



City of Half Moon Bay

PD-27-034

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

CITY OF HALF MOON BAY
MAY 23 2024
RECEIVED

APPEAL FORM

ACTION OF CITY BEING APPEALED: Planning Commission Decision

PROJECT OR REFERENCE NUMBER: 555 Kelly

LOCATION: 555 Kelly

DATE OF ACTION: May 14, 2024

DATE APPEAL PERIOD ENDS (If Applicable) May 23, 2024

NAME OF APPELLANT: Jennifer Moore

ADDRESS: [Redacted]

PHONE NUMBER AND EMAIL: [Redacted]

SIGNATURE OF APPELLANT: [Handwritten Signature]

STAFF USE ONLY

Action Appealable to Coastal Commission Yes No (checked)

Subject to City Appeal Fee Per Master Fee Schedule Yes No (checked)

City Fee Collected: \$264.00

Received by: Scott P

Date: 5/23/24

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

May 28, 2024

Steve McHarris

Interim Community Development Director

501 Main Street

Half Moon Bay Ca, CA 94019

CITY OF HALF MOON BAY  
MAY 29 2024  
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**Subject:** Statement of Appeal of the Planning Commission Action on May 14, 2024; Item 1A Approving the Coastal Development for 40-Unit Affordable Multifamily Residential Project with 2,653 Square Foot Farmworker Resource Center City File#: PDP-23-034 Location: 555 Kelly Avenue / APN:056-150-200

Dear Mr. McHarris:

Under the provisions granted in the Half Moon Bay Municipal Code Sections 1.25 and 18.20.075, this letter constitutes the Statement of Appeal of the Planning Commission's action on May 14, 2024, to approve the Permit file PDP -23-034 and the determination that the project is categorically exempt from CEQA under Class 32.

I am appealing the Planning Commission's approval to the City Council on the following grounds:

1. Evidence in the findings does not support that the Lot Line Adjustment granted under the Coastal Development Permit is consistent with Land Use Policy 7-2. The Lot Line Adjustment increased the project parcel size creating a new building site. When the housing development is constructed, it will be exposed to liquefaction.

**7-2. Subdivisions.** Limit subdivisions in areas vulnerable to environmental hazards, including as may be exacerbated by climate change, by prohibiting any new land divisions, including subdivisions, lot splits, and lot line adjustments that create new building sites unless specific criteria is met that ensure that when the subject lots are developed, the development will not be exposed to hazards, pose any risks to protection of coastal resources, or create or contribute to geologic instability.

2. Evidence in the findings does not support that the Lot Line Adjustment granted under the Coastal Development Permit is compliant with the Coastal Act regulations of development pursuant to the Subdivision Map Act and with the City Municipal Code sections 17.30.025, 17.30.030, 17.30.035, 17.30.040 and 17.30.045.
3. Evidence in the findings does not support that the development is exempt from CEQA. The development is a non-categorically exempt project. This “infill” site exhibits 1) an unusual circumstance that distinguishes it from other infill sites in the City, the size, shape, and location are not typical of residentially zoned infill sites; and (2) there is a reasonable possibility of a significant effect based on the unusual circumstance. The Applicant and ALAS stated that they do not know the extent of its future tenants’ use of cars except to guess that not many of them would need them. There is a potential for 150 vehicles to be associated with this development. The number of cars entering and exiting this development will significantly impact safe vehicular and pedestrian circulation along Kelly Avenue and the larger downtown area. Likewise, there is a potential for the Farmworker Resource Center (FRC) to maximize the use of its allocated space and cause even more stress on the public roadways, the Ted Adcock Community Center parking lot, and street parking. Furthermore, users arriving in cars to access the FRC services would further contribute to unsafe pedestrian conditions, jeopardizing the safe maneuvering of the physically challenged, youth, and aging populations. Traffic congestion could also deteriorate causing Sam Trans operations, to cause service delays.
4. Evidence in the findings does not support that the project is consistent with Land Use Policy 1-5 related to Social Equity and Environmental Justice. The city staff, City Council, or Planning Commission did not conduct a reasonable review of any specific recent data that justifies the

need for senior farmworker housing instead of affordable housing for college students, service, hotel industry, teachers, domestic workers, etc. Additionally, the City Council did not encourage equitable civic engagement and social inclusion in the public decision-making process.

- 1-5. **Social Equity and Environmental Justice.** Implementation of the LCP shall promote social equity and environmental justice, including the fair treatment and meaningful involvement of people of all races, cultures and incomes.
  - a. When acting on a coastal development permit, amending the LCP, or otherwise implementing the LCP, the City shall consider environmental justice and, where applicable, the equitable distribution of environmental benefits throughout the state. The City shall encourage equitable civic engagement and social inclusion in public decision-making regarding coastal development, prioritizing efforts to reach low-income households and limited English-speaking households.
  - b. No person shall be discriminated against by implementation of the LCP on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability.

5. Evidence in the record does not support that the project complies with Land Use Policy 7-44. This project site is prone to liquefaction.

7-44. **Minimize Geologic Hazard Consequences.** New development in areas of high geologic and seismic hazard shall minimize risk to life and property and neither create nor contribute to geologic and seismic hazards. Geologic and seismic hazards are defined to include soil stability, erosion, sedimentation, landslides, subsidence, seismicity, and liquefaction.

6. Evidence in the record does not support compliance with the California Density Bonus Law relative to being located within one-half mile of a major transit stop as defined in the California Public Resources Code (PRC) section 21064.3

21064.3. Major transit stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

7. Evidence in the findings does not support the claim that the Project is consistent with the Local Coastal Land Use Plan Policy 2-102 (a) (ii).

**2-102. Workforce Housing Overlay – Public Facilities and Institutions.** Apply the Workforce Housing Overlay to portions of lands in the Public Facilities and Institutions land use designation. The overlay areas shall comply with the following requirements:

- a. The following locations and amount of housing may be considered for application of the Workforce Housing Overlay in the Public Facilities and Institutions land use designation:
  - i. **Public Schools:** Up to 40 units may be developed at the Cabrillo Unified School District campuses. Units may be distributed amongst the different campuses, such as 10 units at Hatch Elementary/Pilarcitos High School, 20 units at Cunha Middle School, and 10 units at Half Moon Bay High School. At least one resident of each workforce housing unit shall be a full-time employee of the Cabrillo Unified School District.
  - ii. **Other Public and Quasi-public Uses:** Up to 10 units may be developed at the City of Half Moon Bay Ted Adcock Center; up to 40 units at the 515 Kelly Avenue Catholic Church; and up to 7 units at the 900 Cabrillo Highway North Lutheran Church. The units developed for this category shall be affordable to extremely low, very low, and low-income households.
- b. Subdivision of land to accommodate workforce housing is allowed only if the use of the site established for the workforce housing is permanently limited to school district workforce housing or affordable housing.

I request that the City Council suspend its land lease negotiations with the developer and restrict the commencement of construction of the development until the City Council completes the following actions:

- Development and Adoption of a city-wide public participation plan.
- Completion of the Safety Element update inclusive of compliance with AB747 requiring the City to among other things address evacuation routes related to identified fire and geologic hazards.
- Analysis of cumulative and reasonably foreseeable impacts of the development's construction and post-construction operations with consideration to any other City, County, State, Federal, and or private projects that are approved or pending approval and which are slated to be constructed between 2025 and 2028.
- Receives Approval from the California Department of Housing and Community Development.
- Update City Zoning Ordinance in coordination with the Land Use plan.
- Develop and adopt a comprehensive parking plan for the downtown area.
- Construct signage at the site describing the size and showing the design of the housing project.

Please feel free to reach out to discuss these items further or 555 Kelly in general. I look forward to collaborating more closely with the City of Half Moon Bay in striving for an optimum low-cost housing solution for our Coastside community.

Regards,

Jennifer Moore

May 23, 2024

Steve McHarris

Interim Community Development Director

501 Main Street

Half Moon Bay Ca, CA 94019

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**2-102. Workforce Housing Overlay – Public Facilities and Institutions.** Apply the Workforce Housing Overlay to portions of lands in the Public Facilities and Institutions land use designation. The overlay areas shall comply with the following requirements:

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Please feel free to reach out to discuss these items further or 555 Kelly in general. I look forward to collaborating more closely with the City of Half Moon Bay in striving for an optimum low-cost housing solution for our Coastside community.

Regards,

Jennifer Moore

A handwritten signature in blue ink, appearing to be 'JM', written in a cursive style.

5/23/2024

Fee Number	Description	Quantity	Unit of Measurement	Amount	Balance	Due At
30021 FYO AppealsFilingOutCCCUrisdiction		None		264.00	264.00	Time of charge
				264.00	264.00	

City of Half Moon Bay  
501 Main Street  
Half Moon Bay CA 94019

650-726-8270

Receipt No: 1.002199

May 23, 2024

PDP2023-0034  
Mercy Housing California  
1256 Market Street  
San Francisco CA 94102

Previous Balance:	264.00
COMM. DEV. - PLANNING PROJECT - PLANNING PROJECTS	264.00

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Total:	264.00
New Balance:	.00

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CREDIT CARD	Check No: 0623	264.00
Payor: Mercy Housing California		
Total Applied:		264.00

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Change Tendered:	.00
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05/23/2024 11:06 AM