

**REPORT OF THE PLANNING COMMISSION  
OF THE CITY OF HALF MOON BAY  
REGARDING PROPOSED AMENDMENTS TO THE  
LOCAL COASTAL PROGRAM:  
LUP CHAPTER 3**

October 13, 2005

Honorable Members of the City Council,

By a vote of \_\_\_\_ Ayes to \_\_\_\_ Noes, the Planning Commission endorses the attached changes to Chapters 3 of the LCP Land Use Plan as submitted by the Council pursuant to their action of September 20, 2005.

The Commission commends the Council for its extensive public hearing effort to refine these amendments, and its adoption of changes to the original Public Review Draft that respond to the public’s concerns. These revised amendments provide new approaches to existing developed residential properties that break new ground on a statewide basis to relieve undue burdens on owners of such homes, while at the same time assuring the protection of coastal resources.

PASSED AND ADOPTED by the City of Half Moon Bay Planning Commission at a duly noticed public hearing on October 13, 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Jack Liebster, Planning Director

\_\_\_\_\_  
James Kellenberger, Vice Chair

**PUBLIC REVIEW DRAFT**  
September 21, 2005  
**CITY OF HALF MOON BAY**  
**LCP LAND USE PLAN AMENDMENT**

## **CHAPTER 3**

# **Environmentally Sensitive Habitat Areas, Marine and Water Resources**

### **3.5 Policies**

#### **POLICY 3-1: DEFINITIONS OF ENVIRONMENTAL RESOURCES** **(FOUNDATION POLICY)**

##### **A. ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)**

Define Environmentally Sensitive Habitat Areas as those areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. (PRC§ 30107.5)

ESHAs include, but are not limited to, those areas that meet one of the following criteria:

1. Special status habitats:
  - (a) Habitats containing or supporting rare, endangered, threatened or unique species as defined by State or Federal law;
  - (b) Habitats that support species that are fully protected or species of special concern under State or Federal law or regulations; or
  - (c) Habitats containing plant species that are designated as rare or endangered on List 1B or 2 of the California Native Plant Society.
2. All perennial and intermittent streams and their tributaries
3. Sand dunes
4. Sea cliffs
5. Coastal tidelands and marshes
- 5b. Wetlands that meet the definition of ESHA *[note- this will be renumbered in final]*
6. Marine habitats and rocky intertidal zones, including coastal and offshore areas containing breeding, feeding, or nesting sites, coastal areas used by migratory and resident water-associated birds for resting and feeding and designated marine protected areas or areas of special biological significance.
7. Lakes and ponds and adjacent shore habitat.
8. Areas used for scientific study and research concerning fish and wildlife.
9. Existing game and wildlife refuges and reserves.
10. Riparian Corridors
11. Corridors to maintain or improve biological productivity by providing movement ~~migration~~ opportunities for protected species.

## **B. CONSTRUCTED HABITATS, AND CONSTRUCTED WETLANDS**

The terms “Environmentally Sensitive Habitat Area”, “Wetlands,” and “Riparian Corridors” shall not include any of the following, unless a biological report prepared pursuant to Policy 3-5 indicates that the presence therein of habitat for a species that is protected by state or federal law (as described under Policy 3-1(A)(1a-c):

1. habitat created by the presence of and associated with agricultural ponds and reservoirs where: (a) the pond or reservoir was constructed for agricultural purposes and continues to be used for such purpose, and (b) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that ESHA, Wetland or Riparian habitat existed within the boundaries of the area covered by the pond or reservoir.
2. drainage ditches, treatment wetlands, and storm water management impoundments, spreading areas or swales where: (a) such facilities were constructed in or adjacent to Residential Infill Areas, as defined in Appendix A, or adjacent to Highways 1 or 92 to convey or treat water runoff from developed or developing-lands, roadways, or irrigation runoff, and (b) there is no evidence showing that such facilities are in a location previously occupied by a natural stream, drainage course, or wetland. For the purposes of this policy, “adjacent” means no more than 100 feet from a Residential Infill Area or from Highways 1 or 92.
3. existing landscape water features where: (a) such facilities were constructed prior to (Date of LUP amendment), and (b) there is no evidence showing that such facilities are in a location previously occupied by a natural stream, drainage course, or wetland.

“Mitigation wetlands,” “Mitigation habitat,” or similar areas constructed or restored for the primary purpose of mitigating impacts on sensitive habitat areas either on or off site, shall not be considered as constructed wetlands or constructed habitat, and shall be protected in accordance with Policies 3-1A, C, D, 3-3 and other relevant policies.

Notify applicants in areas adjacent to constructed habitats and constructed wetlands that they may need to comply with U. S. Fish and Wildlife, State Department of Fish and Game and/or other State and Federal requirements, and condition Coastal Development Permits to demonstrate such compliance.

The City shall develop a stormwater drainage management plan. Storm water management may include relocation and maintenance of drainage facilities, shall be consistent with safety and environmental protection standards of the LUP, and shall prevent discharge or leaching of sewage and additional contaminants into the marine environment, in accordance with NPDES standards. New development shall minimize introduction of extensive impervious surfaces in accordance with the Model Urban Runoff Program (MURP).

## **C. RIPARIAN CORRIDORS**

Define Riparian Corridors as the transitional areas between streams, ponds lakes, and other fresh water bodies, and adjacent uplands. Riparian Corridors occur on year-round (perennial) and seasonal (intermittent) creeks and streams.

Riparian Corridors may be characterized by the presence of riparian vegetation. Riparian vegetation is that which requires or tolerates soil moisture levels in excess of that available in adjacent terrestrial areas and is typically associated with the banks, edges, or terrestrial limits of freshwater bodies, watercourses, or surface emergent aquifers. The outer limits of riparian corridors are normally evident by the "limit of riparian vegetation" where there is riparian vegetation present; or by the upper and outermost shoulder of the stream bank edge, where there is not riparian vegetation present. The list below indicates associated vegetation in Riparian Corridors. This list is illustrative only; species not listed here may be deemed riparian based upon the definition above.

Acer negundo californicum (box elder), Alnus rhombifolia (red alder), Cornus sericea (dogwood), Equisetum (horsetail), Juncus, Lonicera involucrata (twinberry), Myrica californica (wax-myrtle) Rubus californica (California blackberry), Salix lasiolepis (arroyo willow), Sambucus callicarpa (red elderberry), Stachys ajugoides (wood mint), Typha latifolia (broad-leaved cattail), Urtica (stinging nettle).

Vegetation species such as Eucalyptus and other non-native species that are typically found near streams and in riparian corridors in Half Moon Bay, shall be protected as ESHAs only and which where they provide habitat for "special status species" as defined in Policy 3.01. ~~shall be protected as ESHAs.~~

~~As provided in Policy 3.3:~~ Riparian vegetation in and along specified constructed facilities (such as drainage ditches, agricultural ponds, polluted runoff treatment features) shall not be considered Riparian Corridor ESHA.

#### **D. WETLANDS**

As per PRC§30121, wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

Any wetland area ~~mapped as ESHA or otherwise~~ determined to have previously been wetlands shall not be deprived of protection, as required by policies and provisions of the LCP, on the basis that habitat has been illegally removed, filled, degraded, or that species of concern have been illegally eliminated. Areas that were previously wetlands, and that were converted legally or by natural causes, may no longer be considered as wetlands.

~~Define~~ Wetlands as including but not limited to year-round and Seasonal Wetlands, Freshwater Seeps, Wet Meadows, Coastal Swales, Coastal Brackish and Freshwater Marshes, Vernal Pools, and Intertidal areas. ~~Seasonal Wetlands include s~~Seasonally wet areas resulting from drainage from agricultural and or commercial uses in surrounding areas that are not associated with a constructed facility per Policy 3-1B, may constitute Seasonal Wetlands where they otherwise meet the definition of wetlands. ~~as well as natural areas.~~ Freshwater Seeps, Wet Meadows and Seasonal Wetlands typically occur as depressions in the coastal prairie, coastal dune, grasslands and coastal scrub areas. Coastal Brackish and Freshwater Marsh are dominated by herbaceous perennial plants that can withstand inundation of water, both salt and

freshwater. Salinity in such areas may vary considerably, and may increase at high tide or during seasons of low freshwater runoff.

The biological productivity and quality of these areas shall be protected, and where appropriate, restored. Table 3-5 indicates associated vegetation in Wetlands. This list is not inclusive; other species indicative of wetlands may also exist.

~~In accordance with Policies 3-3B and 3-3C, specified constructed facilities that exhibit wetland characteristics shall not be defined as wetlands.~~

### **3-1 Definition of Sensitive Habitats**

- (a) ~~Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and as those areas which meet one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tidelands and marshes, (4) coastal and offshore areas containing breeding and/or nesting sites and coastal areas used by migratory and resident water associated birds for resting and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges an reserves, and (8) sand dunes.~~

~~Such areas include riparian areas, wetlands, sand dunes, marine habitats, sea cliffs, and habitat supporting rare, endangered, and unique species.~~

### **3-2 Designation of Sensitive Habitats**

- (a) ~~Designate sensitive habitats as those, including but not limited to, shown on the Habitat Areas and Water Resources Overlay.~~

## **POLICY 3-3: PROTECTION OF ESHAs AND OTHER BIOLOGICAL RESOURCES (FOUNDATION POLICY)**

a) Prohibit any land use and/or development that could have significant individual or cumulative adverse impacts on Environmentally Sensitive Habitat Areas (ESHAs).

b) ~~Development constructed habitats and constructed wetlands,~~ and in areas adjacent to Environmentally Sensitive Habitat Areas, shall be sited and designed to prevent impacts that would significantly impact biological resources, and shall be compatible with the maintenance of biologic productivity of such areas.

(c) In all Environmentally Sensitive Habitat Areas, and in areas adjacent to Environmentally Sensitive Habitat Areas, ~~constructed habitats and constructed wetlands,~~ notify applicants that they may need to comply with U. S. Fish and Wildlife, State Department of Fish and Game and/or other State and Federal requirements, and condition Coastal Development Permits to demonstrate such compliance.

(d) The buffer provisions of this Chapter shall not apply to existing residentially developed lots in residential zoning districts. Where special status are identified, development shall be sited and designed to prevent impacts that would significantly impact biological resources, and shall be compatible with the maintenance of biologic productivity, and applicants may need to comply with applicable state and federal agency requirements.

### **3-3 Protection of Sensitive Habitats**

- (a) Prohibit any land use and/or development which would have significant adverse impacts on sensitive habitat areas.
- (b) — Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.

### **3-4 Permitted Uses**

- (a) Permit only resource-dependent or other uses ~~which~~ that will not have a significant adverse impact in sensitive habitats.
- (b) Require that all permitted uses comply with U.S. Fish and Wildlife, U.S. Army Corps of Engineers, and State Department of Fish and Game, and other agencies' regulations.

### **Riparian Corridors**

The City will:

### **3-7 Definition of Riparian Corridors**

- (a) — Define riparian corridors by the "limit of riparian vegetation" (i.e. a line determined by the association of plant and animal species normally found near streams, lakes, and other bodies of fresh water: red alder, jaumea, pickleweed, big leaf maple, narrowleaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.

### **3-8 Designation of Riparian Corridors**

- (a) Establish riparian corridors for all perennial and intermittent streams and lakes and other bodies of fresh water in the Coastal Zone. Designate those corridors shown on the Habitat Areas and Water Resources Overlay and any other riparian area as sensitive habitats requiring protection, except for man-made irrigation ponds over 2,500 square feet surface area. ~~[delete 3-8, addressed in 3.24 below]~~

### **3-9 Permitted Uses in Riparian Corridors**

- (a) Within corridors, permit only the following uses: (1) education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fish and wildlife management activities, (4) trails and scenic overlooks on public land(s), and (5) necessary water supply projects.
- (b) When no feasible or practicable alternative exists, permit the following uses: (1) stream-dependent aquaculture provided that non-stream-dependent facilities locate outside of corridor, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, (3) bridges when supports are not in significant conflict with corridor resources, (4) pipelines and storm water runoff facilities, (5) improvement, repair, or maintenance

of roadways or road crossings, ~~(6) agricultural uses provided no existing riparian vegetation is removed, and no soil is allowed to enter stream channels.~~

### **3-11 Establishment of Buffer Zones**

- (a) ~~On both sides of riparian corridors, from the "limit of riparian vegetation," extend buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams.~~
- (b) ~~Where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50 feet from the bank edge for perennial streams and 30 feet from the midpoint of intermittent streams.~~
- (c) ~~Along lakes, ponds, and other wet areas, extend buffer zones 100 feet from the high water point, except for man-made ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.~~

### **3-12 Permitted Uses in Buffer Zones**

- (a) Within buffer zones, permit only the following uses: (1) uses permitted in riparian corridors, (2) structures on existing legal building sites, set back 20 feet from the limit of riparian vegetation, only if no feasible alternative exists, and only if no other building site on the parcel exists, (3) crop growing and grazing consistent with Policy 3.9, ~~and~~ (4) timbering in "streamside corridors" as defined and controlled by State and County regulations for timber harvesting, and agricultural uses provided no existing riparian vegetation is removed, and no soil is allowed to enter stream channels

b) No new parcels shall be created whose only building site is in the buffer area.

### **Rare, Endangered, and Threatened and Unique Species**

#### **3-21 Designation of Habitats of Rare, Endangered, and Threatened and Unique Species**

- (a) In the event the habitat of a rare, endangered, or threatened ~~or unique~~ species is found to exist within the City, revise the applicable maps Habitat Areas and Water Resources Overlay to show the location of such habitat. Any rare, endangered or threatened habitat ~~so designated~~ shall be subject to Policies 3-1A, and Policies 3-22 through 3-31.

#### **3-22 Permitted Uses**

- (a) Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare, endangered, or threatened ~~or unique~~ species.
- (b) If the critical habitat has been identified by the Federal Office of Endangered Species, permit only those uses deemed compatible by the U.S. Fish and Wildlife Service in accordance with the provisions of the Endangered Species Act of 1973, as amended.

#### **3-23 Permit Conditions**

- (a) Require, prior to ~~development review permit issuance~~, that a qualified biologist prepare a report ~~which~~ that defines the requirements of rare, endangered, or threatened ~~or unique~~ organisms. At minimum, require the report to discuss: (1) animal food, water, nesting or denning sites and reproduction, predation and migration requirements, (2) plants' life histories and soils, climate, and geographic requirements, (3) a map depicting the locations of plants or animals and/or their habitats, (4) any development must not impact the functional capacity of the habitat, and (5) recommend mitigation if development is permitted within or adjacent to identified habitats.

### **3-24 Preservation of ~~Critical~~ Rare, Endangered and Threatened Species Habitats**

- (a) Pursuant to Policy 3-1A 1 and 3-3, ~~R~~ require preservation of all habitats of rare, endangered, or threatened ~~or unique~~ species using the policies of this Plan and other implementing ordinances of the City.

### **3-25 San Francisco Garter Snake and California Red-Legged Frog** (note title change)

The California Red-Legged Frog is listed as a threatened species by Federal law, and as a Species of Special Concern by State law.

- (a) Where there is known to be ~~a riparian location for the~~ San Francisco garter snake or California Red-Legged Frog habitat, development shall be sited and designed to prevent impacts that could significantly impact biological resources, and shall be compatible with the maintenance of biologic productivity.
- (b) Require developers to make sufficiently detailed analyses of any ~~development construction~~ which ~~that~~ could impair the potential or existing ~~migration~~ routes of movement for the San Francisco garter snake or California Red-Legged Frog. Such analyses will determine appropriate mitigation measures to be required. ~~taken to provide for appropriate migration corridors.~~

### **3-26 San Francisco Tree Lupine Moth**

- (a) Prevent the loss of any large populations (more than 100 plants in a 1/10 acre area) of tree lupine within one mile of the coastline.

### **Unique Species**

The City will:

### **3-32 Designation of Habitats of Unique Species**

- (a) In the event the habitat of a unique species is found to exist within the City, revise the applicable maps ~~Habitat Areas and Water Resources Overlay~~ to show the location of such habitat. Any habitat of unique species ~~so designated~~ shall be subject to Policies 3-33 through 3-36.

### **3-34 Permit Conditions**

- (a) Require, as a condition of permit approval, that qualified biologist prepare a report ~~that~~ which defines the requirements of a unique organism. At minimum, require the report to discuss: (1) animal food, water, nesting or denning sites and reproduction, predation, and migration requirements, and (2) plants' life histories and soils, climate, and geographic requirements.

### **3-35 Preservation of Habitats of Unique Species**

- (a) Require preservation of all ~~rare, endangered, threatened~~ unique species habitats using the policies of this Plan and implementing ordinances of the City.

### **Weedy, Undesirable Plants**

The City will:

#### **3-37 Voluntary Cooperation**

- (a) ~~Encourage the voluntary cooperation of private landowners to remove from their lands the undesirable pampas grass, French, Scotch, and over-invasive brooms. Similarly, encourage landowners to remove blue gum seedlings to prevent their spread.~~  
Encourage landowners to voluntarily remove undesirable invasive species, including pampas grass, French, Scotch, and over-invasive brooms. Although Eucalyptus is considered an invasive species, the City encourages the retention of mature Eucalyptus due to their value as habitat for wintering Monarch butterflies and other species. Prior to the removal of any Eucalyptus tree larger than 30 inches DBH, an assessment shall be made as to the habitat value of such tree, as per Policy 3-5 and the City's zoning code 18.37.045B.