

MEMORANDUM

To: Planning Commission

From: Carol Hamilton, Senior Planner

Date: January 26, 2016

Subject: Supplemental Information for the Fire Training Structure (File No. PDP-15-046)

This memo transmits additional correspondence and a revised draft resolution for the Fire Training Structure, and provides responses to issues raised in recent correspondence on the project. The revised resolution includes revised Conditions of Approval clarifying project conformance requirements¹ and additional draft findings regarding conformance with the Local Coastal Program.

Following are responses to concerns raised regarding lead agency status, unpermitted development, and visual compatibility:

1. **Lead Agency Status** - Correspondence on the proposed project expresses concern that the Coastside Fire Protection District (CFPD) should not be the lead agency for CEQA review in that it cannot objectively review its own project.

Section 15051 of the CEQA Guidelines identifies the following criteria for determining the lead agency for a project:

Where two or more public agencies will be involved with a project, the determination of which agency will be the Lead Agency shall be governed by the following criteria:

- (a) *If the project will be carried out by a public agency, that agency shall be the Lead Agency even if the project would be located within the jurisdiction of another public agency.*

Although this project is located within the jurisdiction of the City of Half Moon Bay, the project would be carried out by CFPD; thus it is fully appropriate for the CFPD to be the lead agency for this project.

¹ See revised Condition A.1 and new Condition A.2.

2. **Unpermitted Development** – Correspondence on the project expresses concern that existing development on the site was implemented without approval of a Coastal Development Permit.

Following is a summary of the recent permit approvals for the site:

Fire Training Yard. Coastal Development Permit File No. PDP-066-14 was approved by the Community Development Director on November 4, 2014 at a noticed public hearing. This permit provided for pavement, lighting, fencing, a storm water detention basin, tree removal (4 heritage trees) and tree replacement (15, 24-inch box trees).

Draughting Pit. Coastal Development Permit Exemption (File Nos. PDP-15-053/CDPE-15-010) was approved by the Community Development Director on July 2, 2015 for installation of a 10,000-gallon draughting pit. The draughting pit is an underground reservoir for storing and recycling water used in testing pumps on tanker trucks. The CFPD has indicated that this pit has utility regardless of whether the training structure exists. If the Fire Training Structure is approved, the draughting pit will also be used to recycle water used in training exercises within the tower.

3. **Visual Compatibility with Site and Surrounding Area** - Correspondence on the project expresses concern that the project is not visually compatible with the site and surrounding area and indicates specifically that the project is not consistent with Upland Slopes Standard C of Zoning Code Section 18.37.035, which states:

Structures shall be sited so as to not intrude or project above the ridge line skyline as seen from Highways 1 and 92.

This standard applies to development in or adjacent to upland slopes. Zoning Code Section 18.37.020 identifies upland slopes as scenic hillsides visible from Highway 1 and 92 which are hillside areas above the 160 foot elevation contour line. In this case, the closest upland slopes are located southeast of Pilarcitos Creek and east of Arroyo Leon. The project site is located over 1,200 feet west of Arroyo Leon on flat land. It is neither on nor adjacent to an upland slope and, therefore, is not subject to the upland slope standards. The fact that the Fire Training Structure site is located across the street from a PUD (and thus could be considered adjacent to a visual resource area), does not mean that the project must conform to the development standards identified for other visual resource areas, such as upland slopes, broad ocean views or the Old Downtown.

Based on the findings required for the project, the Planning Commission clearly has the ability (and obligation) to determine whether the project is visually compatible with the site and surrounding area regardless of specific criteria and code provisions. Prior to approving a CDP for the Training Structure, the Planning Commission must find that the project conforms to the LCP. The LCP clearly states that permitted development should

protect views in scenic coastal areas and be visually compatible with the character of surrounding areas. In addition, in approving architectural review for the project, the Planning Commission must make the following findings:

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

B. That such buildings, structures, planting, paving and other improvements will not impair the desirability or opportunity to attain the optimum use and the value of the land and the improvements, or otherwise impair the desirability of living or working conditions in the same or adjacent areas; (Zoning Code Section 14.37.040)

Staff has provided an analysis that concludes that the Fire Training Structure is visually compatible with the site and surrounding area (see December 8 staff report). As noted above, the Planning Commission is responsible for determining visual compatibility and will do so with the benefit of additional community comments and input. The Planning Commission may disagree with staff's conclusion and deny the application. If that is the case, staff recommends that the Planning Commission articulate its reasons for denial without relying on Upland Slope Standards that do not apply to the project.

Should you have questions, please contact Carol Hamilton at chamilton@hmbcity.com or (650) 712-5836.

Attachments: Without Attachments

1. Letter from Half Moon Bay Coastside Chamber of Commerce and Visitor's Bureau, dated January 26, 2016
2. Letter from Dave and Gail Conklin, dated January 24, 2016
3. Letter from Dana and Michael Kimsey, dated January 24, 2016
4. Letter from John Guisti, dated January 26, 2016
5. Revised Draft Resolution