpoint Map Figure **4.1-2**

Source: SquareOne, 2019.

EXHIBIT C