

## AB 1991 Fact Sheet

### CGF and Vote the Coast Answers to Statements by City of Half Moon Bay

**Half Moon Bay says:** It is faced with only two options: Pay \$18 million or seek legislation to exempt Beachwood and Glenree from all applicable state laws, as well as other mitigation measures.

**Fact:** The City had other options but it chose to enter into this settlement agreement and failed to appeal. It can still pursue other options, including floating a bond, obtaining the property and then developing part of it (19 homes CCC approved), using the wetlands portion of the property for a wetlands mitigation bank, stormwater retention, groundwater recharge for nearby groundwater wells, or a combination of these.

**Half Moon Bay says:** The wetland conditions on the property are the man-made result of a half-completed grading and drainage improvement project undertaken by the City of Half Moon Bay that were requested by the previous property owner.

**Fact:** The wetlands on the Beachwood property contain both wetlands that were naturally occurring and those arguably “man-made,” since the area involved in the manipulated wetlands was originally natural wetlands prior to the first modification by the City as part of a storm drain project at the request of the property owner. The Glenree property has naturally occurring wetlands; these were not part of the litigation.

**Half Moon Bay says:** Development on the property was always part of the City of Half Moon Bay’s growth plan and vesting tentative maps were approved in 1990 after an environmental review by the City that found no significant impact on the environment, before delays caused wetland conditions to develop.

**Fact:** The City incorrectly declared that there were no significant impacts created by the project, including ignoring wetlands that they failed to delineate because they used the wrong standard. The City has included a property (Glenree) in the settlement that was not part of the legal action, on which the Developer has an option that also contains naturally occurring wetlands. The City is ignoring all other impacts of the project, including traffic, endangered species, water quality/stormwater runoff impacts. The City agreement with the Developer also exempts both properties from school impact fees, park in-lieu fees, traffic mitigations and affordable housing requirements.

**Half Moon Bay says:** This litigation will not set a precedent. City says that any future development would have to meet all 3 criteria to be eligible for such exemptions.

**Fact:** This litigation and settlement set out a pathway for future avoidance of crucial environmental laws for any City or County that wishes to do so:

- a. It sets a precedent that a parcel of land can be removed from the Coastal Zone through the State Subdivision Map Act, and
- b. While the facts in this case may be specific, the precedent is set by the process. Any City or County that chooses to comply with a lower court ruling, one not appealed and very, very out of touch with established legal precedent, could enter into a settlement and seek legislative relief on the basis of equal treatment.