

**PLANNING COMMISSION RESOLUTION P-19-18  
RESOLUTION FOR APPROVAL  
PDP-18-006**

**Coastal Development Permit, Architectural Review, and Setback Variance to allow the construction of a new public restroom facility with three all-gender accessible stalls, an outdoor shower, drinking fountains, benches, educational/informational signage, Coastal Trail retreat, public parking reconfiguration and addition of ADA parking spaces, and landscaping; and after-the-fact approval of the existing Pillar Point RV Park and associated site improvements on a 4-acre lot at 4000 Cabrillo Highway North in the Commercial – Visitor Serving Zoning District and the Commercial Recreation Land Use Plan designation (APN 047-263-010)**

**WHEREAS**, an application was submitted requesting approval of a Coastal Development Permit, Architectural Review, and Setback Variance to allow the construction of a new public restroom facility with three all-gender accessible stalls, an outdoor shower, drinking fountains, benches, educational/informational signage, Coastal Trail retreat, public parking reconfiguration and addition of ADA parking spaces, and landscaping; and after-the-fact approval of the existing Pillar Point RV Park and associated site improvements on a 4-acre lot at 4000 Cabrillo Highway North in the Commercial – Visitor Serving Zoning District and the Commercial Recreation Land Use Plan designation (APN 047-263-010); and

**WHEREAS**, the San Mateo County Harbor District is considered the applicant and permittee for the approval of the new public restroom and associated improvements; and

**WHEREAS**, the San Mateo County Harbor District and KN Properties, LLC are considered co-applicants and co-permittees for the after-the-fact approval of the RV Park; and

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

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on July 9, 2019, at which time all those desiring to be heard on the matter were given an opportunity to be heard; and

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

**WHEREAS**, the Planning Commission has determined that the requested Coastal Development Permit, Architectural Review, and Setback Variance for the construction of a public restroom facility, associated site improvements, and after-the-fact construction of the RV Park are exempt from CEQA pursuant to California Administrative Code Sections 15301, 15303, 15311, and 15323; and

**WHEREAS**, the Planning Commission has made the required findings for approval of the project, as set forth in Exhibit A to this resolution pursuant to the revisions made at the public hearing;

**NOW, THEREFORE, BE IT RESOLVED** that, based upon the Findings in Exhibit A and subject to the Conditions of Approval contained in Exhibit B, the Planning Commission approves this application (PDP-18-006).

**PASSED AND ADOPTED** by the City of Half Moon Bay Planning Commission at a duly noticed public hearing held July 9, 2019.

AYES, Holt, Benjamin, Hernandez, Polgar and Ruddock  
NOES,  
ABSENT,  
ABSTAIN,

APPROVED:

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Brian Holt, Chair

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Jill Ekas, Community Development Director

**EXHIBIT A**  
**FINDINGS AND EVIDENCE**  
**Planning Commission Resolution P-19-18**  
**PDP-18-006**

**Coastal Development Permit, Architectural Review, and Setback Variance to allow the construction of a new public restroom facility with three all-gender accessible stalls, an outdoor shower, drinking fountains, benches, educational signage, Coastal Trail retreat, public parking reconfiguration and addition of ADA parking spaces, and landscaping; and after-the-fact approval of the existing Pillar Point RV Park and associated site improvements on a 4-acre lot at 4000 Cabrillo Highway North in the Commercial – Visitor Serving Zoning District and the Commercial Recreation Land Use Plan designation (APN 047-263-010)**

**Coastal Development Permit – Findings for Approval**

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

- 1. Local Coastal Program – *The development as proposed or as modified by conditions, conforms to the Local Coastal Program.***

**Evidence:** The project consists of construction of a new public restroom facility and associated site improvements where public services and infrastructure are generally available. The project also consists of after-the-fact approval of site development for establishment of the RV Park. The existing and proposed development provides and enhances coastal access and recreation opportunities, conforms to all City requirements with the exception of the front setbacks for the existing and proposed restroom structures, will not impact coastal resources and is consistent with the policies of the City’s Land Use Plan (LUP).

**Coastal Act Section 30210:** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

**Compliance:** The existing parking lot contains 21 standard parking spaces and two ADA spaces, all of which are currently subject to a \$10 day-use fee. As proposed, the project will replace the 21 standard parking spaces with six supplemental ADA parking spaces for a total of eight ADA parking spaces, and will remove the day use fee for all eight spaces. Although the project represents a loss in overall parking spaces, the gain of ADA-compliant parking spaces is significant as there are multiple parking locations available to the public along and across Highway 1 within close walking distance of the trail and beach stairway that do not accommodate ADA needs. Furthermore, this is one of the few locations along the City’s coastline where disabled individuals can access the shoreline and ocean this closely as many sections of the Coastal Trail are separated from the beach by steep bluffs, wide dunes, or challenging grade changes. The elimination of parking fees and provision of additional ADA parking spaces supports Coastal Act goals of environmental justice and coastal access for all, not just some. The Coastal Commission

adopted an Environmental Justice Policy in March 2019 that supports equitable coastal access and recreation opportunities for disadvantaged communities, similar to the goals of this project. As stated in this guidance document, the Commission adopted the Environmental Justice Policy “to inform its decisions, policies, and programs to achieve more meaningful engagement, equitable process, effective communication, and stronger coastal protection benefits that are accessible to everyone.” The adopted policy further states that the Coastal Commission “is committed to ensuring that those opportunities not be denied on the basis of background, culture, race, color, religion, national origin, income, ethnic group, age, disability status, sexual orientation, or gender identity.” To reduce the impact of the proposed loss of total parking spaces, conditions of approval require an additional minimum of eight (8) standard vehicle public parking spaces to be located on-site with an approved final site plan.

**Policy 2-5:** *No structure shall be built within 15 feet of an accessway of the boundary of public shoreline recreation area ownership. A greater distance may be required to minimize adverse visual impacts, to protect residential privacy, or to protect public access.*

**Compliance:** The proposed structure is sited approximately 20 feet set back from the Coastal Trail, and has been sited and designed in consideration of pedestrian, bicycle, and vehicular access and circulation.

**Policy 2-7:** *In a zone extending approximately 200 feet inland from the mean high tide line, priority shall be given to coastal-dependent and related recreational activities and support facilities. However, camping facilities should be set back 100 feet from the beach and bluffs and near-shore areas reserved for day use activities. [...]*

**Compliance:** The proposed public restroom facility will enhance and support the public access and recreation experience in this area by providing much needed restroom stalls, water fountains, shower facilities, and other amenities to trail-users and beach-goers. The existing RV Park is also supportive of coastal recreation and provides a form of lower-cost visitor-serving accommodations. The southern-most portion of the RV Park area is at least 100 feet from the nearby breakwater and shoreline, separated by the day-use public parking to provide closer access for day use activities.

**Policy 2-8:** *Recreational uses on ocean front lands that do not require extensive alteration of natural environment shall have priority over recreational uses requiring substantial alterations. This shall apply to both public and private development.*

**Compliance:** As the site was previously used as a beach parking area, development of the RV Park did not require substantial alterations and consisted primarily of paving, landscaping, fencing, and the existing restroom facility. The proposed new restroom facility will be constructed entirely within an existing disturbed footprint, and will also not require extensive alterations of the natural environment.

**Policy 2-12:** *Encourage and, to the extent permitted by law, require improvements to be made by the San Mateo County Harbor District to the Pillar Point Harbor facility to increase access and recreational opportunities.*

*(a) Resurface, grade, and improve drainage at the existing southerly parking lot and its access road from Highway 1. [...]*

*(d) Maintain and upgrade the Harbor District east parking area as an RV park. Provide hookups and trash collection.*

**Compliance:** The subject site has been improved and maintained as an RV Park, as approved for an after-the-fact Coastal Development Permit herein. The existing and proposed development support and enhance public coastal access and recreation opportunities.

**Coastal Act 30240(b) and Policy 3-3 (b):** *Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

**Compliance:** The subject site is adjacent to the ocean, sandy beach areas, and dune scrub habitat. However, the existing and proposed development occurs entirely within a previously disturbed footprint. The dune scrub habitat is physically separated from the developed RV Park site by a landscaped slope and the Coastal Trail and is roped off to prevent public access, while the ocean and sandy beach areas are physically separated from the site by the existing rock revetment. The proposed restroom facility has been sited and designed to prevent impacts to these adjacent sensitive areas, and conditions of approval addressing stormwater runoff control measures will ensure any impacts to coastal waters or habitat areas from polluted runoff is prevented.

**Policy 4-7:** *In areas of flooding due to tsunamis or dam failure, no new development shall be permitted unless the applicant or subsequent study demonstrates that the hazard no longer exists or has been or will be reduced or eliminated by improvements which are consistent with the policies of this Plan and that the development will not contribute to flood hazards or require the expenditure of public funds for flood control works. Where not otherwise indicated, the flood hazard zone shall be considered to be a zone defined by the measured distance of 100 feet from the centerline of the creek to both sides of the creek. Non-structural agricultural uses, trails, roads, and parking lots shall be permitted, provided that such uses shall not be permitted within the area of stream corridor.*

**Compliance:** The subject site is not located in a flood hazard zone as defined by LUP Policy 4-7, but is located within the tsunami inundation zone due to its close proximity to the shoreline. As such, the public restroom facility has been sited and designed such that it will be safest from sea level rise and wave inundation. Its siting also takes advantage of the location of existing sewer and water utility lines such that additional infrastructure will not be introduced to this near-shore area. The new restroom is proposed to be located on the inland side of the trail near the site entrance from Highway 1, approximately 60 feet inland from the nearest point of the adjacent breakwater. Although the existing rock revetment protects this area of the shoreline from erosion, the City's Municipal Code requires a geological report to ensure site stability in this project location.

Conditions of approval require this report to be submitted prior to issuance of building permits as consistent with the evaluation requirements of Municipal Code Section 18.38.045. As projections of sea level rise are not an exact science and the timing of these sea level rise amounts is uncertain, staff recommends a condition of approval triggering assessment of coastal hazards and potential need for relocation of the restroom if the Coastal Trail becomes regularly impassible due to sea level rise and/or wave action.

**Policy 7-1:** *The City will establish regulations to protect the scenic corridor of Highway 1, including setbacks for new development, screening of commercial parking and landscaping associated with new development. The minimum standards shall include all areas within 200 yards of State Highway 1 which are visible from the road.*

**Compliance:** The subject site is located within 200 yards of State Highway 1, and provides broad ocean views across the site. Highway 1 is not designated a Scenic Highway within the City limits of Half Moon Bay; however, Coastal Commission guidance indicates an intent to protect Highway 1 and views from it as visual resources. The proposed restroom facility has been sited and designed to minimize impacts to the scenic quality of this area by locating at the bottom of significant slope down from Highway 1. The site currently contains a row of cypress trees along Highway 1 to provide visual screening of the existing RV Park, as required by Section 18.37.055 of the Municipal Code, but these trees have grown much taller than needed for the required screening and have obscured ocean views. Conditions of approval require replacement of these trees with lower vegetation comprised of coastal native species or other species that are compatible with the City's median landscaping palette.

**Policy 7-5:** *All new development, including additions and remodeling, shall be subject to design review.*

**Compliance:** The proposed development has been subject to design review by the Planning Commission. The project has also been subject to a Planning Commission study session on January 8, 2019 and a Harbor District Board meeting on June 19, 2019, at which the public, the Commission, and the Board had the opportunity to provide input on the proposed siting and design.

**Policy 7-6:** *Parking facilities and recreational structures, including campers, located in public regional recreational areas, private recreational areas, visitor-serving commercial areas and other developments shall be designated to minimize visibility from the beach.*

**Compliance:** The subject site is a visitor-serving commercial area developed with a recreational vehicle park. The RV parking area is separated from the beach area to the south by the day-use parking area, the Coastal Trail, and the breakwater. The proposed restroom facility and additional landscaping will further screen the RV Park from Surfer's Beach.

**Policy 7-7:** *Recreational vehicle parks shall be sited and landscaped within five years of development to assure full screening from public roads, vista points, public recreation areas, and residential areas.*

**Compliance:** The existing cypress trees along the Highway 1 site frontage were originally planted to provide a screen hedge of the RV Park. However, the trees have not been sufficiently maintained as such and have reached a height that blocks ocean views. Conditions of approval require submittal of a final landscape plan that includes replacement fencing and landscaping screening along Highway 1 that shall be maintained at an appropriate height to optimize screening of the parked RVs while not blocking ocean views. Final landscape plans also require additional screening along the western border of the RV Park to screen the RVs from the adjacent Coastal Trail.

**Policy 7-11:** *New development along primary access routes from Highway 1 to the beach, as designated on the Land Use Map, shall be designed and sited so as to maintain and enhance the scenic quality of such routes, including building setbacks, maintenance of low height of structures, and landscaping which establishes a scenic gateway and corridor.*

**Compliance:** The subject site is located along Highway 1 and contains a segment of the Coastal Trail, both of which provide direct coastal access to the beach. The project is intended to enhance coastal access and recreation opportunities by providing public restroom facilities and associated amenities at this heavily used beach and trail area. The restroom structure has been set back approximately 20 feet from the trail, allowing space for the public to step off the trail and use the facilities without impeding bicycle and pedestrian flow. The project is also intended to create a public space, with additional seating and viewing opportunities, educational signage, and new landscaping. The restroom structure has also been sited and designed to be low in height and minimize visual impacts across the site.

**Policy 7-12:** *In areas affording broad views of the ocean from Highway 1 as indicated on the Visual Resources Overlay Map, all new development shall be reviewed by the Planning Commission to ensure conformance with the following criteria:*

- (a) Structures shall be sited and designed to preserve unobstructed broad views of the ocean and shall be clustered to the maximum extent feasible.*
- (b) A landscaping plan shall be included in the development plans for approval and shall provide for landscaping which, when mature, will not impede public views of the ocean.*
- (c) Building height shall not exceed one story or 15 feet, unless an increase in height would not obstruct public views to the ocean from the Highway or would facilitate clustering of development so as to result in greater view protection.*

**Compliance:** The proposed restroom structure has been sited at the bottom of a significant grade change from Highway 1 down to the trail level, which allows the structure to be least impactful to ocean views as seen from the Highway 1 scenic corridor. At a 14.5-foot maximum height from finished grade, the roof of the proposed restroom structure will protrude approximately five feet above the highway level. Conditions of approval require submittal of a final landscape plan that includes replacement fencing and landscaping screening along Highway 1 that shall be maintained at an appropriate height to optimize screening of the parked RVs while not blocking ocean views.

**Coastal Act 30244:** *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

**Compliance:** The proposed development is not located at or near identified archaeological or paleontological resources. If cultural resources or paleontological resources are unexpectedly encountered, the permit has been conditioned to require that construction halt until the find can be evaluated and appropriate mitigation identified.

2. **Growth Management System** – *The development is consistent with the annual population limitation system established in the Land Use Plan and Zoning Ordinance.*

**Evidence:** The proposed development does not include a dwelling unit and is therefore not subject to the requirements of the City’s growth management system.

3. **Zoning Provisions** – *The development is consistent with the use limitations and property development standards of the base district as well as the other requirements of the Zoning Ordinance.*

**Evidence:** The existing and proposed development conforms to the requirements of the Commercial – Visitor Serving Zoning District, which allows RV parks and park and recreation facility uses. The proposed setbacks, height, and landscaping meet the requirements of the Commercial – Visitor Serving Zoning District and other relevant provisions of the Zoning Code, with the exception of the front setback of the existing and proposed restroom structure. Setback variance findings are discussed further below.

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

**Evidence:** The site is located in an urbanized area along Highway 1 where utilities and services are generally available. Sewer and water lines currently run adjacent to the site along Highway 1. The restroom facility will be connected to the municipal services as it will be fully plumbed.

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

**Evidence:** The subject site is located between the sea and the first public road parallel to the sea. The project conforms to the public access and recreation policies of the Coastal Act as it provides a public benefit of much needed public restrooms, water fountains, seating areas, and more at a heavily used area of the Coastal Trail and nearby Surfer’s Beach. There are no public restrooms within sight of this very popular beach area. The site also provides a significant opportunity for ADA access, as this is one of the few areas along the coast where the trail is directly adjacent to the ocean rather than separated by steep bluffs or wide dunes. By reconfiguring the parking and eliminating the day use parking fee to provide a total of eight ADA parking spaces, the proposed development maximizes coastal access for all. As conditioned, the project will also maximize coastal access by diversifying public parking options with an EV charging station, a van pick-up/drop-off space for surf schools or other coastal recreation groups, a potential car-share space, and both standard and ADA-compliant day-use parking spaces. To ensure the RV Park maintains its purpose as a visitor-serving commercial use and that this use remains sufficiently available to the public, conditions of

approval also require a maximum 14 consecutive day stay with no more than 30 days in one calendar year for RV Park patrons.

### **Architectural Site and Design Review – Findings for Approval**

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

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

**Evidence:** The proposed restroom facility is intended to improve the recreational experience of the Coastal Trail and nearby Surfer’s Beach for residents and visitors alike. The project includes new seating areas, educational signage, landscaping, water fountains, an outdoor shower, and trash and recycling receptacles, all of which will be significant additions to this heavily used public access and recreation area. The restrooms have been sited and designed to be compatible with the coastal setting, and will not hinder the orderly and harmonious development of the city.

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

**Evidence:** The proposed project will improve upon the overall Coastal Trail and Surfer’s Beach experience and provide for much needed facilities and associated amenities. The Harbor District will be responsible for operations and maintenance of the proposed restroom facilities.

3. *The project has been designed in conformance and consistency with the Single-Family Residential Design Guidelines (where applicable).*

**Evidence:** The Single-Family Residential Design Guidelines are not applicable to this public restroom facility project and commercial recreation site.

### **Setback Variance – Findings for Approval**

The Setback Variance for this project may be approved or conditionally approved only after the approving authority has made the following findings per Municipal Code Section 18.23.040:

1. *That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referenced to in the application which circumstances or conditions do not apply generally to the land, buildings and/or uses in the same district;*

**Evidence:** The subject site is located in the C-VS Commercial – Visitor Serving zoning district. In the vicinity of the subject site, the C-VS zoning district applies to seven parcels fronting Highway 1, including Sam’s Chowder House, the parking areas for Sam’s, the Beach House Hotel, and the subject Pillar Point RV Park. The subject site is exceptional as it contains a significant grade change from the highway level down to the parking lot and trail level, and currently contains only one small permanent structure (the existing restroom). Similar to the existing restroom, the proposed restroom facility would cause the least visual impacts to ocean views as seen from Highway 1 if it were sited at the bottom of the grade change, within the required 20-foot front setback. As this site is designated in the LCP as providing broad ocean views, the proposed location of the restroom is most protective of this visual resource area.

2. *That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;*

**Evidence:** The subject site was originally developed with a restroom that was intended to be used by the public, but it was sited in the interior of the RV parking area such that it is not readily visible or accessible to the public. The existing restroom was, however, sited at the bottom of the grade change within the required front setback to reduce visual impacts as is proposed for the new restroom structure. As a public agency, the property owner has recognized the need for a visible and accessible public restroom in this heavily used public coastal access and recreation area. The new restroom facility has been sited and designed to provide this much needed public amenity while minimizing impacts to visual resources across the site.

3. *That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.*

**Evidence:** The new restroom structure is proposed to provide a public benefit in a heavily used public coastal access and recreation area. It has been sited and designed in consideration of bicycle, pedestrian, and vehicular access and circulation, and provides ADA-compliant parking stalls, pathways, and bathroom stalls. The project has also been designed as consistent with the guidelines of Crime Prevention through Environmental Design (CPTED) principles by providing a visible layout interfacing with a heavily used public area. To minimize impacts to visual resources, a setback variance is necessary. The proposed project will not be detrimental to the public welfare or injurious to property or improvements in the surrounding area.

### **Environmental Review – Finding**

**CEQA** – The project will not have a significant effect on the environment.

**Evidence:** The existing conditions of the project site at the time CEQA review starts is considered the baseline of environmental conditions. The project will have no impact on the existing environmental conditions of the site or the adjacent area, as it will occur entirely

within a previously disturbed footprint. In fact, as proposed and conditioned herein, the project has the potential to improve the environmental conditions of the subject site and surrounding area by providing additional landscaping in place of impervious asphalt, low-impact development site measures to treat stormwater runoff, and additional trash and recycling receptacles. The project is therefore Categorically Exempt pursuant to California Code of Regulations Section 15301, which exempts the minor alteration of existing public facilities; Section 15303, which exempts the new construction of small structures; Section 15311, which exempts the construction or replacement of minor structures accessory to existing commercial facilities including small parking lots; and Section 15323, which exempts the normal operations of existing facilities for public gatherings where there is a past history.