



April 22, 2008

Assemblymember Gene Mullin
Room 2163, State Capitol
Sacramento, CA 95014

Re: Opposition to AB 1991

Dear Assemblymember Mullin,

On behalf of the 1300 family members of Committee for Green Foothills, I am writing to express our opposition to AB 1991. This bill would create a sweeping exemption from any state environmental laws that apply to two properties in Half Moon Bay, known as Beachwood and Glenree. By the terms of a settlement agreement between the City of Half Moon Bay and developer Charles “Chop” Keenan, the exemptions would include CEQA, the Coastal Act, Fish and Game Codes and Water Codes as well as reviving the expired Vesting Tentative Maps for the two properties.

The City of Half Moon Bay, faced with a controversial federal trial court decision that arguably would have cost the city over \$40 million, decided not to appeal this decision, but instead agreed to a settlement in which the city would seek legislation to exempt not just the property at issue in the litigation (the 24-acre “Beachwood” site) but also the adjacent 12-acre property, Glenree that the developer holds an option on. If the legislation does not pass, the City will gain title to the Beachwood property at a cost of \$18 million.

The “all or nothing” approach prescribed by the settlement agreement would appear to offer only two choices to the legislature and the public. Committee for Green Foothills believes there are other, more reasonable, alternatives. We have offered in the past to work with the City, Half Moon Bay citizens, and the relevant agencies to pursue these alternatives; our offer still stands.

Our specific objections to the provisions of AB 1991 include:

The number of homes (129 on 36 acres) is excessive. The bill would authorize development of 129 homes, on two parcels, 12-acres of which (Glenree) was not subject to the litigation or trial court decision and has never received a Coastal Development Permit. The Coastal Commission approved 19 homes on the Beachwood property in order to protect wetlands; the Glenree property has extensive naturally occurring wetlands that were not part of the litigation.

Excluding the property from the Coastal Zone is inappropriate. The bill would carve out a hole in the Coastal Zone in which no Coastal Act or other environmental laws would apply, in perpetuity, including future amendments.

Exempting the two parcels from all environmental laws – forever – would establish a bad precedent. Any City or County that chooses to comply with a lower court ruling rather than appeal could enter into a settlement and seek legislative relief on the basis of equal treatment.

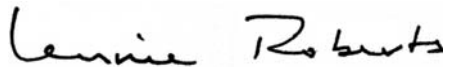
Authorizing development based upon expired Vesting Tentative Map and 18-year old Mitigated Negative Declarations while expressly excluding any consideration of current conditions or mitigations could result in significant adverse impacts to traffic, stormwater runoff, wetlands, and endangered species. The City agreement with the Developer also exempts both properties from school impact fees, park in-lieu fees, and affordable housing requirements.

There are other alternatives to this bill. We sympathize with Half Moon Bay's predicament, but we believe there are other options that will greatly reduce or eliminate Half Moon Bay's financial obligation under the settlement agreement. For example, if the City acquires the property for the \$18 million specified in the agreement, the City could seek compensatory funding for this including allowing development of at least 19 parcels consistent with the Coastal Commission's 2001 approval, as well as funding to enable the remaining portion of the property to be used for environmental enhancements including wetlands mitigation bank, stormwater runoff /pollution control, and as a groundwater recharge area to replenish the Pilarcitos Creek groundwater wells nearby.

Committee for Green Foothills worked to pass Proposition 20 in 1972, and the Coastal Act of 1976. Through the public process established by these laws, we have participated in planning efforts and monitored development projects for compliance with the certified Local Coastal Programs and the Coastal Act. The coast of California is too important to allow exemptions to not only the Coastal Act but also our other crucial environmental regulations.

We urge the defeat of AB 1991 so other options can be pursued. We again offer our assistance with alternatives.

Sincerely,



Lennie Roberts, Legislative Advocate
Committee for Green Foothills

Cc: Anna Marie Caballero, Chair, Assembly Local Government Committee
Loni Hancock, Chair, Assembly Natural Resources Committee
Lois Wolk, Chair, Assembly Water, Parks and Wildlife Committee