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F7a

Prepared July 7, 2014 for July 11, 2014 Hearing

To: Commissioners and Interested Persons

From: Nancy Cave, District Manager
Stephanie Rexing, Coastal Planner

Subject: STAFF REPORT ADDENDUM for F7a
City of Half Moon Bay LCP Amendment Number 1-11

The purpose of this addendum is to modify the staff report for the above-referenced item. Staff worked closely with the City of Half Moon Bay to address their concerns leading up to the time that the staff report was distributed, and has continued to work closely with the City since that time in an effort to narrow remaining concerns. This addendum makes a minor change to the staff recommendation designed to clarify one of the suggested modifications regarding legal lot requirements. Specifically, the City was concerned that the current suggested modification language would confuse the requirements for lots legally created prior to coastal permitting requirements (per Proposition 20 and the Coastal Act). The addendum change makes it explicit that lots that were legally created prior to coastal permitting requirements do not require a CDP to be considered legal (see number 1 below). Thus, the change does not alter the staff recommendation, but rather only provides additional clarity to help address the City's concern. In addition, the City is no longer requesting changes to the suggested modifications beyond that change, and so certain sections of the staff report's findings that describe the City's position must be deleted and/or changed to reflect the fact that the City is now in agreement with the staff recommendation and the suggested modifications (see numbers 2 through 4 below). Thus, the staff report is modified as shown below (unless otherwise noted, text in underline format indicates text to be added and text in ~~strikethrough~~ format indicates text to be deleted).

1. **Modify the last sentence in Suggested Modification 1 on staff report page 4 as follows** (where text in **bold double underline** format indicates text to be added):

   … *In addition, a lot may only be considered exceptional if the lot was legally created* ***prior or*** *pursuant to the coastal development permit requirements of the Coastal Act and its predecessor statute.*

2. **Modify the text starting at the bottom of staff report page 15 as follows:**

   ~~*Discussions with City staff have suggested that a lot can be considered legally created if*~~

~~*created by "operation of law," independent of the requirements of the Subdivision Map Act. Thus, the City opposes the suggested strikeout of "operation of law" in Suggested Modification 1 and requests that it be added back into the amendment for certification. The City also requests that the requirement that a lot be proven legal for the purposes of the Coastal Act (either by proof of a coastal development permit or proof that none was required) be removed from Suggested Modification 1. The City feels that this requirement inserts a legal conclusion into the code definition of exceptional lots.*~~

~~*It is unclear from discussions with the City how a lot can be found legal outside of the requirements of the Subdivision Map Act "by operation of law".*~~ *Regardless, requirements that lots be found legally created for purposes of the Coastal Act are independently required in order to ensure that less stringent standards are not certified for lots that have not been legally created pursuant to the CDP requirements of the Coastal Act.*

3. Modify the text starting at the second full paragraph on staff report page 19 as follows:

~~*The City has suggested that in **Suggested Modifications 2 and 7** the word "enumerated" be changed to "identified," in order to avoid the need for a numerical analysis when proposing to reallocate water and sewer infrastructure reserved for priority uses to low income housing. However, such a numerical analysis is required in the absence of an LUP amendment revising the reservations for priority uses that are clearly set forth in the LUP. The City's suggested change would result in the IP being inconsistent with the priority water allocation that is clearly laid out in the LUP. Absent an LUP amendment to revise the numerical allocations, such a change is inconsistent with the LUP and cannot be effectuated through an implementation plan amendment. Though a change from "enumerated" to "identified" would seem to be a change in name only, failure to reserve the allocations for priority uses set forth in the LUP in order to reallocate those reservations to low income housing would make the IP inconsistent with the LUP.*~~

~~*In addition to requesting the "enumerated" to "identified" change, the City requested that the language that references Government Code 65589.7 be undeleted from **Suggested Modifications 2 and 7**.*~~ *Though California Government Code Section 65589.7 does require that agencies or entities providing water or sewer services grant a priority to developments that include affordable to lower income households, that provision applies to water and sewer agencies and does not prevent either the Commission or local government entities from adopting Local Coastal Programs consistent with the requirements of the Coastal Act. Subsection (e) of Government Code section 65589.7 expressly states that it is intended to neither enlarge nor diminish the authority of a city to adopt a housing element. Therefore, the ~~M~~modifications ~~2 and 7~~ adopted herein are consistent with Government Code sections 65589.7 and the Coastal Act.*

In summary, the LCP (in implementing the Coastal Act) demands that uses designated priority under the LUP be given priority allocations for infrastructure services such as sewer and water. The LCP's LUP contains numerous policies that mandate the provision of infrastructure supplies to serve Coastal Act and Local Coastal Program priority uses, and includes specific reference to reserving capacity for enumerated priority uses.

4. Modify the text starting at the last paragraph on staff report page 26 as follows:

~~The City has proposed that the provision exempting second dwelling units from residential growth limitations be added back in to the proposed amendments in order to comply with state housing law as governed by Government Code 65852.2. Though~~ California Government Code Section 65852.2 does state that second dwelling unit<u>s</u> "shall not be considered in the application of any local ordinance, policy or program to limit residential growth," <u>however</u>, that provision governs local ordinances rather than local or state government entities implementing state law. When implementing the Coastal Act, a city or county is not acting under its "police power" authority but rather under authority delegated to it by the state. LCP provisions regulating development activities within the coastal zone such as the provision found in Half Moon Bay's LUP Policy 9.4 are an element of a statewide plan, and are not local in nature. Therefore, Suggested Modification 5 is consistent with Government Code sections 65852.2 because under the Coastal Act's legislative scheme, the LCP and the development permits issued by local agencies pursuant to the Coastal Act are not solely a matter of local law, but embody state policy. (Pratt v. California Coastal Commission (2008) 162 Cal. App.4th1068). Furthermore, subsection (j) of Government Code section 65852.2 governing second units expressly states "[N]othing in this section shall be construed to supercede or in any way alter or lessen the effect or application of the California Coastal Act (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second units."

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F7a

Prepared June 20, 2014 (for July 11, 2014 hearing)

To: Coastal Commissioners and Interested Persons

From: Nancy Cave, District Manager
Stephanie Rexing, Coastal Planner

Subject: City of Half Moon Bay Amendment Number 1-11

SUMMARY OF STAFF RECOMMENDATION

The City of Half Moon Bay proposes to amend multiple Implementation Plan (IP) Sections of the City's Local Coastal Program (LCP). Specifically, the City proposes to modify the zoning code's definition section, the water and sewer capacity allocation chapter, the residential land use standards, the development standards applied to "exceptional lots," the use permits chapter, the second dwelling units chapter, and the below market rate housing chapter. The proposed amendment would also remove the LCP's review process for development associated with architectural improvements, historical structures and site design and, finally, add a residential density bonus chapter.

As submitted, the proposed amendments do not conform to the City's certified Land Use Plan (LUP). Absent an LUP amendment to revise the relevant LUP policies, the proposed changes are inconsistent with the LUP and cannot be effectuated through an implementation plan amendment. First, the amendment as proposed would allow development of exceptional lots pursuant to less stringent standards without assuring that such lots were legally created pursuant to both the Coastal Act and the Subdivision Map Act. Second, the proposed amendment would prioritize water and sewage capacity to low income housing, a non-priority use under the Coastal Act and LUP, failing to ensure that such resources will be available for LUP-designated priority uses. Third, the amendment would allow deviations from LCP standards for reasonable accommodations at the potential detriment to coastal resources even when such deviations would not be federally required. Fourth, the amendment would remove CDP mechanisms that ensure adequate review of site and design approval, inconsistent with the design review requirements of the LUP. Fifth, as amended, the IP would except second dwelling units in all residential districts from otherwise applicable growth limitations, inconsistent with the growth limitations and resource protection policies of the LUP. Finally, the amendment would permit greater than allowed density of the underlying land use designations, at the potential detriment to protection of coastal resources, inconsistent with resource protection policies of the LUP. Thus,

modifications are necessary to eliminate changes that would allow for such LUP inconsistencies to be certified into the IP.

As modified, the proposed amendment would: (1) assure that impacts to visual resources from development of exceptional lots would be minimized by allowing less stringent standards only for development on exceptional lots that were legally created; (2) allow for affordable housing, second dwelling units, density bonuses and reasonable accommodations, while also protecting coastal resources such as visual resources and environmentally sensitive habitat areas consistent with the requirements of the LUP; (3) reserve adequate public service capacity for priority coastal uses; and (4) retain necessary site design review requirements in the Coastal Development Permit Chapter for new development as required by the certified LUP. Therefore, staff recommends that the Commission approve the LCP amendment with the suggested modifications. The required motions and resolutions to implement this recommendation begin on page 3 of this staff report.

Staff Note: LCP Amendment Action Deadline: This proposed LCP amendment was filed as complete on May 22, 2014. The proposed amendment affects the IP only, thus the Commission has a 60-day action deadline, or until July 22, 2014 to take a final action on this LCP amendment.

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EXHIBITS

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment only if modified. The Commission needs to make two motions in order to act on this recommendation.

A. Denial of Implementation Plan Amendment Number HMB-1-11 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in rejection of the IP amendment and the adoption of the following resolution and findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission **REJECT** Implementation Plan Amendment HMB-1-11 as submitted by the City of Half Moon Bay, and I recommend a **YES** vote.*

Resolution: *The Commission hereby denies certification of the Implementation Plan Amendment Number HMB-1-11 as submitted by the City of Half Moon Bay and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan Amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.*

B. Approval of Implementation Plan Amendment Number HMB-1-11 with Suggested Modifications

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the IP amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Motion: *I move that the Commission **CERTIFY** Implementation Plan Amendment HMB-1-11 if it is modified as suggested in this staff report. I recommend a **YES** vote.*

Resolution: *The Commission hereby certifies Implementation Plan Amendment HMB-1-11 to the City of Half Moon Bay Local Coastal Program, if modified as suggested, and adopts the findings set forth below on the grounds that the Implementation Plan Amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Plan Amendment, if modified as suggested, complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on*

the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Land Use Plan (LUP) consistency findings. If the City of Half Moon Bay accepts each of the suggested modifications within six months of Commission action (i.e., by December 11, 2014), by formal resolution of the City Council, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text that the City proposes to delete and text in underline format denotes text that the City proposes to add. Text in ~~double cross-out~~ format denotes text to be deleted through the Commission's suggested modifications and text in double underline format denotes text to be added through the Commission's suggested modifications.

1. **Modify Section 18.02.040 Definitions as follows:**

   Exceptional lot" means...and provides at least five thousand square feet in gross lot area, and was legally created and conforming, ~~either as a result of a subdivision map recorded~~ pursuant to the requirements of the Subdivision Map Act~~, or by operation of law,~~ ~~has a residence that was constructed and completed (certificate of occupancy was issued for the structure or the structure was completed prior to the issuance of certificates of occupancy by the city)~~ prior to December 7, 2004. In addition, a lot may only be considered exceptional if the lot was legally created pursuant to the coastal development permit requirements of the Coastal Act and its predecessor statute.

   ...

   ~~*Proportionality Rule. On substandard and severely substandard lots as defined herein, the proportionality rule requires that coverage and floor area is reduced by the ratio of the actual lot width or lot area to the required lot size in the zoning district in which the lot is found. The ratio shall be calculated for both the lot area and lot width, and the lesser ratio of the two shall be applied.*~~

2. **Modify Water and Sewer Capacity Allocation and Reservation Policy 18.05.020.E as follows:**

   ~~*D.*~~*E. Extremely Low, Very Low, and Low Income Housing. Housing units for very low and low income housing units are considered a priority residential use ~~pursuant to Government Code Section 65589.7~~, however adequate infrastructure first must be reserved for all Coastal Act priority uses, as enumerated in LCP LUP tables 10.3 and 10.4.*

3. **Modify Chapter 18.06 as follows:**

a. Delete Footnote #3 from Table C.

b. Section 18.06.050 Exceptions to development standards:

I. Exceptions for Minor Improvements for Disabled Access...

2. Findings....

g. A request for reasonable accommodation under this section may be approved if it is consistent with the certified Local Coastal Program; or it may be approved and the City may waive compliance with an otherwise applicable provision of the Local Coastal Program if the City finds both of the following: 1) the requested reasonable accommodation is consistent, to the maximum extent feasible, with the certified Local Coastal Program; and, 2) there are no feasible alternative means for providing an accommodation at the property that would provide greater consistency with the certified Local Coastal Program.

h. The request for reasonable accommodation(s) would not require a fundamental alteration in the nature of the City's Land Use and Zoning and building regulations, policies, practices and procedures, and the City's Local Coastal Program.

4. Modify Section 18.20.070 Findings Required as follows:

F. Design Review Criteria. The Community Development Director, Planning Commission or City Council has reviewed and considered each specific case and any and all of the following criteria in determining that the following architectural and site design standards have been satisfactorily addressed:

1. Where more than one building or structure will be constructed, the architectural features and landscaping thereof shall be harmonious. Such features include height, elevations, roofs, material, color and appurtenances.
2. Where more than one sign will be erected or displayed on the site, the signs shall have a common or compatible design and locational positions and shall be harmonious in appearance.
3. The material, textures, colors and details of construction shall be an appropriate expression of its design concept and function, and shall be compatible with the adjacent and neighboring structures and functions. Colors of wall and roofing materials shall blend with the natural landscape and be non-reflective.
4. The design shall be appropriate to the function of the project and express the project's identity.
5. The planning and siting of the various functions and buildings on the site shall create an internal sense of order and provide a desirable environment for occupants, visitors and the general community.
6. The design shall promote harmonious transition in scale and character in areas located between different designated land uses.

7. The design shall be compatible with known and approved improvements and/or future construction, both on and off the site.
8. The planning and siting of the various functions and buildings on the site shall create an internal sense of order and provide a desirable environment for occupants, visitors and the general community.
9. Sufficient ancillary functions provided to support the main functions of the project shall be compatible with the project's design concept.
10. Access to the property and circulation systems shall be safe and convenient for equestrians, pedestrians, cyclists and vehicles.
11. Where feasible, natural features shall be appropriately preserved and integrated with the project.
12. The design shall be energy efficient and incorporate renewable energy design elements including, but not limited to:
a. Exterior energy design elements;
b. Internal lighting service and climatic control systems; and
c. Building siting and landscape elements. (Ord. 8-97 §3(part), 1997).

G. In reviewing applications for additions to, or exterior alteration of any historic resource, the Planning Commission serving as the City Historic Preservation Commission, shall be guided by the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and any design criteria adopted by ordinance or resolution of the City.
1. The proposed work is consistent with an adopted historic resource plan; or
2. The proposed work is necessary for the maintenance of the historic building, structure, site or object in its historic form, or for restoration to its historic form; or
3. The proposed work is a minor change which does not affect the historic fabric of the building, structure, site or object; or
4. The proposed alteration retains the essential architectural elements which make the resource historically valuable; or
5. The proposed alteration maintains continuity and scale with the materials and design context of the historic resource to the maximum extent feasible;
6. The proposed alteration, as conditioned, does not significantly and adversely affect the historic, archaeological, architectural, or engineering integrity of the resource;
7. The architectural review committee and planning commission serving as the historic preservation commission have reviewed the project and any necessary and appropriate conditions of approval have been incorporated into the final project plans. (1996 zoning code (part)).

5. Modify Second Dwelling Units Section 18.33.030 Review and Approval; New Second Dwelling Units as follows:

A. Principally Permitted Use. Second dwelling units are permitted ~~as a matter of right~~ in the residential districts...

B. ~~Ministerial~~ Review of Second Dwelling Units. A second dwelling unit shall require an

administrative Coastal Development Permit, administrative Site and Design Permit, and a Building Permit. Such an administrative Coastal Development permit shall be processed as a "Local Coastal Development Permit" per Chapter 18.20 and 18.33.040 except that. ~~T~~the Planning Director is the approval authority for the administrative Coastal Development Permits ~~permits listed issued pursuant to this section. T~~ and the approval and ~~any~~ local appeal of administrative CDPs for second dwelling units shall not be subject to a ~~discretionary process or~~ public hearing...

~~*D. Residential Growth Limitations. Second dwelling units shall not be considered in or subject to the application of Measure D, Chapter 14.38, Chapter 17.06, or other local ordinance, policy, or program that serves to limit residential growth.*~~

6. Modify Second Dwelling Units Section 18.33.040 Approval Standards for New Second Dwelling Units as follows:

New second dwelling units shall be subject to the same requirements as any single family dwelling located on the same parcel in the same zoning district, including but not limited to the requirements of a coastal development ~~districts~~ permits and general zoning provisions with the following differences:

…

K. Adequate Public Services and Infrastructure. Second dwelling units shall not be approved absent a finding of adequate water supply and wastewater treatment capacity. The second dwelling unit can be accommodated with the existing water service and existing sewer lateral, insofar as evidence is provided that the existing water service and existing sewer lateral has adequate capacity to serve both the primary residence and second dwelling unit.

…

O. Conformance with certified LCP. All new second dwelling units shall conform to all applicable requirements of the City of Half Moon Bay LCP LUP, the Zoning Code and this chapter, including that the proposed second dwelling unit will not adversely impact any coastal resources including any of the following:

a. Environmentally Sensitive Habitat Areas, or significant vegetation such as native trees, shrubs, riparian areas, wetlands, riparian or wetland buffers or visually prominent trees as designated on the Habitat Areas and Water Resources Overlay Map.

b. Significant topographic features, including but not limited to, steep slopes, ridgelines or bluffs, water courses, streams or wetlands or any areas as designated on the Geologic Hazards Map.

c. Significant public views including Old Downtown, Scenic Hillsides or Ocean Views from Highway 1 as designated on the Visual Resources Overlay Map.

d. Areas of public access to the coastal trail or beach areas including those as designated on the Access Improvements Map.

e. Archeological resources.

f. Prime agricultural land or soil.

7. Modify Below Market Rate Housing Chapter 18.35 as follows:

a. 18.35.010 Purpose and Intent:

...

~~Per Government Code Section 65589.7, i~~Identification of housing units for very low and low income houses is considered a priority residential use however adequate infrastructure first must be reserved for all Coastal Act priority uses, as enumerated in LCP LUP tables 10.3 and 10.4.

b. 18.35.050.A Incentives for Below Market Rate Housing:

2. Priority Use. The City shall provide notification to the applicable water and sewer agency identifying that the extremely low, very low and low income housing units are considered a priority residential use ~~pursuant to Government Code Section 65589.7~~, however adequate infrastructure first must be reserved for all Coastal Act priority uses, as enumerated in LCP LUP tables 10.3 and 10.4.

3. Large Units. Incentives for large (three bedroom or more) rental units shall be provided pursuant to Section 18.06.050(~~I~~H) for projects that provide 25 percent or more of the Below Market Rate units as three-bedroom units, with a minimum threshold of four Below Market Rate units with three or more bedrooms.

8. Modify Chapter 18.42 Residential Density Bonus as follows:

a. 18.42.020 Definitions:

"Density bonus" means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county or city and county. If a residential development qualifies for a density bonus under both the California Government Code and this Section, then the applicant may use either the state or local density bonus benefits, but not both. The granting of density bonus benefits shall not, in and of itself, require a general plan amendment, zoning change or other separate discretionary approval.

b. 18.42.030 Eligibility for Density Bonus and Incentives:

For purposes of calculating base density, any area of land on a given site that is not

potentially developable due to hazards or other environmental and resource factors (including but not limited to, areas of sensitive habitat or buffers to that sensitive habitat, steep slopes, significant views, public access ways, or geologic instability) shall not be considered potentially developable lot area and shall be excluded from the base density calculations (i.e., base density shall be determined based only on the potentially developable portion of a given site.).

In order to be eligible for a density bonus and other incentives as provided by this chapter, a proposed project shall comply with the following requirements and satisfy: (1) all ~~other~~ applicable provisions of the Certified LUP and (2) except as otherwise provided by this chapter, all applicable provisions of this Zoning Code~~; except as otherwise provided by this chapter~~.

…

C. Any housing development approved pursuant to this Chapter shall be consistent, with the certified local LUP policies and with all applicable development standards. Further all development approved pursuant to a density bonus or other incentive shall be developed in a manner most protective of coastal resources (including but not limited to, areas of sensitive habitat, agriculture, steep slopes, significant views, public access ways, or geologic instability) If the City approves development with a density bonus or other incentive, the City must find that the development, with and without the density bonus or other incentive, would have been fully consistent with the policies of the certified LUP. If the City determines that the means of accommodating the density bonus or other incentive proposed by the applicant will have an adverse effect on coastal resources inconsistent with the LUP or the Chapter 3 policies of the Coastal Act, the density bonus or incentive shall not be approved.

D. For development approved within the Coastal Zone pursuant to this Chapter, the required density bonus and any requested incentive(s), concession(s) and/or waiver(s) or reduction(s) of development standards shall be consistent with the Chapter 3 policies of the Coastal Act and all applicable requirements of the certified Half Moon Bay LUP.

c. 18.42.040.G Calculation of Density Bonus

…

For the purposes of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the project other than the areas where the units for the lower income houses are located. Any areas deemed undevelopable due to hazards or other environmental and resource factors (including but not limited to, areas of sensitive habitat, steep slopes, significant views, public access ways, or geologic instability), shall be excluded from the developable portions of the lot suitable for density increases over the maximum allowable residential units.

d. 18.42.050.A Incentives and Concessions

When an applicant seeks a density bonus or seeks to donate land for housing, the City shall provide the applicant with incentives or concessions for the production on housing units and child care facilities. The applicant must submit a density bonus application, as described in Section 18.42.100, identifying the specific incentives or concessions that the applicant requests.

A. Granting of Incentive.

...

4. The incentive or concession cannot be accommodated in a manner consistent with the Local Coastal Program Land Use Plan or the Chapter 3 policies of the Coastal Act.

e. 18.42.080 Approvals

...

C. The density bonus or incentive shall be granted unless the Approving Authority finds that it cannot be accommodated in a manner consistent with the Local Coastal Program Land Use Plan or the Chapter 3 policies of the Coastal Act.

9. Global Modification to Entire IP as follows:

Replace all references to *"architectural review"*, *"site and design review"* and review for preservation of *"historic resources"* with references requiring all development approved by any approving authority *"to conform to the Visual Resource Protection Standards of Chapter 18.37 and Section 18.20.070."*

III. FINDINGS AND DECLARATIONS

A. PROPOSED IP AMENDMENT

The City of Half Moon Bay is proposing to amend its Local Coastal Program (LCP) Implementation Plan (IP) as follows: Modify Chapters 18.02 "Definitions"; 18.05 "Water and Sewer Capacity Allocation and Reservation"; 18.06 "Residential Land Use", including repealing the floor area ratio (FAR) restrictions for "Exceptional Lots"; 18.15 "Planned Development Land Use (PUD)"; 18.22 "Use Permits"; 18.33 "Second Dwelling Units"; and 18.35 "Below Market Rate Housing"; remove Chapters 18.21 "Architectural Review and Site and Design Approval" and 18.39 "Historic Resources Preservation" ; and add Chapter 18.42 "Residential Density Bonus".

The amendments to Zoning Code Chapter 18.02 "Definitions" include adding definitions for affordable housing, dormer, gable, and "lot or site coverage." The amendments also propose to alter the definition of an "exceptional lot" to remove the requirement that the lot has a residence that was constructed and completed (certificate of occupancy was issued for the structure or the structure was completed prior to the issuance of certificates of occupancy by the City) prior to

December 7, 2004. Additionally, the amendments as proposed would require that such "exceptional lots" were legally created and conforming, either as the result of a subdivision map recorded pursuant to the requirements of the Subdivision Map Act or by operation of law. Finally, the amendments propose to update the definition of a second dwelling unit.

Chapter 18.06 Zoning District Development Standards; Residential Land Use is proposed to be amended as follows: single family residences would be allowed in all R (residential) districts, rather than just in R-1 and R-2 districts; second dwelling units would now be permitted in all R districts, whereas previously, they were only allowed in R-1 districts with a Use Permit; required minimum street facing side setback would be reduced to 15 feet in all R-1 districts from the previous required minimum of 20'1" in R-1, 20'2" in R-1-B-1 and 20'3" in R-1-B-2; the combined minimum side setback in R-1 districts would be changed from 10 feet to 20% of average site width; maximum allowed density and minimum required density would be added for R-2 and R-3 zoning districts; minimum site area per unit for R-2 lots with two dwellings onsite would be revised from 2,700 to 2,500 square feet; minimum street side facing setbacks for R-2 and R-3 lots would be set at 10 feet, where they used to be set between 20'10"-20'12"; combined minimum setback would be revised to 20% for all R-2 and R-3 lots from 10 feet; single story maximum height would be revised from 14-16 feet to 20 feet in R-2 and R-3 districts; exceptional lots would be subject to the R-1 development standards, and all other substandard and severely substandard lots would be subject to their own set of standards, as laid out in Chapter 18.06; and finally, the 95% width rule, and the proportionality rule standards, as they are applied to substandard lots, would be removed.

Chapter 18.15, Planned Development Land Use (PUD) would be amended to make the authorization of temporary uses in PUD districts (for up to 90 days), by the Planning Director, appealable.

The amendments as proposed would remove Chapter 18.21 Architectural Review and Site and Design Approval from Chapter 18 of the zoning code and would transfer this Chapter to the City's Municipal Code, as Chapter 14.37, which is not part of the LCP. The amendments would also shift the duties of such architectural review and site and design approval from a designated committee to the City's Planning Commission.

Chapter 18.22 Use Permits would be amended to clarify that any action by the Planning Commission is appealable to the City Council on or before the tenth day after approval.

The chapter in the current zoning code which addresses Second Dwelling Units, Chapter 18.33, would be amended to clarify that second dwelling units are principally permitted uses, not requiring a use permit, in all residential districts and that the development standards of the district in which the second dwelling unit is located shall be applied. Chapter 18.33 would be further amended to clarify the administrative permit processing of second dwelling units, when a variance would be required and that second dwelling units would not be subject to Measure D, Half Moon Bay's growth limiting ordinance. The proposed amendments would also clarify the approval standards for such second dwelling units with regard to things such as minimum lot area, required parking spaces, maximum and minimum unit size, required setbacks, height limits

and architectural and design requirements. The second dwelling unit chapter would also be amended to require a deed restriction to ensure applicability of the restrictions on the second dwelling unit. The amended chapter would also create incentives to encourage construction of second dwelling units such as permit fee waivers if the second dwelling unit is to be rented at affordable rates and allowance of parking in the front yard setback if approved by the Planning Director.

Chapter 18.35, Below Market Rate Housing would be updated by the proposed amendments to make very low and low income housing a priority in the City of Half Moon Bay. The 18.35 amendments would also create incentives for such below market housing, for instance, a waiver of development standards in certain circumstances and an allocation of priority use for water and sewer infrastructure. Finally, the proposed amendments would require that the City notify applicable water and sewer agencies that such housing units are considered a priority residential use.

The amendments propose to repeal Chapter 18.39 Historic Resources Preservation from the City's IP and transfer it to Chapter 14.38 of the City's Municipal Code.

Finally, the amendments as proposed would add a new chapter to the City's IP, Chapter 18.42, Residential Density Bonus. This Chapter was added as a means to grant density bonus incentives for low, very low and moderate income housing in compliance with Government Code Sections 65915 through 65917. The new Residential Density Bonus chapter lays out the requirements and guidelines for obtaining and implementing a residential density bonus and provides sections that guide the eligibility for density bonuses, how to calculate density bonus percentages, creates incentives and concessions for such density bonuses, provides requirements for parking in association with density bonuses, and outlines the design, distribution and timing of affordable housing with density bonuses. Please see **Exhibit B** for the text of all of the proposed IP amendments.

History of Submittal

This IP amendment was originally submitted on December 21, 2011 by the City. Since that time, Commission Staff has requested additional information and had follow-up discussions with the City regarding the proposed amendment in order to file the amendment as complete. Commission Staff sent the first filing status letter on January 4, 2012 requesting final proposed amendment language in order to fully assess the submittal for filing purposes. The City responded with that language and some answers to follow-up questions on January 27, 2012. On February 13, 2012, Commission staff wrote a second filing status letter again requesting information. On August 7, 2012, the City responded to some but not all of those Commission staff requests. Since that time, up to the point of Commission Staff filing the amendment as complete on May 22, 2014, City and Commission Staff have been working towards developing modifications that are both amenable to the City and Commission staff and consistent with and adequate to carry out the certified LCP.

B. STANDARD OF REVIEW

The proposed amendment affects the IP components of the City of Half Moon Bay's LCP. The standard of review for the IP amendments is that they must conform with and be adequate to carry out the provisions of the certified LUP.

C. IP AMENDMENT CONSISTENCY ANALYSIS

Design Standards for Exceptional Lots

Applicable Policies

The City of Half Moon Bay LUP Policy 7-1 and 7-11 Visual Resource Policies protect the visual resources of coastal and scenic areas and require that development be sited and designed to protect views. Policy 9-2 requires that the City monitor build-out and requires that no permits for new development be issued unless a finding is made that such development will be served with adequate infrastructure.

> **LUP Policy 1-1**: The City shall adopt those policies of the Coastal Act cited herein (Coastal Act sections 30210-30264) as the guiding policies of the Coastal Plan.
>
> **LUP Policy 1-4**: *Prior to the issuance of any development permit required by this Land Use Plan, the City shall make the finding that the development meets the standards set forth in all applicable Land Use Plan Policies.*
>
> **LUP 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 in new developments. The City will establish and map scenic corridors for Highway 1 to guide application of the policies of this chapter. Minimum standards shall include all areas within 200 yards of State Highway 1 which are visible from the road.*
>
> **LUP Policy 7-11:** *New development along primary access routes from Highway 1 to the beach, as designated on the Land Use Plan 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.*
>
> **LUP Policy 9-2:** *The City shall monitor annually the rate of build-out in categories designated for development. If the rate of build-out exceeds the rate on which the estimates of development potential for Phase I and Phase II in the Plan are based, further permits for development or land divisions shall not be issued outside existing subdivisions until a revised estimate of development potential has been made. At that time the City shall establish a maximum number of development permits to be granted each year in accordance with expected rates of build-out and service capacities. No permit for development shall be issued unless a finding is made that such development will be served upon completion with*

water, sewer, schools, and road facilities, including such improvements as are provided with the development.

LUP Policy 7-1 protects the scenic and visual qualities of coastal areas as resources of importance and requires that new development be sited and designed to protect views to and along such coastal visual resource areas. Policy 7-1 further requires protection of specific scenic corridors, screening of new development from the scenic corridors, and establishes visual buffers from Highway 1 which runs through the City. Policy 7-11 requires new development located along access routes from Highway 1 to the beach be sited and designed to maintain the scenic quality of those routes. Policy 9-2 requires that the City monitor build-out and requires that no permits for new development be issued unless a finding is made that such development will be served with adequate infrastructure.

Analysis of Proposed IP changes

The proposed IP amendments would change the definition of "exceptional lots" in the definitions section of the IP, 18.02.040. Currently, exceptional lots are defined as lots within the R-1-B-1 or R-1-B-2 residential zoning districts that do not meet the district's required minimum average lot width and/or lot area but that provide at least 50 feet in average lot width and at least 5,000 square feet in gross lot area. The current definition also requires that each lot designated exceptional have "a residence that was constructed and completed (certificate of occupancy issued for the structure or the structure was completed prior to the issuance of certificates of occupancy by the city) prior to December 7, 2004." The proposed amendments would retain the minimum average lot width and gross lot area requirements of the exceptional lots but would change the requirement that a residence be constructed and/or a certificate of occupancy be issued before December 7, 2004. The proposed amendments instead would require that each lot designated as an exceptional lot be "legally created and conforming, either as the result of a subdivision map recorded pursuant to the requirements of the Subdivision Map Act, or by operation of law prior to December 7, 2004."

In addition to altering the definition of exceptional lots, the proposed amendments would relax the design standards listed in IP Chapter 18.06 which apply to these exceptional lots. While the proposed amendments to the design standards applicable to exceptional lots would still require all development on exceptional lots to comply with all R-1 design standards (i.e.-minimum required front, side, street-facing side and rear setbacks, maximum heights, maximum site coverage, floor area ratio and required parking garage spaces), some of these design standards would be less stringent. Specifically, minimum street-facing side setbacks in all R-1 districts-R-1, R-1-B-1 and R-1-B-2-would be relaxed to 15 feet whereas now they are 20'1", 20'2" and 20'3", respectively. Additionally, combined minimum side setback for all R-1 districts is proposed to be changed to a minimum of 20% of lot width (previously, R-1 was set at a minimum of 10 feet).

Exceptional lots were originally created and designated as such in the IP in response to creating the R-1-B-1 and R-1-B-2 zones in 2000 when the IP was amended to add R-1 zones R-1-B-1 and R-1-B-2. The addition of the R-1-B-1 and R-1-B-2 zones also added increased requirements for minimum lot area from 5,000 square feet to 6,000 square feet for R-1-B-1 and 7,500 square feet

for R-1-B-2 lots. This change had the consequence of making formerly standard size lots substandard because they did not meet the new minimum lot area requirements and applying more stringent development standards to these substandard lots such as the proportionality rule. The proposed amendments would make these exceptional lots, which previous to the IP amendment approved in 2000 would have been standard size because they met minimum site area requirements, standard again as "exceptional lots" because the proposed amendments would return the minimum site area for all lots in either R-1-B-1 or R-1-B-2 zones to what it had been previously, 5,000 square feet. In addition the design standards on these developable lots would be less stringent as the amended standards relax setback and floor area ratio standards.

The proposed amendments would make 213 substandard lots throughout the R-1-B-1 and R-1-B-2 zones "exceptional lots" with relaxed design standards. They would be considered "exceptional" as they do not meet the underlying required zone width but they would meet the new requirements of minimum average lot width of 50 feet and minimum site area of 5,000 square feet. Allowing development with less stringent design standards on these 213 lots increases the likelihood that such development may impact the visual resources near the lots and adversely impact the surrounding character in areas where the exceptional lots can be found, inconsistent with LCP policies 7-1 and 7-11. However, the majority of these lots are located in infill areas throughout the City (see **Exhibit C** for a map of all impacted exceptional lots). All 213 exceptional lots are located in R districts, specifically in R-1-B-1 and R-1-B-2 zones. All developable exceptional lots would be required to meet the design standards (with the exception of minimum average site width and area) as in other R-1-B-1 and R-1-B-2 zones such as rear and street side setbacks, maximum heights, maximum site coverage and floor area ratio. Because any new allowable development that results from this proposed amendment will be required to comply with already-certified design standards, with the exception of a less stringent side setback, the amendments regarding exceptional lots assure compliance with the LCP policies 7-1 and 7-11 which protect the visual resources in the City.

As indicated by the City in their submittal materials, even if all of the 213 lots that would be considered exceptional and able to be developed pursuant to the less stringent standards were developed, no increase in overall development potential would occur because these lots can currently be developed, albeit pursuant to the more stringent substandard lot regulations. However, in order to assure that the lots that would be affected by the proposed amendment were legally created under the Coastal Act as well as the Subdivision Map Act, **Suggested Modification 1** is required. A lot's appearance on a 1907 map does not by itself establish lot legality. In addition, even if a lot was legally created under the Subdivision Map Act, it may not have received the necessary CDP.

Discussions with City staff have suggested that a lot can be considered legally created if created by "operation of law," independent of the requirements of the Subdivision Map Act. Thus, the City opposes the suggested strikeout of "operation of law" in **Suggested Modification 1** and requests that it be added back into the amendment for certification. The City also requests that the requirement that a lot be proven legal for the purposes of the Coastal Act (either by proof of a coastal development permit or proof that none was required) be removed from **Suggested**

Modification 1. The City feels that this requirement inserts a legal conclusion into the code definition of exceptional lots.

It is unclear from discussions with the City how a lot can be found legal outside of the requirements of the Subdivision Map Act "by operation of law". Regardless, requirements that lots be found legally created for purposes of the Coastal Act are independently required in order to ensure that less stringent standards are not certified for lots that have not been legally created pursuant to the CDP requirements of the Coastal Act. Further, in order to assure internal consistency within the IP any exceptional lot must fit the definition of "lot" as defined in section 18.02.040: "a site or parcel of land that has been legally subdivided, re-subdivided or combined." Therefore, **Suggested Modification 1** requires that all exceptional lots establish that they were legally created pursuant to the Coastal Act as well as the Subdivision Map Act.

Another design standard that is applicable to development on exceptional lots that will change as a result of the amendments is the floor area ratio (FAR) requirement. The current IP requires that development on substandard lots have a maximum FAR according to the "proportionality rule" as defined by Section 18.20.040 (FAR is "reduced by the ratio of the actual lot width or lot area to the required lot size in the zoning district in which the lot is found. The ratio shall be calculated for both the lot area and lot width, and the lesser ratio of the two shall be applied."). The proposed amendments delete the proportionality rule from the design standard requirements in Chapter 18.06 and would now require FAR on exceptional lots to comply with the standards of the underlying zoning district (0.5:1 for both R-1-B-1 and R-1-B-2 zones). However, the proposed amendment would not delete the proportionality rule from Chapter 18.20.040. **Suggested Modification 1** therefore removes the proportionality rule from the definitions in Section 18.20.040 in order to assure the chapters of the IP are internally consistent.

As modified above, the Commission finds the proposed IP amendment would conform with and be adequate to carry out the visual resource policies of the LUP, including policy 7-1 which protects the visual qualities of coastal areas as resources of importance and 7-11 which requires new development along access routes from Highway 1 to the beach be sited and designed to maintain the scenic quality of those routes. The modified amendments are also consistent with Policy 9-2 requiring proof of adequate infrastructure because development on exceptional lots will still require such findings. In addition, the proposed modification would assure consistency within the IP and assure that impacts to visual resources from development of exceptional lots would be minimized by allowing development on only those exceptional lots that were legally created and would assure any lots created would not be inconsistent with the definition of lots in the IP.

Public Works Priority Reservation and Allocation

Applicable Policies

The City of Half Moon Bay LUP Policy 9-2 requires that the City monitor build-out and requires that no permits for new development be issued unless a finding is made that such development will be served with adequate infrastructure. Additionally, LUP Policies 10-4, 10-13 and 10-21 reserve water and sewer capacity for priority uses as designated under the LUP. Such priority

uses are listed in the LUP Tables 10-3 and 10-4 as marine-related commercial recreational uses (equestrian facilities, hotel/motels and restaurants), public recreational uses (local parks, play fields, campsites and beaches), indoor floriculture and field flowers and vegetables.

> **LUP Policy 1-1**: The City shall adopt those policies of the Coastal Act cited herein (Coastal Act sections 30210-30264) as the guiding policies of the Coastal Plan.
>
> **LUP Policy 1-4**: *Prior to the issuance of any development permit required by this Land Use Plan, the City shall make the finding that the development meets the standards set forth in all applicable Land Use Plan Policies.*
>
> **LUP Policy 9-2:** *The City shall monitor annually the rate of build-out in categories designated for development. If the rate of build-out exceeds the rate on which the estimates of development potential for Phase I and Phase II in the Plan are based, further permits for development or land divisions shall not be issued outside existing subdivisions until a revised estimate of development potential has been made. At that time the City shall establish a maximum number of development permits to be granted each year in accordance with expected rates of build-out and service capacities. No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities, including such improvements as are provided with the development.*
>
> **LUP Policy 10-4:** *The City shall reserve public works capacity for land uses given priority by the Plan, in order to assure that all available public works capacity is not consumed by other development and control the rate of new development permitted in the city to avoid overloading of public works and services.*
>
> **LUP Policy 10-13:** *The City will support and require reservation of water supplies for each priority land use in the Plan, as indicated in Table 10-3 for build-out.*
>
> **LUP Policy 10-21:** *The City will reserve sewage treatment capacity for priority land uses as provided in Table 10-4.*

Analysis of Proposed IP changes

The proposed IP amendments would alter Chapters 18.05 and 18.35 which reserve and allocate water and sewer capacity and incentivize below market housing, respectively. The amendments would make extremely low, very low and low income housing a priority use under the IP. However, such low income housing is not one of the priority uses listed in the LUP tables which designate priority uses. Coastal Act Section 30222 reserves priority for coastal-dependent and visitor serving uses near the coast and the policies in Chapter 10 of Half Moon Bay's LUP clearly echo such allocations as priority uses since the LUP has established priority for marine-related commercial recreational uses, public recreational uses and floriculture. Since low income housing is not designated a priority use in the LUP, making said use a priority in the IP as the amendments propose is not consistent with Half Moon Bay's certified LUP. Therefore, the proposed amendment does not adequately protect water and sewer for Coastal Act and LCP

priority uses. Accordingly, the proposal is inconsistent with the LUP's priority use provisions and must be denied.

Water supply and sewer capacity in Half Moon Bay is limited. Water is supplied to the City by the Coastside County Water District. Future increases in water supply must come from the Crystal Springs reservoir, but this water supply is uncertain because the San Francisco Public Utilities Commission, which owns the reservoir, has the authority to limit the amount of water supplied to Half Moon Bay during times of drought. Regarding sewer capacity, there are concerns with the adequacy of wastewater treatment capacity in Half Moon Bay due to potential sewage overflows, particularly during wet weather conditions. The City is a member agency of the Sewer Authority Mid-Coastside (SAM), which also includes the Granada Sanitary District and the Montara Water and Sanitary District. Each member agency owns and operates a sewage collection system that feeds into SAM's regional pipeline system and a secondary-treatment wastewater treatment plant in Half Moon Bay. Effluent from the plant is discharged to the Pacific Ocean via an ocean outfall and submerged diffuser extending approximately 40 feet deep and 1,900 feet from the shoreline west of Pilarcitos Creek.

Given the existing water and sewer capacity limitations in the City, these proposed amendments which would reserve water and sewage capacity first to low income housing, a non-priority use, fail to ensure that such resources will be available for designated priority uses as is required by the certified LUP. To address this inconsistency, modifications are suggested to the proposed amendment designed to protect infrastructure for priority uses. As modified, the proposed amendment is consistent with the LUP.

During the filing process of this LCP amendment, the City provided evidence illustrating that there is enough water and sewer capacity to reserve priority to low income housing. In their December 20, 2013 letter, the City stated that "water consumption in Half Moon Bay...has gone down on a per capita basis" because of "changes in land use and build-out, shifts to less intensive water dependent activities (i.e., declining indoor floriculture), implementation of conservation strategies and particularly residential conservation." The letter goes on to state that current (2013) average residential water consumption has dropped by about 102 gallons/day as compared to 1984 levels and that this drop in residential usage equates to approximately 2,009 additional connections of available water capacity. While the City provided an example of a decrease in residential water demands, in order to assess whether the LUP allocations can be amended by a separate LUPA, the Commission will require more specific information regarding water supply, as well as how the water demands of Coastal Act priority uses (as listed in the City's certified LCP) have changed. For example, the City stated "shifts to less intensive water dependent activities (i.e., declining indoor floriculture)" is one reason why water consumption has gone down on a per capita basis in the City of Half Moon Bay. However, the LCP per LUP Table 10.3 still lists Indoor Floriculture and Field Flowers and Vegetables as a priority allocation that accounts for 0.24 million gallons/day (mgd) of Half Moon Bay's 0.34 mgd annual demand. Before the certified LUP priority allocations may be changed, it is necessary to quantify how the annual water capacity demand for Floriculture and Field Flowers and Vegetables has decreased since the certification of the LUP and the designation of this use as a priority use. Similarly, if other priority uses listed in Table 10.3 have experienced a decrease in water capacity demand,

quantitative figures reflecting decreases for those uses should be presented by the City in the form of a LUPA as well. Such information is necessary before the Commission may update the LCP LUP Tables 10.3 and 10.4 to reflect what uses will be accorded priority and for how many million gallons per day.

The City has stated that such an analysis and update of water and sewer capacity supply and demand is not possible at this time and that they propose to accomplish this task during the overall update of the LCP, for which the City recently secured $75,000 in Commission grant funds. As the City's intention is to wait to rework the priority reservation and allocation of water and sewer capacity, **Suggested Modification 2** to section 18.05.020.E is required to clarify that housing units for very low and low income housing may only be considered a priority use within the classification of residential non-priority uses, provided that all Coastal Act priority uses have been reserved sufficient water and sewer capacity. Further, **Suggested Modification 7** to Sections 18.35.010 and 18.35.050.A.2 will reiterate that housing units for very low and low income housing only may be considered a priority use within the classification of residential non-priority uses, if sufficient water and sewer capacity has been reserved for all Coastal Act priority uses and will also require that the City provide notification to the applicable water and sewer agencies consistent with those requirements.

The City has suggested that in **Suggested Modifications 2 and 7** the word "enumerated" be changed to "identified," in order to avoid the need for a numerical analysis when proposing to reallocate water and sewer infrastructure reserved for priority uses to low income housing. However, such a numerical analysis is required in the absence of an LUP amendment revising the reservations for priority uses that are clearly set forth in the LUP. The City's suggested change would result in the IP being inconsistent with the priority water allocation that is clearly laid out in the LUP. Absent an LUP amendment to revise the numerical allocations, such a change is inconsistent with the LUP and cannot be effectuated through an implementation plan amendment. Though a change from "enumerated" to "identified" would seem to be a change in name only, failure to reserve the allocations for priority uses set forth in the LUP in order to reallocate those reservations to low income housing would make the IP inconsistent with the LUP.

In addition to requesting the "enumerated" to "identified" change, the City requested that the language that references Government Code 65589.7 be undeleted from **Suggested Modifications 2 and 7**. Though California Government Code Section 65589.7 does require that *agencies or entities providing water or sewer services* grant a priority to developments that include affordable to lower income households, that provision applies to water and sewer agencies and does not prevent either the Commission or local government entities from adopting Local Coastal Programs consistent with the requirements of the Coastal Act. Subsection (e) of Government Code section 65589.7 expressly states that it is intended to neither enlarge nor diminish the authority of a city to adopt a housing element. Therefore, Modifications 2 and 7 adopted herein are consistent with Government Code sections 65589.7.

In summary, the LCP (in implementing the Coastal Act) demands that uses designated priority under the LUP be given priority allocations for infrastructure services such as sewer and water. The LCP's LUP contains numerous policies that mandate the provision of infrastructure supplies

to serve Coastal Act and Local Coastal Program priority uses, and includes specific reference to reserving capacity for enumerated priority uses. These priorities have not been accommodated in the proposed amendment, and thus, as proposed, water and sewer could be allocated to non-priority residential uses, leaving inadequate supply to account for LUP priorities. While the proposed amendments would reserve some of that priority to low income housing, the recommended modifications would establish that this low income housing priority provision is only permissible insofar as adequate infrastructure has been reserved for all the LUP designated priority uses. As modified above, the Commission finds the proposed IP amendment would conform with and be adequate to carry out the allocation of infrastructure policies of the LUP, including policies 9-2, 10-4, 10-13 and 10-21.

Reasonable Accommodation Exceptions to Development Standards

Applicable Policies

The City of Half Moon Bay LUP Policies 3-3, 7-1 and 9-4 require that new development shall be sited and designed to protect coastal resources including environmentally sensitive habitat areas, views to and along the ocean and coastal scenic resources and to assure that adequate public utility and service resources are available to the development. Policy 9-2 requires that the City monitor build-out and requires that no permits for new development be issued unless a finding is made that such development will be served with adequate infrastructure.

> **LUP Policy 1-1**: The City shall adopt those policies of the Coastal Act cited herein (Coastal Act sections 30210-30264) as the guiding policies of the Coastal Plan.
>
> **LUP Policy 1-4**: *Prior to the issuance of any development permit required by this Land Use Plan, the City shall make the finding that the development meets the standards set forth in all applicable Land Use Plan Policies.*
>
> **LUP Policy 3-3:** *(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 sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.*
>
> **LUP Policy 7-1:** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*
>
> **LUP Policy 9-2:** *The City shall monitor annually the rate of build-out in categories designated for development. If the rate of build-out exceeds the rate on which the estimates*

of development potential for Phase I and Phase II in the Plan are based, further permits for development or land divisions shall not be issued outside existing subdivisions until a revised estimate of development potential has been made. At that time the City shall establish a maximum number of development permits to be granted each year in accordance with expected rates of build-out and service capacities. No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities, including such improvements as are provided with the development.

LUP Policy 9-4: *...Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources will be available to serve the proposed development upon its completion... Lack of available services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the Land Use Plan.*

Analysis of Proposed IP changes
Amendments proposed to the Residential Land Use development standards Chapter 18.06 propose to add exceptions to underlying development standards for the provision of reasonable accommodations for the access needs of disabled persons. The amendments would waive development requirements for the provision of such reasonable accommodations.

When the authorization of reasonable accommodations includes allowing flexibility in the City's application of land use, zoning, and building code regulations, the Commission has an interest in assuring that any potential impacts to coastal resources be identified, feasible alternatives reviewed, the least environmentally damaging alternative implemented; and, if impacts to any coastal resources are determined to be unavoidable, the appropriate feasible mitigation is provided. Without the inclusion of this process, protection of coastal resources cannot be assured.

The Commission further recognizes that such impacts may be necessary to provide accessibility to those with disabilities as required by federal law. However, approval of a project that fundamentally alters the nature of the land use and zoning and building regulations, policies, practices, and procedures of the City's Local Coastal Program is not allowed. Federal law addressing reasonable accommodations for people with disabilities does not expressly prohibit the consideration of a project's environmental impacts in its project review nor does it prohibit requiring an applicant to construct a feasible project alternative that would avoid or minimize environmental impacts. Thus, if there is a feasible alternative that accomplishes the goals of accessibility without impacting coastal resources, that should be the alternative implemented. If there are no feasible alternatives that eliminate impacts to coastal resources, then the *least environmentally impacting* feasible alternative should be the alternative implemented. Finally, for projects where impacts are unavoidable, the federal law does not prohibit requiring feasible mitigation measures for such impacts.

The proposed amendment would waive development standards for reasonable accommodations if certain findings are made by the planning director in order to grant such waivers. However, the findings do not currently include an analysis to determine how any of federally required waivers

would adequately protect coastal resources such as sensitive habitats, scenic and visual resources and infrastructure. Therefore, as currently proposed the amendments granting reasonable accommodation waivers cannot be found consistent with and adequate to carry out LUP Policies 3-3, 7-1 and 9-4. In order to remedy this inconsistency, the Commission recommends **Modification 3. Suggested Modification 3** has been included to ensure that a reasonable accommodation may be one that requires a deviation from an LCP policy but it may not be a request that fundamentally alters the nature of the LCP. Thus **Suggested Modification 3** only allows the waiver of certain requirements when it is necessary to provide equal opportunity to use and enjoy housing and/or eliminate barriers to housing opportunities so long as the requested flexibility or waiver would not require a fundamental alteration in the nature of the city's land use and zoning regulations, policies, practices, and procedures, and the City's Local Coastal Program. **Modification 3** also clarifies that a finding must be made that any reasonable accommodations that are granted to relax development standards are consistent with the Local Coastal Program to the maximum extent feasible or that there are no feasible alternatives for such reasonable accommodations that provide greater consistency with the certified Local Coastal Program and specifically Policies 3-3, 7-1, 9-2 and 9-4.

Architectural Review and Site Design and Historic Resources Preservation

Applicable Policies

The City of Half Moon Bay LUP Policies 7-5 and 7-8 require that all new development shall be subject to design review by a designated Architectural Review Committee and that all new development and alterations to existing structures in the downtown area (as designated on the Visual Resources Overlay Map) be subject to design approval in order to achieve similar scale and style to older structures.

> **LUP Policy 1-1**: The City shall adopt those policies of the Coastal Act cited herein (Coastal Act sections 30210-30264) as the guiding policies of the Coastal Plan.
>
> **LUP Policy 1-4**: *Prior to the issuance of any development permit required by this Land Use Plan, the City shall make the finding that the development meets the standards set forth in all applicable Land Use Plan Policies.*
>
> **LUP Policy 7-5:** *All new development including additions and remodeling shall be subject to design review and approval by the City Architectural Review Committee.*
>
> **LUP Policy 7-8:** *New development, alterations to existing structures and proposed demolitions in the downtown area as designated on the Visual Resource Overlay Map shall be subject to design approval in accordance with scale and style similar to older structures.*

Analysis of Proposed IP changes

The City's Implementation and Zoning Code only consists of Chapter 18 of the Municipal Code and Chapter 18 is the only Chapter within the Municipal Code that is incorporated into the City's certified LCP. The proposed amendments would remove the Architectural Review and Site and

Design Approval Chapter 18.21 and the Historic Resources Preservation Chapter 18.39 from the zoning code and transfer these chapters to the City's Municipal Code as Chapters 14.37 and 14.38. The zoning code, and therefore the City's certified LCP, as the City proposes to amend it, would no longer include chapters that "encourage conservation and preservation of historic buildings, structures and districts." Removing these two Chapters from the IP would remove the CDP mechanisms that allow for architectural review and review of historic resources in conjunction with site and design review and approval. While some standards for architectural and site and design review are incorporated in the visual resource protection standards contained in the IP Chapter 18.37 (such as landscape design standards, preservation of natural landforms and features, standards for signs and parking and circulation), certain standards that are being deleted as a part of Chapters 18.21 and 18.39 would be lost from the IP and LUP entirely because they are not accounted for in Chapter 18.37 (please see Exhibit E for text of IP Chapter 18.37). Because LUP policies 7-5 and 7-8 require design review and that design approvals be in accordance with scale and style similar to older structures, the removal of the chapters that control such design review would make the IP inconsistent with and inadequate to carry out the LUP.

In order to remedy this inconsistency, **Suggested Modification 4** is required to add certain architectural and site and design review and historic resource preservation standards back into the Coastal Development Permitting review process as laid out in Chapter 18.20.070 of the IP. Specifically, **Modification 4** assures that the design of new development is appropriate considering the surrounding scale and character, and that natural features are actually integrated with the project and that designs are energy efficient. Since the intent of **Suggested Modification 4** is to ensure that the applicable architectural review and historic resource preservation standards are not lost, this suggested modification is structured to require the same level of analysis as is present in the existing LCP policies.

In addition, since the IP references "architectural review," "site and design review" and review for preservation of "historic resources" in multiple places and not just in the chapters that the amendments propose to delete, **Suggested Modification 9** is required to globally change these references throughout the IP. **Suggested Modification 9** will change all references to "architectural review," "site and design review" and review for preservation of "historic resources" throughout the IP to references requiring all development approved by any approving authority to "conform to the Visual Resource Protection Standards of Chapter 18.37 and Section 18.20.070." As modified above, the Commission finds the proposed IP amendment would be internally consistent throughout the entire IP and conform with, and be adequate to carry out the architectural and design review and historical resource preservation policies of the LUP.

Second Dwelling Units Principally Permitted Uses in all Residential Districts

Applicable Policies

The City of Half Moon Bay LUP Policies 3-3, 7-1 and 9-4 require that new development shall be sited and designed to protect coastal resources including environmentally sensitive habitat areas, views to and along the ocean and coastal scenic resources and to assure that adequate public utility and service resources are available to the development. Policy 9-2 requires that the City

monitor build-out and requires that no permits for new development be issued unless a finding is made that such development will be served with adequate infrastructure. In addition, Policy 9.4 limits the residential growth of Half Moon Bay to 1% of the total population per year. Finally, Policies 10-4 and 10-25 require the City to reserve public works capacity for land uses given priority by the Plan and to maintain certain traffic levels of service to avoid overloading of public works and services.

LUP Policy 1-1: The City shall adopt those policies of the Coastal Act cited herein (Coastal Act sections 30210-30264) as the guiding policies of the Coastal Plan.

LUP Policy 1-4: *Prior to the issuance of any development permit required by this Land Use Plan, the City shall make the finding that the development meets the standards set forth in all applicable Land Use Plan Policies.*

LUP Policy 3-3: *(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 sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.*

LUP Policy 7-1: *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

LUP Policy 9-2: *The City shall monitor annually the rate of build-out in categories designated for development. If the rate of build-out exceeds the rate on which the estimates of development potential for Phase I and Phase II in the Plan are based, further permits for development or land divisions shall not be issued outside existing subdivisions until a revised estimate of development potential has been made. At that time the City shall establish a maximum number of development permits to be granted each year in accordance with expected rates of build-out and service capacities. No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities, including such improvements as are provided with the development.*

LUP Policy 9-4: *...Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources will be available to serve the proposed development upon its completion... Lack of available services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the Land Use Plan.*

LUP Section 9.4: *Residential Growth Limitation. a) The number of dwelling units which the City may authorize each calendar year may not exceed the number of units which would result in a growth of one percent (1%) in the City's population as of January 1 of that year. In determining the number of permissible units, the City shall use the most recent US Census figures for Half Moon Bay to calculate the average number of persons per household. b) The number of dwelling units authorized each year under subsection (a) may be increased by fifty percent for additional dwelling units in the Downtown Area...e) The limitations in this Section shall not apply to replacement of existing dwelling units on a one-for-one basis; nor shall it apply to density bonuses for the provision of low and moderate income housing to the extent required by State law.*

LUP Policy 10-4: *The City shall reserve public works capacity for land uses given priority by the Plan, in order to assure that all available public works capacity is not consumed by other development and control the rate of new development permitted in the city to avoid overloading of public works and services.*

LUP Policy 10-25: *The City will support the use of Level of Service C as the desired level of service on Highways 1 and 92, except during the peak two-hour commuting period and the ten-day average peak recreational hour when Level of Service E will be acceptable.*

Analysis of Proposed IP changes

Consistent with state law, the proposed amendments would make second-dwelling units a principally permitted use in all residential "R" zoning districts. Actions to approve second dwelling units, as a result of the proposed amendments would require the administrative approval of a Coastal Development Permit and would not be subject to a public hearing. The CDP that is required in the amended second dwelling unit chapter would be part of the Planning Director's review and approval process which would also require an administrative site and design permit and a building permit.

However, the City's proposed amendments also state that the development of second dwelling units would not be subject to residential growth limitations (Measure D) set forth in LCP Policy 9.4. Further, the required findings for second dwelling units in the proposed amendments would allow a second dwelling unit to be built without a finding that there are adequate services onsite, stating in amended Section 18.33.040.K, "The second dwelling unit can be accommodated with the existing water service and the existing sewer lateral."

Regarding the exception to Measure D being proposed for second units, Measure D was enacted and made a part of the certified LUP/LCP in order to account for constraints on road, water and sewer capacity in the City. Measure D's reduction in growth was put in place to "ensure that residential growth (did) not outpace the development of public infrastructure and services" (see LCP Amendment HMB-MAJ-2-05 Parts A&B). The Measure D initiative and now the LUP only exempts certain types of development from the phased growth requirements, specifically, only replacement of existing dwelling units on a one-for-one basis and density bonuses (see LCP Amendment HMB-MAJ-2-05 Parts A&B). Exempting all second dwelling units from the

residential growth limitations laid out in Section 9.4 of the LUP would allow second dwelling units to be built without that growth limitation check and increase the population in Half Moon Bay beyond the 1% limit chosen by the voters, inconsistent with policies in Section 9.4 of the LUP. The City's proposed change would thus result in the IP being inconsistent with the growth allocation policies that are clearly laid out in the LUP. Absent an LUP amendment to address this discrepancy, this change is inconsistent with the LUP and cannot be effectuated through an implementation plan amendment.

Finally, second dwelling units must remain subject to residential growth allocations to assure that the phased growth requirements in the City of Half Moon Bay apply to all new residential developments. As stated above, the City has water infrastructure constraints since increases in water supply must come from the Crystal Springs reservoir, an uncertain supply due to SFPUC's authority to limit supply during times of drought. Further, as conditioned by the Commission, Crystal Springs water from the CCWD must first serve priority uses before allocating to any non-priority use (See A-1-HMB-99-20 and A-2-SMC-99-63 approved December 10, 2003). Further, recent traffic analyses performed for the purpose of the preparing the City's General Plan Circulation Element demonstrate that many intersections (including the intersection Highways 1 and 92) operate at below LUP-designated acceptable levels of service (E and F).

Therefore, **Suggested Modification 5** is necessary to assure that the proposed amended IP chapter on second dwelling units remains consistent with the certified LUP's requirements. **Suggested Modification 5** allows second dwelling units as principally permitted uses in all R districts, but would not exempt second dwelling units from Measure D or any other policies that serves to limit residential growth. **Modification 5** will assure that the growth allocation requirements of Measure D and Policy 9.4 of the LUP are complied with, even with respect to second dwelling units and will prevent the certification of an IP provision that is inconsistent with Policy 9.4, thereby assuring consistency between the IP and LUP portions of the City's LCP.

The City has proposed that the provision exempting second dwelling units from residential growth limitations be added back in to the proposed amendments in order to comply with state housing law as governed by Government Code 65852.2. Though California Government Code Section 65852.2 does state that second dwelling unit "shall not be considered in the application of any local ordinance, policy or program to limit residential growth," that provision governs local ordinances rather than local or state government entities implementing state law. When implementing the Coastal Act, a city or county is not acting under its "police power" authority but rather under authority delegated to it by the state. LCP provisions regulating development activities within the coastal zone such as the provision found in Half Moon Bay's LUP Policy 9.4 are an element of a statewide plan, and are not local in nature. Therefore, **Suggested Modification 5** is consistent with Government Code sections 65852.2 because under the Coastal Act's legislative scheme, the LCP and the development permits issued by local agencies pursuant to the Coastal Act are not solely a matter of local law, but embody state policy. (*Pratt v.*

California Coastal Commission (2008) 162 Cal. App.4th1068).[1] Furthermore, subsection (j) of Government Code section 65852.2 governing second units expressly states *"[N]othing in this section shall be construed to supercede or in any way alter or lessen the effect or application of the California Coastal Act (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.*"

Regarding the findings required for the approval of second units, although the proposed implementation plan amendment identifies several development standards applicable to all second units, it does not contain certain development standards necessary to ensure that all second units conform with and carry out all applicable policies of the certified LUP. Therefore, the proposed implementation plan would not conform with and carry out all applicable policies of the certified LCP. For example, allowing second dwelling units in all R districts only on a showing that the primary residence has adequate public works potentially creates a situation of over-allocation of infrastructure and services to non-priority residential uses. Not requiring a second dwelling unit to prove that there are adequate resources available onsite for it would be inconsistent with the policies in the LUP such as policy 10-4 that reserves public services for priority uses. Therefore, **Suggested Modification 6** is necessary to assure that the proposed amended IP chapter on second dwelling units remains consistent with the certified LUP's requirements. To ensure that all second unit development is consistent with the ESHA, new development, public access and visual resource policies of the LUP, the Commission attaches **Suggested Modification 6** which inserts development standards that require all second units to not adversely affect: (a) public views; (b) wetland or ESHA; and (c) public access to and along the coast. In addition, second units must assure adequate water supply and wastewater treatment. Only as modified, does the proposed implementation plan, conform with and carry out the policies of the LUP protecting public services, public views, wetlands and ESHA and public access. In addition, the Commission attaches **Suggested Modification 6** to make it clear that all residential second units must conform to these standards to be permitted. As modified above, the Commission finds the proposed IP amendment would be consistent with and be adequate to carry out the resource protection and adequate infrastructure policies of the City's certified LUP.

Residential Density Bonus

Applicable Policies

The City of Half Moon Bay LUP Policies 3-3, 4-7, 4-8, 4-9 and 7-1 require that new development shall be sited and designed to protect coastal resources of import including environmentally sensitive habitat areas, views to and along the ocean and coastal scenic resources and to assure that adequate public utility and service resources are available to the development. In addition, no new development shall be permitted in areas of hazard risks from

[1] The Coastal Act specifically requires that local governments assume a regulatory responsibility that is in addition to their responsibilities under other state laws. In section 30005.5 of the Coastal Act, the Legislature recognized that it has given authority to local governments under section 30519 that would not otherwise be within the scope of the power of local governments. Section 30005.5 provides: Nothing in this division shall be construed to authorize any local government…to exercise any power it does not already have under the Constitution and the laws of this state or that is not specifically delegated pursuant to section 30519.

flooding, dam failure or areas likely to be subject to erosion. Policy 9-2 requires that the City monitor build-out and requires that no permits for new development be issued unless a finding is made that such development will be served with adequate infrastructure. Finally, Policies 9-4 10-4 and 10-25 require the City to reserve public works capacity for land uses given priority by the Plan and to maintain certain traffic levels of service to avoid overloading of public works and services.

LUP Policy 1-1: The City shall adopt those policies of the Coastal Act cited herein (Coastal Act sections 30210-30264) as the guiding policies of the Coastal Plan.

LUP Policy 1-4: *Prior to the issuance of any development permit required by this Land Use Plan, the City shall make the finding that the development meets the standards set forth in all applicable Land Use Plan Policies.*

LUP Policy 3-3: *(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 sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.*

LUP Policies 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, may be permitted provided that such uses shall not be permitted within the area of the stream corridor.*

LUP Policy 4-8: *No new permitted development shall cause or contribute to flood hazards.*

LUP Policy 4-9: *All development shall be designed and constructed to prevent increases in runoff that would erode natural drainage courses. Flows from graded areas shall be kept to an absolute minimum, not exceeding the normal rate of erosion and runoff from that of the undeveloped land. Storm water outfall, gutters, and conduit discharge shall be dissipated.*

LUP Policy 7-1: *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

LUP Policy 9-2: *The City shall monitor annually the rate of build-out in categories designated for development. If the rate of build-out exceeds the rate on which the estimates of development potential for Phase I and Phase II in the Plan are based, further permits for development or land divisions shall not be issued outside existing subdivisions until a revised estimate of development potential has been made. At that time the City shall establish a maximum number of development permits to be granted each year in accordance with expected rates of build-out and service capacities. No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities, including such improvements as are provided with the development.*

LUP Policy 9-4: *...Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources will be available to serve the proposed development upon its completion... Lack of available services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the Land Use Plan*

LUP Policy 10-4: *The City shall reserve public works capacity for land uses given priority by the Plan, in order to assure that all available public works capacity is not consumed by other development and control the rate of new development permitted in the city to avoid overloading of public works and services.*

LUP Policy 10-25: *The City will support the use of Level of Service C as the desired level of service on Highways 1 and 92, except during the peak two-hour commuting period and the ten-day average peak recreational hour when Level of Service E will be acceptable.*

Analysis of Proposed IP changes

The proposed IP amendments provide for a density bonus, which allows for an increase in the number of allowable units established by the zoning regulations in exchange for providing a certain percentage of affordable housing units. As amended, the density bonuses could be granted over maximum allowable residential densities currently allowed in the underlying district regardless of whether or not the increase in units through such density bonuses would result in adverse impacts to the site, including with regard to existing coastal resources. Therefore, the proposed amendments could result in significant impact to coastal resources inconsistent with the resource protection policies of the LUP such as policies 3-3, 4-7 through 4-9 and 7-1 which protect environmentally sensitive habitat areas, restrict development in areas of coastal hazards and protect the scenic qualities of the coast. Further, the increased density of development could have adverse impacts on the provision of adequate infrastructure throughout the City (see above discussion under second dwelling units regarding constraints on infrastructure in the City of Half Moon Bay). Residential density bonuses may not be calculated to permit greater than allowed density of the underlying land use designations to the potential detriment of protection of coastal resources and provision of infrastructure inconsistent with resource protection and adequate infrastructure policies of the LUP.

Concerns raised by the potential application of a density bonus stem from the potential for impacts to coastal resources, including, but not limited to, sensitive habitat, public access, and public views. For example, if the density is allowed to be increased to a point where the footprint of a structure is larger than what would otherwise be allowed, that could result in development in or closer to sensitive habitat than would be consistent with habitat protection policies, such as required buffers or avoidance of impacts, of the certified LUP. Thus, without provisions to assure such impacts would not occur, the proposed density bonus could not be found to be in conformance with the policies of the certified LUP.

Although the Commission must consider whether the proposed amendment is adequate to implement the LUP, not the Coastal Act, it is still important to note that Coastal Act Section 30604(f) encourages affordable housing and allows local governments to approve greater densities for affordable housing projects, as long as those projects are otherwise in conformity with the certified LCP. Coastal Act Section 30604(f) states:

> ***30604(f):*** *The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.*
>
> ***30604(g):*** *The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.*

Other sections of the Coastal Act address the siting of priority visitor-serving and recreational uses. The Coastal Act also provides for protection of the public viewshed, public access and recreation, and sensitive habitats.

Government Code Section 65915 describes a mechanism for providing incentives for density bonuses provided such incentives/bonuses do not adversely impact the City's environment. Similarly, Government Code Section 65915(m) includes an explicit requirement that "*Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 commencing with Section 30000) of the Public Resources Code."* In other words, Section 65915 does not trump coastal resource protections of the Coastal Act or the LCP. In fact, Section 65915 requires that a density bonus be provided, but not at the expense of the physical environment, including coastal resources within the coastal zone.

Therefore, the Commission is recommending **Suggested Modification 8** to supplement existing findings that must be made in order to grantdensity bonuses such as the proposed finding that the

density bonus will not be approved unless it can be found that the proposed development would not have a specific adverse impact on the physical environment or on public health and safety that cannot be satisfactorily mitigated or avoided without rendering the development unaffordable. **Suggested Modification 8** goes on to assure that the development that stems from the granting of density bonuses is approved in a manner most protective of coastal resources, including with respect to sensitive habitats, areas of steep slopes, significant views, public access ways, or geologic instability. **Suggested Modification 8** would clarify that though the intent of the City's program is to ensure state housing laws are implemented with regard to density bonuses, the implementation of such a program must be done in a manner consistent with the policies in the certified LUP. **Modification 8** would prohibit the City from granting a bonus or incentive if it would adversely impact coastal resources inconsistent with the requirements of the certified LUP. As modified, the proposed amendments will assure that density bonuses will be granted in a manner consistent with and adequate to carry out the coastal resource protection policies of the certified LUP.

The proposed amendments also propose to calculate base density (the maximum number of units allowable without the density bonus) based on a rote calculation of the number of bonus units allowed based on the number of base units proposed that fit the very low, low or moderate income unit requirements laid out in the density bonus chapter. Basing the density bonus calculation on such a formulaic approach does not consider that the base density or allowable units may be inconsistent with the physical constraints found onsite. Land that is constrained may be wetland areas that are not buildable or steep areas of geologic hazard that are not safe for residential development. Because, as written, the proposed amendments do not take potential site-specific constraints into consideration when granting density bonuses, the granting of such bonuses may result in approving development that is inconsistent with the LUP because it bases density calculation on areas that are considered undevelopable as per the LUP.

In order to remedy this inconsistency, the Commission recommends **Suggested Modification 8**. This suggested modification will require that for the purposes of calculating base density, any area of land onsite that is not developable due to hazards or other environmental and resource factors (areas of sensitive habitat, steep slopes, significant views, public access ways, or geologic instability) shall not be considered potentially developable lot area for the purposes of calculating the allowable base density. With recommended **Suggested Modification 8**, base density calculations cannot include land that is undevelopable due to hazards or other adverse resource impacts (sensitive habitats, significant views, public access, etc.) and would grant only state or local density bonus, but not both (if the development could potentially qualify for both).

As modified above, the Commission finds the proposed IP amendment would conform with and be adequate to carry out the resource protection policies of the City's certified LUP. The suggested modification will allow for increased residential density to encourage affordable housing, while ensuring that coastal resources are protected from inappropriate increases in density, consistent with both the infrastructure and housing and resource protection policies of the City's LUP.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts a local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a LCP. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCPA. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b).

The City's LCP Amendment consists of an IP amendment. The Commission incorporates its findings on Land Use Plan (LUP) conformity into this CEQA finding as it is set forth in full. The IP amendment as originally submitted does not conform with and is not adequate to carry out the policies of the certified LUP with respect to visual resource and sensitive habitat protection, avoidance of coastal hazards, priority of infrastructure allocation, architectural and site design review, preservation of historic character and residential growth limitations.

The Commission, therefore, has suggested modifications to bring the IP amendment into full conformance with the certified LUP. As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

The Commission finds that the LCP Amendment, as modified, will not result in significant unmitigated adverse environmental impacts under the meaning of CEQA. Further, future individual projects would require coastal development permits, issued by the City of Half Moon Bay, and in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.

THE CITY OF HALF MOON BAY

ORDINANCE NO. C-___-10

AN ORDINANCE OF THE CITY COUNCIL OF THE HALF MOON BAY AMENDING TITLE 18 OF THE CITY MUNICIPAL CODE (ZONING CODE)

RECITALS

WHEREAS, the City of Half Moon Bay is committed to the maximum public participation and involvement in matters pertaining to the General Plan and its Elements, the Local Coastal Program, and the Zoning Code; and

WHEREAS, this amendment to Title 18 of the Municipal Code involves changes to the text of various sections of the Zoning Code for the purpose of implementing the policies of the certified Housing Element, eliminating restrictions for Exceptional Lots in favor of the existing development standards applicable to all other conforming lots in the City, and to modify or remove other provisions that are outdated or ineffective; and

WHEREAS, the Planning Commission, as the Advisory Body to the City Council, conducted a duly noticed public hearing on September 14 and 28, and October 12, 2010 with all those in attendance desiring to be heard were given an opportunity to speak on this application; and

WHEREAS, the Planning Commission at its public hearing considered City-initiated text amendments to Zoning Code Chapters 18.02, 18.05, 18.06, 18.21, 18.33, 18.35, 18.36, and add a new Chapter 18.42; and

WHEREAS, following the close of the public hearing the Planning Commission voted unanimously to recommend that the City Council amend Title 18 of the Municipal Code; and

WHEREAS, the City Council at its public hearing considered City-initiated text amendments to Zoning Code Chapters 18.02, 18.05, 18.06, 18.21, 18.33, 18.35, 18.36, and add a new Chapter 18.42; and

WHEREAS, the City Council considered all written and oral testimony presented in its consideration of the amendments; and

WHEREAS, the amendment to Title 18 of the Municipal Code complies with all applicable policies of the City's Housing Element as certified by Department of Housing and Community Development on April 8, 2010; and

WHEREAS, the amendment to Title 18 of the Municipal Code was considered in the adopted Negative Declaration for the City's Housing Element that was prepared and made available for public review, and was adopted by the City Council on May 28, 2010 and certified by the state Department on Housing and Community Development on June 25, 2010; and

WHEREAS, the Local Coastal Program is intended to be carried out in a manner fully in conformity with the California Coastal Act.

DECISION

NOW THEREFORE, THE CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of Title 18. Title 18 of the Half Moon Bay Municipal Code is hereby amended as described in the attached Exhibit A.

Section 2. Compliance with California Environmental Quality Act. a Notice of Exemption regarding this amendment to Title 18 is adequate environmental documentation for the project.

Section 3. Effective Date. This ordinance amending the LCP Implementation Plan shall be transmitted to the California Coastal Commission and shall take effect immediately upon its certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the ordinance adopted by the City is legally adequate.

Section 4. Severability. If any words, phrases, provisions, or sections of this Chapter are either determined by a Court of competent jurisdiction to be void, invalid, unenforceable, or preempted by state or federal law then such words, phrases, provisions, or sections shall be severed from this Chapter, and all the remaining words, phrases, provisions, and sections of this Chapter shall remain in full force and effect; provided however, that the severing of such words, phrases, provisions, and sections does not frustrate the purposes of any of the remaining sections of this Chapter.

* * * * *

PASSED AND ADOPTED this 16th day of November, 2010, by the following votes:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

_____
Marina Fraser, Mayor

ATTEST:

_____
Siobhan Smith, City Clerk

APPROVED AS TO FORM:

_____
Anthony Condotti, City Attorney

ORDINANCE NO. C-__-11
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY ADOPTING AMENDMENTS TO TITLE 14 & TITLE 18 OF THE HALF MOON BAY MUNICIPAL CODE

RECITALS

WHEREAS, the City of Half Moon Bay is committed to the maximum public participation and involvement in matters pertaining to the General Plan and its Elements, the Local Coastal Program, and the Zoning Code; and

WHEREAS, this amendment to Titles 14 and 18 of the Municipal Code involves changes to the text of various sections of the Municipal Code for the purpose of modifying existing definitions, design and development review procedures, and development standards and regulations, and to modify or remove other provisions that are outdated or ineffective; and

WHEREAS, the Planning Commission, as the Advisory Body to the City Council, conducted a duly noticed public hearing on March 22, April 5, April 12, and June 28, 2011 where all those in attendance desiring to be heard were given an opportunity to speak on this application; and

WHEREAS, the Planning Commission at its public hearing considered City-initiated text amendments to Zoning Code Chapters 18.02, 18.06, 18.15, 18.21, 18.22, and 18.39; and

WHEREAS, following the close of the public hearing the Planning Commission voted unanimously to recommend that the City Council amend Titles 14 and 18 of the Municipal Code; and

WHEREAS, the Local Coastal Program is intended to be carried out in a manner fully in conformity with the California Coastal Act.

DECISION

THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 18.02 Amended. The definition of "Exceptional Lot" as contained in Section 18.02.040 of Chapter 18.02 "Definitions" is hereby amended to read as follows:

> "Exceptional lot" means a lot in the R-1-B-1 or R-1-B-2 zoning district that does not meet the minimum average width and/or lot area requirement for the zoning district in which the parcel is located, but has an average lot width of at least fifty feet and provides at least five thousand square feet in gross lot area, and was legally created and conforming, either as the result of a subdivision map recorded pursuant to the requirements of the Subdivision Map Act, or by operation of law, prior to December 7, 2004."

Section 2. Chapter 18.06 Amended Chapter 18.06 "Residential Land Use (R-1, R-2, R-3)" is hereby amended as follows:

A. Subsection G of Section 18.06.040 "Specific Development Standards" is amended to read as follows:

> "G. Maximum Building Envelope. The maximum building envelope shall apply to all residential development within any Residential zone. The maximum building envelope under which all structures in residential zones must fit is

defined as follows: a plane that begins at ten feet above the side property lines and extends into the property at a forty-five-degree angle and sixteen feet above the front and rear setback line and extends into the property at a sixty-degree angle. The following features may breach the maximum building envelope as defined in this subsection:

1. Dormers or gables may extend beyond the building envelope provided that the combination of all of these features on one development site measures no more than fifteen horizontal feet at the intersection of the building envelope on any side yard building envelope, and the total overall height of the encroaching features does not exceed the maximum allowed building height."

B. Subsection E of Section 18.06.050 "Exceptions to Development Standards" and Tables E and F thereof are amended as follows:

"E. Development Standards for Exceptional, Substandard and Severely Substandard Lots. This section sets forth standards for development on substandard or severely substandard lots, which are defined in the zoning code definitions in Section 18.02.040 of this title.

1. Exceptional lots shall be subject to the R-1 development standards set forth in Table B of this chapter, unless otherwise specified.

2. Development on Substandard or Several Substandard Lots, other than Exceptional Lots, shall meet all standards set forth in Tables E and F of this chapter respectively, unless otherwise specified. Project design review pursuant to chapter 14.37 is required for all development, including additions and accessory structures, on any substandard or severely substandard lot or building site except as provided in subsection (F)(3) of this section.

3. Coastal Act Consistency. The exception to development standards for substandard, severely substandard, and exceptional lots set forth in this subsection shall only be applied in full conformity with coastal development permitting requirements pursuant to Sections 30600 and 30610 of the Coastal Act and Title 14 Sections 13250, 13252, and 13253 of the California Code of Regulations and Sections 18.20.025 and 18.20.030 of the zoning code.

Table E - DEVELOPMENT STANDARDS FOR SUBSTANDARD LOTS

Lot coverage	Standard for the zone
Floor area ratio	Standard for the zone. Basements with floor area of 15% or less of the total calculated FAR, up to a maximum of 225 square feet, may be allowed subject to architectural review.
Maximum building envelope	Applicable

Required parking	Two spaces: one garage space with dimensional standards as set forth in this chapter, and one covered space not located in the front yard setback.
Front setback	Standard for the zone
Side setback	Standard for the zone
Rear setback	Standard for the zone
Street-facing side yard setback	Standard for the zone
Height	28 feet for two-story 20 feet for single-story, including single-story and loft [1]

[1] Single-story structures with height above twenty feet are required to follow the procedures for exemption to the height standards set forth in this chapter.

Table F - DEVELOPMENT STANDARDS FOR SEVERELY SUBSTANDARD LOTS

Lot coverage	Standard for the zone
Floor area ratio	Standard for the zone. A maximum of 200 square feet above the maximum calculated floor area ratio is permitted. Basements with floor area of 15% or less of the total calculated FAR, up to a maximum of 225 square feet, may be allowed subject to architectural review.
Maximum building envelope	Applicable.
Required parking	Two spaces: one garage space with dimensions as set forth in this chapter. One additional parking space, whether covered or not, and not located within the front yard setback.
Front setback	Standard for the zone.
Side setback	A minimum of 8 feet combined, with a minimum of 3 feet on one side. On a side that contains less than a 4-foot setback, the structure must be separated by a minimum of 8 feet from any structure on the adjacent lot. Driveways to the rear garage structure must be a minimum of 10 feet. Rear garages can be a minimum of 3 feet from an interior side or rear property line.
Eave overhangs	Notwithstanding any other rules set forth in this title, severely substandard lots may have an eave encroachment that extends no more than 18 inches into the side yard. All other yards may have a 30-inch encroachment.
Rear setback	Standard for the zone.
Street-facing side yard setback	10 feet, including garage.
Height	28 feet for two-story 20 feet for single-story, including single-story and loft [1]

[1] Single-story structures with height above twenty feet are required to follow the procedures for exception to the height standards set forth in this chapter.

Section 3. Chapter 18.15 Amended. Subparagraph C.1 of Section 18.15.025 "Permitted land uses" of Chapter 18.15 "Planned Development Land Use (PUD)" is hereby amended to read as follows:

"1. Temporary Uses and Structures Not to Exceed Ninety Days. The planning director may authorize the temporary use of structures and land in any planned unit development district for a period of time not to exceed ninety days. Prior to taking action on a request for temporary uses and/or structures, the planning director shall inform the Planning Commission and any other party requesting such information of the request. The action of the planning director may be appealed pursuant to the provisions of Section 18.22.200 of this code."

Section 4. Chapter 18.21 Repealed. Chapter 18.21 "Architectural Review and Site and Design Approval" is hereby repealed.

Section 5. Chapter 14.37 Added. Chapter 14.37 "Architectural Review and Site and Design Approval" is hereby added as follows:

"Chapter 14.37

ARCHITECTURAL REVIEW AND SITE AND DESIGN APPROVAL

14.37.010 Purpose.

The purpose of the design review process set forth in this chapter is:

A. To promote the orderly and harmonious development of the city's existing and new residential neighborhoods;

B. To ensure that any proposed alterations or demolition of structures designated as historic will be subject to design review; and

C. To require commercial, industrial or institutional projects to comply with consistent design standards

14.37.015 Architectural and Site and Design Review.

The Planning Commission shall perform all functions of architectural review and site and design approval as set forth in this chapter. The Planning Commission may request the opinion of design professionals (i.e., architect, landscape architect, urban design professional, historic building specialist or registered civil engineer) when considering complex, controversial or otherwise significant projects.

14.37.020 Authority.

Prior to the issuance of any building permits for new construction, alterations, or additions to any residential, commercial, industrial, or institutional building, the planning director shall review the plans submitted for each proposed project to determine if it is subject to the requirements of this chapter:

A. Residential Projects

1. Architectural review and approval shall be required:

a) For the demolition, alteration or reconstruction of, or addition to, any residence or accessory structure listed as an historic resource as provided in Chapter 18.39;

b) For any new residential structure(s) and landscaping within a planned unit development project unless specific design criteria or development standards are adopted in conjunction with a planned unit development plan, or a homeowners association architectural review committee has been established for the project area:

c) For any new residential structure or modifications to an existing structure requiring a discretionary permit such as a parking exception, variance, or use permit;

2. Architectural review and site and design approvals shall be required for the construction of any multiple family residential structure with more than two units on a single building site, and for additions, significant exterior alterations or improvements to any multi-family structure and/or site.

B. Non-Residential Projects

1. Architectural review and/or site and design approval shall be required for non-residential structures as provided below. For the purposes of this section, "Non-Residential" projects shall be considered those structures intended for Commercial, Industrial, Institutional or Mixed-Use purposes.

a) For the demolition, alteration or reconstruction of, or addition to, any non-residential structure listed as a historic resource as provided in Chapter 18.39;

b) For any new non-residential structure(s) and landscaping within a planned unit development project unless specific design criteria or development standards are adopted in conjunction with a planned unit development plan, or a homeowners' association architectural review committee has been established for the project area;

c) For any new non-residential structure or modifications to an existing structure requiring a discretionary permit such as a parking exception, variance, or use permit where new construction, exterior building modifications or site improvements are proposed; and

d) For signs and sign programs as specified in Title 15.

2. Architectural review and site and design approvals shall be required:

a) For the construction of any new non-residential structure and associated site improvements including landscaping and parking lot plans;

b) For the construction of any addition of ten percent or more of the existing floor area in any one year period or for any increase in building height of an existing building;

c) For the change of an existing residential building to any non-residential use;

d) For any change in the intensity of use of an existing building resulting in significant exterior modifications or site improvements, additional floor area and/or need for additional parking spaces.

14.37.025 Application.

A. Application for architectural review and/or site and design approval shall be made on a form provided by the Planning Department and submitted for staff review. Staff shall review the application for completeness and advise the applicant within thirty days of the submittal date of any additional information or materials required to make the application complete.

B. The application shall be accompanied by such maps, samples of proposed colors and exterior materials, location and types of all signs to be placed on the building, site plans, all elevations and other drawings as are necessary to enable the planning director, and planning commission to make determinations as set forth in this chapter.

C. There shall be no separate application for staff design review, which will take place in conjunction with the application for building permit(s).

14.37.030 Project design review.

A. The planning commission shall evaluate each of the items listed below to determine that the proposed project is not in conflict with the provisions of this chapter or the general plan. The planning director and planning commission may review:

1. The character and quality of design;
2. The design and aesthetic compatibility with neighboring properties and uses including visibility and effect upon view at all site lines;
3. Site development characteristics including but not limited to the building(s) coverage, setbacks, height, location on the site, scale, and use of open space;
4. Other on-site improvements including, but not limited to parking and other paved areas, landscaping, lighting, signs and graphics, artwork, sculpture, fountains and other artistic features;
5. The building materials and colors;
6. The pedestrian, equestrian, bicycle, and vehicular circulation;
7. The disturbance of existing topography, trees, shrubs, and other natural features;
8. The accessory structures, including garages, sheds, utility facilities, and trash and recycling enclosures;
9. Building exterior features including but not limited to the lighting, stairs, ramps, elevators, downspouts, flues, chimneys, exhaust fans, air-conditioning equipment, elevator equipment, fans, cooling towers, antennas, and similar structures placed upon the roof or the exterior of the building which are visible from the street or any building in the immediate vicinity, the sunshades, awnings, louvers, and any visible device for deflecting, filtering, or shielding the structure or interior from the elements, the balconies,

penthouses, loading docks, and similar special purpose appendages and accessory structures;

10. Energy efficiency and renewable energy design elements including, but not limited to exterior energy design elements, internal lighting service and climatic control systems, and building siting and landscaped elements;

11. Such other features as affect the design and ultimate appearance of the work as determined by the approving authority.

B. Requirements which are more restrictive than the development standards set forth in the city's zoning code may be imposed on a project when the planning commission concludes such requirements are necessary either to promote the internal integrity of the design of the project or to assure compatibility of the proposed project's design with its site and surroundings.

14.37.035 Design approval criteria.

In carrying out the purposes of this section, the planning commission shall consider in each specific case any and all of the following criteria as may be appropriate:

A. Where more than one building or structure will be constructed, the architectural features and landscaping thereof shall be harmonious. Such features include height, elevations, roofs, material, color and appurtenances.

B. Where more than one sign will be erected or displayed on the site, the signs shall have a common or compatible design and locational positions and shall be harmonious in appearance.

C. The material, textures, colors and details of construction shall be an appropriate expression of its design concept and function, and shall be compatible with the adjacent and neighboring structures and functions. Colors of wall and roofing materials shall blend with the natural landscape and be non-reflective.

D. The design shall be appropriate to the function of the project and express the project's identity.

E. The planning and siting of the various functions and buildings on the site shall create an internal sense of order and provide a desirable environment for occupants, visitors and the general community.

F. Roofing materials shall be wood shingles, wood shakes, tile or other materials such as composition as approved by the appropriate design review authority. No mechanical equipment shall be located upon a roof unless it is appropriately screened.

G. The proposed development shall be compatible in terms of height, bulk and design with other structures and environment in the immediate area.

H. The proposed design shall be consistent with the applicable elements of the general plan.

I. If the project site is located in an area considered by the committee as having a unified design character or historical character, the design shall be compatible with such character.

J. The design shall promote harmonious transition in scale and character in areas located between different designated land uses.

K. The design shall be compatible with known and approved improvements and/or future construction, both on and off the site.

L. The planning and siting of the various functions and buildings on the site shall create an internal sense of order and provide a desirable environment for occupants, visitors and the general community.

M. Sufficient ancillary functions provided to support the main functions of the project shall be compatible with the project's design concept.

N. Access to the property and circulation systems shall be safe and convenient for equestrians, pedestrians, cyclists and vehicles.

O. The amount and arrangement of open space and landscaping shall be appropriate to the design and the function of the structures.

P. Landscaping shall be in keeping with the character or design of the building, and preferably clustered in natural appearing groups, as opposed to being placed in rows or regularly spaced.

Q. Where feasible, natural features shall be appropriately preserved and integrated into the project.

R. The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors, shall create a desirable and functional environment and the landscape concept shall depict an appropriate unity with the various buildings on the site.

S. Plant material shall be suitable and adaptable to the site, shall be capable of being properly maintained on the site, and shall be of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance.

T. The design shall be energy efficient and incorporate renewable energy design elements including, but not limited to:

1. Exterior energy design elements;
2. Internal lighting service and climatic control systems; and
3. Building siting and landscape elements.

14.37.040 Findings.

The planning commission shall determine from the data submitted whether the proposed project will be in conformance with the provisions of this chapter and shall approve the application upon making a positive finding. The application may be disapproved, may be approved as submitted, or may be approved subject to conditions, specified changes and additions. In approving any project, the planning commission shall find 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, 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.

14.37.045 Appeals.

Determinations made pursuant to this chapter by the planning commission may be appealed to the city council pursuant to the requirements of Chapter 1.25.

14.37.050 Enforcement.

A. All conditions of approval imposed by the planning commission and city council shall be incorporated into the final project plans prior to the issuance of building permits.

B. All conditions of architectural review and/or site and design approval, where granted, shall be implemented in construction of projects with approved building permits. Unless otherwise modified by the approving authority, site and design permits shall include as a condition of approval that all conditions of design review approval shall be included in project plans submitted for building permit, and shall be implemented in the construction of the project according to approved plans.

C. The planning director shall be responsible for enforcement of this chapter.

14.37.055 Expiration of design approval.

The design approval shall be null and void and a new application shall be required if a building permit has not been issued and construction has not commenced within one year from:

A. The date of the architectural review and approval once the ten day appeal period has passed; or

B. The date of the city council or coastal commission decision on appeal.

14.37.060 Fees.

Fees for processing applications under this chapter shall be established by resolution of the city council to compensate for actual costs of the processing.

14.37.065 Public notice.

Notice of review by the planning commission of architectural review and site and design permit requests shall be placed in a newspaper of general local circulation at least seven days prior to the planning commission meeting. Notice of appeals hearings shall be similarly published at least seven days prior to the planning commission meeting at which the appeal shall be considered.

14.37.070 Applicability.
The provisions of this chapter shall be applicable in all zoning districts, and in all planned unit developments."

Section 6. Chapter 18.22 Amended. Chapter 18.22 "Use Permits" is hereby amended at Subsection E of Section 18.22.190 "Application -- Public hearing—Decision" to read as follows:

"E. Any action by the planning commission to approve, conditionally approve or deny any use permit may be appealed to the city council on or before the tenth calendar day following such action pursuant to the provisions of Section 18.22.200 of this code."

Section 7. Chapter 18.39 Repealed. Chapter 18.39 "Historic Resource Preservation" is hereby repealed.

Section 8. Chapter 14.39 Added. Chapter 14.38 "Historic Resources Preservation" is hereby added to Title 14 "Buildings and Construction" to read as follows:

"Chapter 14.38

HISTORIC RESOURCES PRESERVATION

14.38.005 Intent and purpose.

The intent and purpose of this chapter is to:

A. Provide for the protection, preservation, enhancement, and perpetuation of those buildings, structures, objects and areas of historic, architectural and engineering significance which contribute to the cultural heritage of the city;

B. Strengthen the economy of the city by protecting and enhancing the city's attractions for residents and visitors thereby stimulating local commerce;

C. Integrate the preservation of historic resources into public and private land use management and development processes;

D. Align the goals of historic preservation with city's plans, policies and implementation programs; and

E. Qualify the city as a certified local government as defined in the Historic Preservation Act of 1966.

14.38.010 Definitions.

The definitions set forth herein shall apply to any building or site designated as an historic resource on the historic resources inventory, and in conjunction with any process specified herein.

A. "Addition" means expansion of the size of an historic building or object by new construction physically connected with the existing structure or by the addition of a new building on the same site.

B. "Alteration" means any kind of exterior change to an historic building, site or object. For purposes of this chapter, minor changes to the structure that do not alter the physical appearance of the building such as the replacement of windows or doors that do not affect the historical integrity of the building or site are not to be considered an "alteration."

C. "Architectural" means anything pertaining to the science, art or profession of designing and constructing buildings.

D. "Cultural" means anything pertaining to the concepts, skills, habits, arts, instruments or institutions of a given people at a given point in time.

E. "Demolition" means an act or process which destroys a building, structure, site, object or major portion thereof, or impairs their structural integrity.

F. "Historic" means any building, site, structure, or object which depicts, represents or is associated with persons or phenomena which significantly affect or which have significantly affected the functional activities, heritage, growth, or development of the city, state or nation.

G. "Historic, district" means a defined area containing buildings, structures, sites, objects and spaces linked historically through location, setting, materials, workmanship, feelings and/or association. The significance of a district is the sense of time and place in history that its individual components collectively convey. This sense may relate to developments during one period or through

several periods of history. For purposes of this chapter and the historic resource preservation ordinance, historic district shall not be construed to be a zoning district.

H. "Historic district review criteria" means standards of appropriate activity which will preserve the historic and architectural character of a building, structure, site, object or the atmosphere of an area

I. "Historic resource" means any real property or improvement thereon such as a building, structure, object or archaeological excavation that is significant because of its location, design, setting, materials, workmanship, or aesthetic feeling and is designated as such by the city council pursuant to the provisions of this chapter.

J. "Historic resources inventory" means the list of historic resources in Half Moon Bay published in 1981 and updated in 1995 and officially adopted by resolution of the city council.

K. "Historic resource plan" means a program for maintenance, rehabilitation, restoration or relocation of an historic building, structure, site or object, and the relationship between the historic and non-historic elements of a historic district site.

L. "Integrity" means the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic period.

M. "Maintenance and repair" means the act or process of conserving or repairing a structure without modifying the form, detail or type of material. Maintenance and repair includes the placement of a concrete foundation for buildings and structures listed on the city's historic resource inventory.

N. "Preservation" means the use of long-term or permanent safeguards to guarantee the viability of man-made resources and includes the identification, study, protection, rehabilitation, restoration or enhancement of historic resources.

O. Significant" means having historic, archaeological, architectural or engineering value.

14.38.015 Applicability.

The provisions of this chapter shall apply to any historic resource on the historic resources inventory when:

A. The owner of an historic resource on the historic resources inventory desires to secure the advantages and benefits of preserving identified historic resources;

B. The owner of an historic resource on the historic resources inventory desires to alter the building or site in such a manner as to compromise its attributes that qualify it for inclusion on the inventory. In these cases, the provisions of Section 18.39.030 shall be followed; or

C. The owner of an historic resource on the historic resources inventory desires to demolish a building or object on the inventory. In these cases, the provisions of Section 18.39.045 shall be followed.

14.38.020 Historic Preservation.

The planning commission shall perform the following functions and shall have the following powers and duties:

A. Conduct, or cause to be conducted, a comprehensive survey of properties within the boundaries of the city for the purpose of establishing an official inventory of historic resources. The historic resources and contributors inventory shall be publicized and periodically updated, and a copy thereof shall be kept on file in the office of the city clerk;

B. Serve as an advisory resource to city agencies or departments on projects and programs dealing with the recognition, conservation, enhancement and use of the city's historic resources;

C. Investigate and report to the city council on the availability of federal, state, county, local or private programs for the rehabilitation and preservation of historic resources;

D. Participant in, promote and conduct public information, educational and interpretive programs pertaining to historic and cultural resource preservation;

E. Advise and assist property owners, on request, with the restoration, rehabilitation, alteration, landscaping or maintenance of any historic or cultural resource;

F. Review and comment on National Register nominations submitted for properties within the city and provide recommendations to the state on whether each property meets the National Register criteria; and

G. Perform other such functions as may be delegated to it by the city council.

14.38.025 Designation of historic resource.

Designation of historic resources may be initiated by the city council, the planning commission, or upon application of the owner, or the authorized representative of the owner, of the property for which the designation is requested.

A. Procedures. The following procedures shall apply when designating a building, site or object as a historic resource:

1. In order to be eligible for inclusion on the historic resources inventory, a building, structure, site or object must be at least fifty years old and meet the criteria specified in this chapter.

2. The historic preservation commission may initiate the process of designating a building, site or object a historical resource upon an affirmative vote of a majority of its members, or the city council may initiate the process upon an affirmative motion of a majority of the members that a building, structure, site, object or district meets the criteria for the inclusion on the historic resources inventory.

3. All applications by a property owner for historical designation shall be submitted to the historical preservation commission, and shall be accompanied by all the data required by this chapter.

4. Any proposal for designating a building, site or object as a historic resource shall include the following information:

a) Assessor's parcel number of the site of the structure proposed for designation, or legal description of the district proposed for designation;

b) Description detailing the structure or district proposed for designation;

c) Sketches, drawings, maps, photographs or other descriptive material;

d) Statement of condition of the structure or district;

e) Statement of architectural and historic significance of the structure or district; and

f) Other information requested by the planning director.

5. Notwithstanding the provisions of California Government Code Section 65091(A)(3), no property shall be placed on the historic resources inventory without notice to the property owner in accordance with this chapter.

6. The planning commission shall place a building, site or object on the historical resources inventory upon making a determination that the building, site or object meets the criteria specified in this chapter.

7. No building permits for the alteration, demolition or removal of any building or structure relative to any proposal for designation as a historic resource or within an area proposed for designation as a historic district shall be issued between the date on which the application was filed and date the historic preservation commission takes final action on such proposal.

B. Criteria. A building, site or object may be designated a historic resource if such building, site or object meets the criteria for listing on the National Register of Historic Places, the California Register of Historic Resources, or one or more of the following conditions are found to exist:

1. Historical and Cultural Significance

a) The building, site or object exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering or architectural history; or

b) The building, site or object is identified with persons or events significant in local, state or national history; or

c) The building, site or object embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

d) The building, site or object is representative of the work of a notable architect, designer or builder.

2. Neighborhood and Geographic Setting

a) The building, site or object materially benefits the historic character of the neighborhood.

In conjunction with a property owner's application for designation as an historic landmark, an historic resource plan shall contain, but shall not be limited to the following elements:

A. A statement of the goals for the preservation of the historic resource;

B. Analysis of physical conditions of the resource;

C. Analysis of the compatibility of the resource with existing plans, policies and programs of the city;

D. A description of the resource, including its architectural style, design elements, and history which combine to make it historically significant;

E. Plans, drawings and photographs identifying proposed changes or modifications necessary to maintain, rehabilitate or restore the building, structure, site or object to an appropriate historic appearance;

F. Historic resource plans may identify non-historic elements of a property which do not require historic preservation permit review.

14.38.035 Designation of historic district.

The planning commission may designate an area or areas of the city as an historic district upon making a determination that: (1) the criteria established by the Historic Preservation Act of 1966 have been met; and (2) the historic district is a geographically definable area, urban or rural, possessing a significant concentration or continuity of buildings, structures, sites or objects unified by past events, or aesthetically by plan of physical development.

14.38.040 Historic district plans.

The planning commission may develop and promulgate a historic district plan or plans which shall be used in the implementation of this chapter as applied to each historic resource or district. The plan shall contain, but is not limited to, the following elements:

A. A statement of the goals for the preservation of the historic district;

B. Analysis of physical and socio-economic conditions of the district;

C. Analysis of the compatibility of the district with existing plans, policies and programs;

D. A description of the structures, design elements and heritage which combine to constitute the historic district;

E. The predominant historic and/or architectural periods or styles;

F. The specific features of the architectural periods or styles represented in the historic district including, but not limited to, building height, bulk, distinctive architectural details, materials, textures and landscaping; and

G. Recommendations for implementation of the plan based upon the findings, standards and design criteria contained therein.

14.38.045 Alteration or demolition procedures.

No person shall carry out or cause to be carried out on a designated historic resource or in a historic district any material change in exterior appearance of such structure or districts through alteration, construction, relocation or demolition, without following the procedures set forth in this chapter.

14.38.050 Requests for removal from inventory.

Property owners requesting to have their property removed from the inventory shall submit a letter of request to the planning commission. The planning commission shall review the request and shall make findings as to whether or not a building, structure, site or object meets the criteria specified in this chapter. If the property in question meets the criteria for an historic resource, the property shall remain on the inventory. If the property in question does not meet the criteria as an historic resource, or it has been demolished or altered to such an extent that its integrity as an historic resource has been compromised pursuant to the provisions of this chapter. The planning commission shall remove the property from the list.

14.38.055 Adoption of state Historical Building Code.

The California State Historical Building Code shall be the adopted standards for all construction and alteration of historical buildings and structures in the city. This shall include structures on existing or future national, state or local historic registers or official inventories such as the National Register of Historic Places, the California Registered Historical Landmarks, the California Points of Historical Interest, the California Register of Historic Resources, and city or county registers or inventories of historical or architecturally significant sites, places, historic resources and districts.

14.38.060 Land use regulations.

A. Underlying Zoning. Except as provided for herein, properties on the historic resources inventory are subject to the land use and development regulations of the underlying zoning district in which the historic resource exists.

B. Zoning Exceptions. Existing designated buildings, structures, sites or objects shall not be subject to the adopted development standards of the underlying zoning district such as height, floor area ratio, lot coverage, and setbacks if strict compliance with those provisions adversely affects the ability of the property owner to restore an identified historic resource and qualify for consideration as an historic landmark.

C. Hearing. Following notice of hearing pursuant to the provisions of this title, the planning commission may grant an exception to any development standard set forth in the underlying zoning district regulations in conjunction with the approval of an historic preservation permit when such exception is necessary to permit the preservation, restoration, or improvements to, a building, structure, site or object listed on the historic resources inventory and contributors list. Such exceptions may include, but not be limited to parking, yards, height and coverage regulations. Such exceptions shall not include approval of uses not otherwise allowed by the zoning district regulations.

D. New Construction. In those cases where a property owner desires to modify a designated historic resource in any manner that is not consistent with the restoration of the building to its original condition, all new construction on a designated site shall be subject to all of the development standards of the underlying zoning district and to the procedures set forth herein.

14.38.065 Exemptions.

The provisions of this chapter do not apply to the following situations:

A. Repair, Maintenance and Correction of Unsafe Conditions. Nothing in this chapter shall be construed to prevent the normal maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material or external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the chief building inspector certifies that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California State Historical Building Code (Title 24, Part 8). However, only such work as is necessary to correct the unsafe or dangerous condition may be performed and only after obtaining any required building permit. In the event any structure or other feature is damaged by fire or other calamity, the chief building inspector may specify, prior to any required review by the planning director, or the planning commission, the amount of repair necessary to correct an unsafe condition. Such determination shall be made in conformance with the provisions of Public Resources Code Section 5028.

1. Prior to the issuance of a building permit for any proposed minor or routine maintenance or reconstruction, the planning director shall determine if the proposed work requires further review by the planning commission in accordance with the provisions of this chapter.

2. In the event the planning director determines the proposed alteration requires review by the planning commission in accordance with the provisions of this chapter or Chapter 2.48 of the municipal code, the property owner shall be notified in writing within seven days of that determination and shall be informed of the process to be followed.

B. Alteration Covered by Plan. Any alteration or other work which conforms to an adopted historic resource plan as defined herein that has been approved by the planning commission.

C. Non-historic Landscape Elements. Removal, alteration, or maintenance of landscape material at any building or site identified as an historical resource on the historical resource inventory unless the landscape elements are specifically identified as historic elements in an adopted historic resource plan.

14.38.070 Alteration of any historic resource on the inventory.

Prior to the issuance of a building permit to alter or add to any building or object on the historic resources inventory, the procedures set forth in this section shall be followed.

A. Participation Procedures. In the event the property owner desires to participate in the historic preservation process set forth herein and receive the benefits thereof, the procedures set forth in Section 14.38.075, Historic preservation permit, shall be followed.

B. Non-participation Procedures. In the event the property owner does not desire to participate in the historic preservation process set forth herein and

desires to alter the building site, or object in such a manner as to compromise the historic integrity of the building, site, or object, the following shall apply:

1. The building, site, or object shall be photographically recorded to historic American building survey standards; measured drawings at an appropriate scale shall be prepared; and any other recordation appropriate to the significance of the historic resource or landmark deemed necessary and appropriate to the satisfaction of the planning commission shall be submitted.

2. Within thirty days of the submittal of the information required by this section, the planning commission shall determine if the photographic record, measured drawings, or other recordation material required and submitted is adequate to establish a record of the resource.

3. The planning commission shall notify the planning and building director immediately upon making a determination that the information is adequate.

4. Two copies of all required documentation shall be submitted to the planning director prior to the issuance of any permits.

14.38.075 Historic preservation permit.

Should the owner of an historic resource on the historic resources inventory desire to have the resource considered for inclusion on the National Register of Historic Places and the State Register of Historic Resources, and desire to restore or alter the building, site, or object in any manner that requires the issuance of a building permit prior to restoration or alteration, the process specified herein for approval of an historic preservation permit shall be followed prior to the issuance of any building permits.

A. Application. Application for an historic preservation permit shall be made on forms provided by the planning department and shall contain whatever detailed information as is required to review the application.

B. Historical Society. The planning director shall forward a copy of the historic preservation permit application and plans to the Spanishtown historical society at least twenty-one days prior to the date the planning commission considers the application. The Spanishtown Historical Society shall submit any comments or recommendations to the planning department at least seven days prior to the date the planning commission considers the application.

C. Required Review. The planning commission shall review all proposed alterations, additions or modifications to the exterior elevations that would result in a change to the appearance to any building or object on the historic resources inventory, and shall consider the recommendations of the Spanishtown Historical Society. Following its review, the planning commission shall determine, by resolution, if the proposed alterations and additions are consistent with the provisions of this chapter and forward its recommendation to the city council.

D. Finding of Consistency. Should the city council find that the proposal is consistent with the provisions of this chapter, the city council shall, by resolution, designate the site an historic resource.

E. Support of Incentives. The city council shall support any such tax incentives, mutual covenants, protective covenants, purchase options, preservation easements, building, fire, health and city code modifications and any other methods deemed mutually agreeable between city and landowner which will help preserve historic resources.

14.38.080 Findings for approval of any alteration to an historic resource.

In reviewing applications for additions to, or exterior alteration of any historic resource, the planning commission shall be guided by the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and any design criteria adopted by ordinance or resolution of the city. An historic preservation permit for alteration of a designated historic resource shall be approved only upon the following findings of fact:

A. The proposed work is consistent with an adopted historic resource plan; or

B. The proposed work is necessary for the maintenance of the historic building, structure, site or object in its historic form, or for restoration to its historic form; or

C. The proposed work is a minor change which does not affect the historic fabric of the building, structure, site or object; or

D. The proposed alteration retains the essential architectural elements which make the resource historically valuable; or

E. The proposed alteration maintains continuity and scale with the materials and design context of the historic resource to the maximum extent feasible; or

F. The proposed alteration, as conditioned, does not significantly and adversely affect the historic, archaeological, architectural, or engineering integrity of the resource; or

G. The planning commission has reviewed the project and any necessary and appropriate conditions of approval have been incorporated into the final project plans.

14.38.085 Demolition of any historic resource on the inventory.

Prior to authorizing the issuance of a demolition permit to remove any building or object on the historic resources inventory from a site, the procedures set forth in this section shall be followed:

A. The property owner shall submit evidence from a qualified professional that the building or object is a hazard to public health or safety and repairs or stabilization are not feasible; or

B. The property owner shall submit a written statement indicating that there is no viable economic use of the building or object in its present configuration or condition, and it is not feasible to derive a reasonable economic return from the building or object in its present configuration or condition; and

C. The property owner shall submit a written statement indicating that the building or object has been offered as a donation to a responsible organization

such as the Spanishtown Historical Society for relocation to an appropriate receptor site for preservation.

14.38.090 Documentation of historic resource to be demolished.

A. Photographic Record. Prior to the issuance of a demolition permit, the building, site, or object shall be photographically recorded to historic American building survey standards; measured drawings at an appropriate scale shall be prepared; and any other recordation appropriate to the significance of the historic resource or landmark deemed necessary and appropriate to the satisfaction of the planning commission shall be submitted. When the application for the issuance of a demolition permit has been accepted for processing by the city, the applicant shall immediately post public notice at a conspicuous place, easily read by the public and as close as possible to the site of the demolition, that an application for a demolition permit has been submitted to the city. The applicant shall use a standardized form provided by the planning director and the notice shall contain a general description of the demolition. If the applicant fails to post and maintain the completed notice form until the permit becomes effective, the planning director shall refuse to file the application, or shall withdraw the application from filing if it has already been filed when he or she learns of such failure.

B. Establishing a Record. Within thirty days of the submittal of the information required by this section, the planning commission shall determine if the photographic record, measured drawings, or other recordation material required and submitted is adequate to establish a record of the resource.

C. Copies of Documentation. Two copies of all required documentation shall be submitted to the planning director prior to the issuance of any permits.

14.38.095 Fees.

The fees for review by the planning director, planning commission and city council, shall be set annually by resolution of the city council."

Section 9. Compliance with California Environmental Quality Act. A Notice of Exemption regarding this amendment to Titles 14 and 18 is adequate environmental documentation for the project.

Section 10. Effective Date. This ordinance amending the LCP Implementation Plan shall be transmitted to the California Coastal Commission and shall take effect immediately upon its certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the ordinance adopted by the City is legally adequate.

Section 11. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 12. Publication. The City Clerk of the City of Half Moon Bay is hereby directed to publish this Ordinance, or the title hereof as a summary, pursuant to Government Code Section 36933, once within fifteen (15) days after its passage in the Half Moon Bay Review, a newspaper of general circulation published in the City of Half Moon Bay.

INTRODUCED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 19th day of July, 2011.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the ___day of_____2011, by the following vote:

AYES, Councilmembers:_____

NOES, Councilmembers:_____

ABSENT, Councilmembers:_____

ABSTAIN, Councilmembers:_____

ATTEST:

_____ _____

Siobhan Smith, City Clerk Naomi Patridge, Mayor

Title 18
ZONING*

Chapters:

ARTICLE I. GENERAL PROVISIONS

ARTICLE II. ZONING DISTRICT DEVELOPMENT STANDARDS

ARTICLE III. ADMINISTRATION

ARTICLE IV. SPECIAL USE REGULATIONS

18.37 Visual Resource Protection Standards
18.38 Coastal Resource Conservation Standards
~~18.39 Historic Resources Preservation~~
18.40 Local Coastal Program Public Access
18.41 Condominium Hotel Developments
18.42 Residential Density Bonus

* Prior ordinance history: 8-63, 4-64, 5-64, 1-65, 2-65, 8-65, 3-66, 1-67, 2-67, 4-67, 8-67, 4-70, 7-70, 14-70, 4-71, 8-71, 9-71, 2-72, 6-72, 4-73, 8-73, 1673, 18-75, 5-78, 9-78, 1-79, 3-80, 6-80, 12-80, 5-81, 9-81, 2-82, 3-82, 3-83, 9-83, 5-84, 8-84, 9-84, 1-85, 2-85, 9-85, 18-86, 1-88, 15-88, 3-89, 11-90, 13-90, 21-91, 9-92, 2A-93, 5-93, 9-93, 7-94, 16-94, 1-95, 3-95, 4-95, 5-95, 9-95, 10-95, 11-95, 14-95, 15-95, 17-95 and 4-96.

For the provisions pertaining to the adoption and administration of zoning laws and ordinances and the implementation of such laws and ordinances, see Gov. Code Title 7, Chapter 4, §65850 et seq. For the provisions relating to highway interchange districts, see Gov. Code §66400 et seq. For provisions relating to sign regulations in specific districts, see Ch. 15.12 of this code.

Chapter 18.02
DEFINITIONS

Sections:

18.02.040 Definitions.

"Abutting" or "adjoining" means having district boundaries or lot lines in common.

"Accessory building" means a detached subordinate building, the uses of which are incidental to a permitted principal use conducted within the main or principal structure on a parcel. An accessory building or use is not permitted without a permitted use on the property. A second dwelling unit is not considered an accessory building.

Accessory Dwelling Unit. See "second dwelling unit."

"Accessory use" means a use incidental and subordinate to the permitted or principal use on a property. An accessory building or use is not permitted without a permitted use on the property.

Acre, Gross. "Gross acre" means a measure of land area equal to forty-three thousand five hundred sixty square feet.

Acre, Net. "Net acre" means a measure of developable land area, after excluding dedicated rights-of-way, flood control and drainage easements, and permanent dedicated open space.

"Affordable housing" means housing that is 1) restricted to occupancy by lower income households, including extremely low and very low income households for a specified period of time that is not less than 25 years; and 2) has rents or prices that do not exceed the affordable housing cost as set forth in Health and Safety Code Section 50052.5 as amended.

"Aggrieved person" means a person who informed the city of his or her concerns about an application for a local coastal development permit or any other discretionary permit such as a site and design permit, variance, or use permit at a public hearing, either in person or through a representative, or by other appropriate means such as in writing, or was unable to do so for good cause; and

A. Objects to the action taken on the local coastal development permit or discretionary permit; and

B. Documents that they are a legal resident of Half Moon Bay or owner of property in Half Moon Bay; and

C. Completes the required city appeal form completely and accurately. The appeal will not be deemed complete and timely filed until all information on the appeal form is verified by the planning director; and

D. Wishes to appeal any appealable action to a higher authority.

"Alley" means a public way having a width of not more than twenty feet permanently reserved primarily for pedestrian and vehicular service access to the rear or side of properties otherwise abutting on a street, and not intended for general traffic circulation.

"Alter" and/or "alteration" means to make a change in the allocation or configuration of interior space, exterior appearance, or the supporting members of a structure, such as bearing walls, columns, beams or girders, that may result in a change of the use within or otherwise prolong the life of the structure.

"Amendment" means a change in the wording, context or substance of this title, or a change in the district boundaries on the zoning map.

Animal, Domestic. "Domestic animal" means small animals of the type generally accepted as pets, including dogs, cats, rabbits, hens, fish and the like, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or the like.

Animal, Exotic. "Exotic animal" means any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

Animal, Large. "Large animal" means an animal larger than the largest breed of dogs. This terms includes boars, cows, goats, horses, llamas, mules, domestic pigs, sheep and other mammals customarily kept in corrals or stables.

Animal, Small. "Small animal" means small domestic animals of the type customarily kept as household pets, including birds other than domestic fowl, cats, chinchillas, dogs, fish, guinea pigs, miniature pigs, small reptiles, rodents and other similar animals no larger than the largest breed of dogs.

"Appealable area" means any area of the city that is:

A. Between the sea and the first public road paralleling the shoreline or within three hundred feet of the inland extent of any beach or the mean high tide where there is no beach; or

B. Within three hundred feet of the top of any coastal bluff or the line of mean high tide, whichever is further inland; or

C. Within one hundred feet of any wetland, estuary, stream, or other designated environmentally sensitive habitat or coastal resource.

"Applicant" means the person, partnership, corporation, governmental agency or other entity applying for a permit.

"Approving authority" means the final decision-making person, board, commission or council for any discretionary permit.

"Balcony" means a platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

"Basement" means that portion of a building between the floor and ceiling which is partially below and partially above grade, or completely below grade. A basement, when designed for or occupied for business or manufacturing or for dwelling purposes (recreation rooms without kitchens excepted) shall be considered a story and requires a seven and one-half foot clearance between floor and ceiling with no obstructions.

"Boarding house" means a building with not more than five guest rooms where lodging and meals are provided for not more than ten persons, but shall not include rest homes of convalescent homes. Guest rooms numbering six or over shall be considered a hotel.

"Buildable area" means that area of a building site within the established setback areas. No construction or portion of a building will be allowed beyond the buildable area of a lot without planning commission approval of a variance or exception as may be provided for in this title in each case.

"Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels or property of any kind.

"Building site" means and includes one or more subdivided lots or portions thereof assembled to create a site for purposes of constructing a building or buildings in accordance with this title. All plans and specifications submitted in conjunction with any required planning and/or building permits shall clearly show and define the boundaries of any and all subdivided lots or portions thereof comprising the proposed building site. All development standards such as gross floor area and required setbacks shall be established based upon the proposed building site as indicated on the plans submitted.

"Caretaker's quarters" means a dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by a guard or caretaker.

Cellar. See "basement."

"Coastal Act" means the California Coastal Act of 1976, as amended.

"Coastal development permit" means a separate discretionary permit for any development within the coastal zone that is required pursuant to this title and subdivision (a) of Section 30600 of the Public Resources Code.

"Coastal zone" means that portion of the coastal zone, as established by the Coastal Act of 1976 or as subsequently amended, that lies within the city of Half Moon Bay, as indicated on a map on record with the planning department.

"Collection buildings" means buildings with a gross floor area of two hundred twenty-five square feet or less used for the deposit and storage of household articles or recyclables donated to a nonprofit organization.

"Conditionally permitted" means permitted subject to approval of a conditional use permit or temporary conditional use permit.

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interior space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.

"Conforming building" means a building that fully meets the requirements of the Uniform Building Code as most recently adopted by ordinance of the city council and also conforms to all property-development regulations and requirements prescribed for the district in which it is located and as set forth in this title.

Coverage, Lot or Site. "Lot or site coverage" means the percentage of a building site covered by all structures, open or enclosed, on the site, measured horizontally to the outside face of exterior walls or structural members. Decks more than eighteen inches in height, balconies, chimneys and breezeways are also included in lot coverage. On standard sized lots, roof or soffit over-hangs which do not extend beyond two and one-half feet from a wall, and architectural projections or window projections not providing floor area which do not extend beyond the two-and-one-half-foot eaves above are not included in lot coverage. On all substandard sized lots, roof overhangs that extend a maximum of one and one-half feet from a wall are not included in lot coverage; all other features are included.

"Deck" means a platform, either freestanding or attached to a building, that is supported by pillars or posts (see also "balcony").

"Distribution line" means an electric power line bringing power from a distribution substation to consumers.

"District" means a portion of the city within which the use of land and structures and the location, height and bulk of structures are governed by this title. This title establishes "base zoning districts" for residential, commercial, industrial, public and open space uses, and "overlay districts," which may modify or complement base district regulations.

"Domestic fowl" means chickens, ducks, geese, pea fowl, pigeons, turkeys and other fowl typically used for food or food products.

Dormer. "Dormer" means the projection built out from a sloping roof to accommodate a window.

"Dwelling unit" means one or more rooms with a single kitchen and sanitation facilities, designed for occupancy by one family for living and sleeping purposes.

Dwelling, Accessory or Second. "Second or accessory dwelling" means a detached or attached dwelling unit located on a single-family residential lot that contains a one-family dwelling.

Dwelling, Multifamily. "Multifamily dwelling" means a building containing ~~two~~ three or more dwelling units.

Dwelling, Single-Family. "Single-family dwelling" means a building containing one dwelling unit.

Dwelling, Two-Family. "Two-family dwelling" means a building containing two dwelling units.

Environmental Impact Report (EIR). A report complying with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

"Exceptional lot" means a lot in ~~an~~ the R-1-B-1 or R-1-B-2 zoning district that does not meet the minimum average width and/or lot area requirement for the zoning district ~~that~~ in which the parcel is ~~within~~located, but ~~provides~~ has an average lot width of at least fifty feet ~~in average lot width~~ and provides at least five thousand square feet in gross lot area, and was legally created and conforming, either as the result of a subdivision map recorded pursuant to the requirements of the Subdivision Map Act, or by operation of law, ~~has a residence that was constructed and completed (certificate of occupancy was issued for the structure or the structure was completed prior to the issuance of certificates of occupancy by the city)~~ prior to December 7, 2004.

Exemption, Categorical. "Categorical exemption" means an exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects,

based on a finding by the California Secretary for Resources that the class of projects does not have a significant effect on the environment.

"Family" means two or more persons living together as a single housekeeping unit in a dwelling unit, provided that this shall not exclude the renting of rooms in a dwelling unit as permitted by district regulations.

Floor Area, Gross. "Gross floor area" means the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, including: enclosed garages; halls; stairways and elevator shafts measured on one floor only; service and mechanical equipment rooms; basement areas even if unimproved; attic areas if improved; and crawl spaces that are four and one-half feet or more. Where an open interior space extends from a finished floor to a height over fifteen feet with no interruption, at the mid-point half of this vertical area the horizontal area between surrounding walls or floor area shall be included in the calculation of gross floor area. A total of fifty square feet of second floor covered decks are not included in the definition of floor area.

"Floor area ratio" means the gross floor area of the building or buildings on a lot, including area used for required parking and loading, divided by the area of the lot.

"Front wall" means the wall of the building or other structure nearest the street upon which the building faces but excluding certain architectural features as specified in this title.

"Gable" means the outward facing triangular portion of a wall that connects two sloping sides of the roof.

Garage, Private. "Private garage" means an accessory building or portion of a main building designed for the storage of self-propelled passenger vehicles.

Garage, Public. "Public garage" means any building or premises, except those herein defined as a private garage, used for the storage or care of self-propelled vehicles, or where such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

"General plan" means the city of Half Moon Bay general plan and its elements, as amended, and the land use plan.

Grade, Existing. "Existing grade" means the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a development project regulated by this title.

Grade, Finished. "Finished grade" means the average of the finished grade as measured from the corners of the lot or building site.

Grade, Street. "Street grade" means the top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Greenhouse, Commercial. "Commercial greenhouse" means a glasshouse or similar structure or material for the propagating and cultivation of plants to be sold commercially.

Greenhouse, Hobby. "Hobby greenhouse" means a glasshouse or similar structure or material for the propagating and cultivation of plants as a hobby. No sales whatsoever will be permitted for plants grown as a hobby.

"Gross area of a lot, parcel or site" means the total of all area within the property lines.

"Guest house" or "accessory living quarters" means living quarters within a main or an accessory building for the sole purpose of providing for persons employed on the premises, or for temporary use by guests of the occupants of the premises. Kitchens are not permitted within detached guest houses. "Guest house" does not include "second dwelling unit" as defined in this title.

"Height" means the vertical distance from existing grade to the highest point of the roof or the highest point of any structure directly above. Chimneys may exceed the maximum height limit to the extent required by the Uniform Building Code.

"Historic structure" or "building" means any structure or building identified by the city of Half Moon Bay, county of San Mateo, state of California, or the U.S. Government as having a special character, or special historical, architectural, cultural, or aesthetic interest or value to the community.

"Home occupation" means occupations conducted in a dwelling unit, garage or accessory building in a residential district that are incidental to the principal residential

use of a lot or site.

"Hotel" means any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied.

Illumination, Direct. "Direct illumination" means illumination by means of light that travels directly from its source to the viewer's eye.

Illumination, Indirect. "Indirect illumination" means illumination by means only of light cast upon an opaque surface from a concealed source.

"Junk yard" means premises on which more than two hundred square feet of the area thereof is used for the storage of junk, including scrap metal, wrecked automobiles, or other scrap or discarded materials, whether for storage, repair, or wholesale or retail resale.

"Kitchen" means a room or portion of a room primarily designed, intended, or used for the preparation and/or cooking of food.

"Landscaping" means an area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, loading or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings are not considered landscaping.

Landscaping, Interior. "Interior landscaping" means a landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and load facilities or to similar paved areas).

Landscaping, Perimeter. "Perimeter landscaping" means a landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

"Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and that adjoins a street, alley or other appropriate means of access.

"Local coastal program" means the city's local coastal program, including its land use plan, zoning ordinances, zoning maps and other implementing actions certified by the coastal commission as meeting the requirements of the California Coastal Act of 1976.

"Lot" means a site or parcel of land that has been legally subdivided, re-subdivided or combined.

"Lot area" means the total square footage of a legally subdivided parcel, excluding any applicable public easement for street use.

Lot, Corner. "Corner lot" means a site bounded by two or more adjacent street lines that have an angle of intersection of not more than one hundred thirty-five degrees.

"Lot depth" means the computed average distance between the front lot line and the rear lot line.

Lot, Double-Frontage. "Double-frontage lot" means an interior lot having frontage on more than one street. Each frontage from which access is permitted shall be deemed a front lot line.

~~Lot, Exceptional. "Exceptional lot" means a lot in the R-1-B-1 or R-1-B-2 zoning district that does not meet the minimum average width and/or lot area requirement for the zoning district in which the parcel is located, but has an average lot width of at least fifty feet, provides at least five thousand square feet in gross lot area, and was legally created and conforming, either as the result of a subdivision map recorded pursuant to the requirements of the Subdivision Map Act, or by operation of law, prior to December 7, 2004.~~

Lot, Flag. "Flag lot" means a lot shaped or designed so that the lot has no direct street frontage and access except from a narrow strip of land.

Lot, Interior. "Interior lot" means a lot other than a corner or double-frontage.

Lot or Property Line, Front. "Front lot or property line" means in the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line

separating the narrowest street frontage of the lot from the street lot line, except in those cases where the latest tract deed restrictions, approved as a part of a subdivision approval, specify another line as the front property line.

Lot or Property Line, Interior. "Interior lot or property line" means a lot line not abutting a street.

Lot or Property Line, Rear. "Rear lot or property line" means a lot line which is not a front as defined herein, which is parallel or approximately parallel to and opposite the front lot line. In the case of an irregularly-shaped lot, a line within the lot most nearly parallel to and at the farthest distance from the front lot line.

Lot or Property Line, Side. "Side lot or property line" means any lot line that is not a front lot line or rear lot line.

Lot or Property Line, Street. "Street lot or property line" means a lot line abutting a street.

"Lot or site coverage" means the percentage of a building site covered by all structures, open or enclosed, on the site, measured horizontally to the outside face of exterior walls or structural members. Decks more than thirty inches in height, balconies, chimneys and breezeways are also included in lot coverage. On standard sized lots, roof or soffit over-hangs which do not extend beyond two and one-half feet from a wall, and architectural projections or window projections not providing floor area which do not extend beyond the two-and-one-half-foot eaves above are not included in lot coverage. On all substandard sized lots, roof overhangs that extend a maximum of one and one-half feet from a wall are not included in lot coverage; all other features are included.

"Lot width" means the computed average distance between the side lot lines.

"Manufactured home" means a modular housing unit on a permanent foundation that conforms to the National Manufactured Housing Construction and Standards Act. For purposes of this definition, a mobile home is considered a manufactured home.

"Municipal code" means the laws of the city of Half Moon Bay codified in the book titled the Half Moon Bay Municipal Code.

"Net area of a lot, parcel or site" means the total of all area within the property lines excluding public-access corridors, flood control and drainage easements, vehicular easements, environmentally sensitive habitat areas and any required buffer zones, and any area to be included in future street rights-of-way as established by easement, dedication or ordinance.

"Nonconforming structure" means a structure that was lawfully erected but which does not conform with the current standards for yard spaces, height of structures, lot coverage, floor area ratios or distances between structures prescribed in the regulations for the district in which the structure is located by reasons of adoption or amendment of this chapter or by reason of annexation of territory to the city.

"Off-street loading facilities" means a site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

"Off-street parking facilities" means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

Open Space, Common. "Common open space" means an open space within a residential development that is reserved for the exclusive use of residents of the development and their guests.

Open Space, Private. "Private open space" means a usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Public. "Public open space" means that portion of a development site that has been dedicated to or otherwise set aside for public access, use or benefit.

Open Space, Total. "Total open space" means the sum of private and public open space.

Open Space, Usable. "Usable open space" means outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor

living, recreation, pedestrian access or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or corner side yard, and excluding any space with a dimension of less than six feet in any horizontal direction or an area of less than forty-eight square feet.

Outdoor Living Area. See "open space, usable."

"Parking space" means space within a building, or a public or private exterior parking area, exclusive of driveways, ramps, columns, and office, storage or work areas, for the parking of one automobile.

"Parking structure" means an enclosed or semi-enclosed area containing a ceiling or roof, used primarily for the temporary storage of motor vehicles, constructed either above or below grade, freestanding, or as part of a nonresidential building.

"Permitted" means permitted as a matter of right without a requirement for approval of a use permit or temporary use permit. An accessory building or use is not permitted without a permitted use on the property.

"Permittee" means the person, partnership, corporation, governmental agency or other entity issued a permit.

Planned Unit Development Plans. Planned unit development plans may take any form deemed appropriate by the planning director, planning commission and city council, and may be adopted by resolution or ordinance of the city council or incorporated into a use permit to guide the orderly development of a parcel which is under one owner, a common ownership such as a single corporation, or under multiple ownerships and the site is to be developed under a cohesive development plan. For purposes of conformance with this title, planned unit development plans and specific plans are synonymous.

"Porch" means a covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

"Preexisting" means in existence prior to the effective date of the ordinance codified in this title.

"Principal use" means the primary use of the land or structures within a parcel, as opposed to any secondary or accessory uses of that parcel. For example, a house is a principal use of a parcel in a residential district while a home occupation is not. An accessory building or use is not permitted without a principal use on the property×.

"Project" means any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, or development including the division of land on any parcel, lot or site that is subject to the provisions of this title.

Proportionality Rule. On substandard and severely substandard lots as defined herein, the proportionality rule requires that coverage and floor area is reduced by the ratio of the actual lot width or lot area to the required lot size in the zoning district in which the lot is found. The ratio shall be calculated for both the lot area and lot width, and the lesser ratio of the two shall be applied.

Room, Habitable. "Habitable room" means a room meeting the requirements of the Uniform Building Code and this title for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages and similar spaces.

"Second dwelling unit" means a detached or attached ~~rental~~ permanent dwelling unit located ~~on a lot within a single-family~~within a residential zone on a lot which contains a single-family dwelling. A second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. A second unit may be attached to or detached from the primary dwelling. Second dwelling units are governed by Chapter 18.33 of the zoning code titled "Second Dwelling Units."

"Setback line" means a line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement or otherwise, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

"Severely substandard lot" means a lot that provides fifty-five percent or less of the required lot width or lot area required in the zoning district in which it is found.

"Single ownership" means holding record title, possession under a contract to purchase or possession under a lease by a person, firm, corporation or partnership, individually, jointly in common or in any other manner where the property is or will be under unitary or unified control.

"Site" means a lot, or group of contiguous lots not divided by an alley, street, other right-of-way or city limit, that is proposed for development in accord with the provisions of this title, and is in a single ownership or has multiple owners, all of whom join in an application for development.

"Specific plan" means a plan adopted by ordinance or resolution of the city council for the use or development within a defined geographic area that is consistent with the general plan and its elements, the local coastal program land use plan, and with the provisions of the California Government Code, Section 65450 et seq. (specific plans). Where the land use plan indicates a site shall be developed in accordance with a specific plan, a planned unit development plan as defined in this title may be substituted for a specific plan.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement is more than six feet above grade for more than fifty percent of the building perimeter, the basement shall be considered a story.

"Structure" means anything constructed or erected that requires a location on the ground, including but not limited to a building, a swimming pool, access drives or walks, but not including a fence or a wall used as a fence if the height does not exceed six feet, or infrastructure such as a road, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical power transmission or distribution line.

"Substandard lot" means any lot of record which has either a lot width as defined herein or a lot area as defined herein that is less than the requirements in the zoning district in which the lot is located.

"Swimming pools and hot tubs" means water-filled enclosures having a depth of eighteen inches or more used for swimming, recreation or therapy.

"Transmission line" means an electric power line bringing power to a receiving or distribution substation.

"Unique archaeological resources" means an archaeological artifact, object or site that meets any of the following criteria:

A. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;

B. Has a special and particular quality such as oldest of its type or best available example of its type;

C. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

"Used" means and includes the following: arranged, designed, constructed, altered, rented, leased, sold, occupied and intended to be occupied.

"Visible" means likely to be noticed by a person of average height walking on a public street or sidewalk or a public park or beach.

"Water feature" means any man-made body of water constructed or installed on a site that is not intended for human use or contact such as fish ponds or fountains.

"Wetland" means the definition of wetland as used and as may be periodically amended by the California Department of Fish and Game, the California Coastal Commission and the US Fish and Wildlife Service.

Window, Required. "Required window" means an exterior opening in a habitable room.

"Working day" means any day that city hall is open for business.

"Yard" means an open space on the same site as a structure as required by the setback rules contained in this chapter, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this chapter, including a front yard, side yard or rear yard.

Yard, Corner Side. "Corner side yard" means a yard between the side lot line abutting the street on a corner lot and the nearest line of building.

Yard, Front. "Front yard" means a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site. The front yard of a corner lot shall adjoin the shortest street property line along its entire length, provided that where street property lines are substantially the same length, the planning director shall determine the location of the front yard.

Yard, Rear. "Rear yard" means a yard, extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot the rear yard shall extend only to the side yard abutting the street.

Yard, Side. "Side yard" means a yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site, except that the side yard on the street side of a corner lot shall extend to the rear lot line.

"Zoning administrator" means the planning director, or his or her designee.

"Zoning ordinance" means the zoning ordinance of the city of Half Moon Bay, as may be adopted and amended from time to time. (Ord. 5-07 §1, 2007; Ord. O-2-06 §1, 2006; Ord. O-6-04 §1 Exh. A (part), 2004; Ord. 5-00 §2 Exh. A (part), 2000).

Chapter 18.05
WATER AND SEWER CAPACITY ALLOCATION AND RESERVATION

Sections:

18.05.020 Priority uses defined.

A. Commercial Recreation. Visitor serving commercial uses and services; hotels; motels; restaurants; bars; equestrian supply stores; equestrian facilities; clubs; guest ranches and lodges; recreational vehicle campsites; art galleries; fishing and boating supplies; beaches; and golf courses and ancillary uses.

B. Public Recreation. Outdoor recreational uses such as parks, playgrounds, and ball fields for soccer, baseball, football, and similar activities; restaurant or food service stands, recreational vehicle parks, and retail concessions catering to visitors related to a permitted public recreational use; and information centers and structures ancillary to public recreation area maintenance; picnic facilities; and tent campsites.

C. Indoor Floriculture. Greenhouses used for the propagation and cultivation of plants of all types.

D. Outdoor Agriculture and Horticulture. Includes the propagation and cultivation of all field flowers, plants, trees and vegetables.

~~D.~~E. Extremely Low, Very Low, and Low Income Housing. Housing units for very low and low income housing units are considered a priority use pursuant to Government Code Section 65589.7. ~~(1996 zoning code (part)).~~

ARTICLE II. ZONING DISTRICT DEVELOPMENT STANDARDS

Chapter 18.06
RESIDENTIAL LAND USE (R-1, R-2, R-3)

Sections:

18.06.020 Schedule of uses.

Tables A-1 through A-5, schedules of uses, of this chapter establish the uses permitted within each residential district. Certain uses are permitted as a matter of right, subject to the provisions of this title. Other uses, by their nature, require the approval of a use permit. Some uses are subject to the use regulations set forth in Section 18.06.025 of this chapter. Any use not expressly permitted is expressly prohibited. (Ord. 5-00 §2 Exh. B (part), 2000).

Table A-1 SCHEDULE OF RESIDENTIAL USES

Residential Uses	Allowed by Zoning	With a Use Permit	Additional Regulations
Single-family	~~R-1, R-2~~All R Districts		
Two-family	R-2, R-3		
Multifamily	R-3		
Day care, limited	All R		3
Residential care, limited	All R		3
Animal, exotic		R-1	
Animal, large		R-1	1, 2
Animal, small	All R		1, 2
Domestic fowl	R-1, R-2	R-1, R-2	1, 2

Table A-2 SCHEDULE OF COMMERCIAL USES

Commercial Uses	Allowed by Zoning	With a Use Permit	Additional Regulations
Home occupations	All R		6
Agriculture/ horticulture	All R		5
Parking for adjacent business	All R		7
Swimming schools	R-1, R-2		8

Table A-3 SCHEDULE OF PUBLIC/SEMI-PUBLIC/INSTITUTIONAL USES

Public/Semi-Public/ Institutional Uses	Allowed by Zoning	With a Use Permit	Additional Regulations
Convalescence facilities		R-3	4
Day care, general		R-2, R-3	4
Residential care, general		R-3	4
Schools, public	All R		
Schools, private		All R	
Golf courses		All R	
Libraries	All R		
Public parks	All R		
Private recreation facilities		All R	
Public safety	All R		
Religious assembly		All R	
Utilities, major		All R	
Utilities, minor	All R		

Table A-4 SCHEDULE OF ACCESSORY USES

Accessory Uses	Allowed by Zoning	With a Use Permit	Additional Regulations
Second dwelling units	All R	~~R-1~~	

Table A-5 SCHEDULE OF TEMPORARY USES

Temporary Uses	Allowed by Zoning	With a Use Permit	Additional Regulations
Commercial filming	All R		9
Construction trailer	All R		11
Personal property/ garage sales	All R		10
New subdivision sales office	All R		

(Ord. 5-00 §2 Exh. B (part), 2000).

18.06.030 Residential development standards.

Table B of this chapter provides the schedule of development standards for all R-1 districts. Table C provides the schedule of development standards for R-2 and R-3 districts. These standards are to be observed in conjunction with Section 18.06.040, Specific development regulations, for all development in residential districts.

Table B R-1 ZONING DISTRICT DEVELOPMENT STANDARDS

Building Site Characteristics	R-1	R-1-B-1	R-1-B-2
Minimum site area (square feet)	5,000	6,000	7,500
Minimum average site width	50'	60'	75'
Minimum front setback	20'	25'	25'
Minimum side setback	5'	5'	6'
Minimum street facing side setback	~~20'~~15'	~~20'~~15'	~~20'~~15'
Combined minimum side ~~setback~~[4] setback[1]	~~10'~~20%	20%	20%

Rear, minimum setback	20'	20'	20'
Single-story, maximum height	20'~~5~~	20'~~6~~	20'~~7~~
Multi-story, maximum height	28'	28'	28'
Maximum single-story site coverage	50%	50%	50%
Maximum multi-story site coverage	35%	35%	35%
Floor area ratio	0.5:1	0.5:1	0.5:1
Parking garage spaces	2	2	2
Usable open space per unit	N/A	N/A	N/A

~~1 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are substandard. The actual required setback is the greater of fifteen feet or the ratio of actual lot width to required lot width and multiplying the fraction by twenty.~~
~~2 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are substandard. The actual required setback is the greater of fifteen feet or the ratio of actual lot width to required lot width and multiplying the fraction by twenty.~~
~~3 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are substandard. The actual required setback is the greater of fifteen feet or the ratio of actual lot width to required lot width and multiplying the fraction by twenty.~~
4.[1] Combined side yards equal or exceed twenty percent of average site width ~~with required minimum~~.
~~5 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.~~
~~6 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.~~
~~7 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.~~

Table C R-2 AND R-3 ZONING DISTRICT DEVELOPMENT STANDARDS

Building Site Characteristic	**R-2~~8~~[1]**	**R-2~~9~~[2]**	**R-3**
Maximum Allowed Density	17.42 dwelling units per acre		29.04 dwelling units per acre
Minimum Required Density[3]	10.00 dwelling units per acre		15.00 dwelling units per acre
Minimum site area per unit (square feet)	5,000	2,~~700~~500	1,500
Maximum site area	N/A	N/A	N/A
Minimum site area (square feet)	5,000	5,000	5,000
Minimum average site width	28.5'	50'	75'
Minimum front setback	20'	20'	20'
Minimum side setback	5'	5'	5'
Minimum street facing side setback	20'~~10~~10'	20'~~11~~10'	20'~~12~~10'
Combined minimum side setback~~13~~	~~10~~'20%	~~10~~'20%	~~10~~'20%
Rear minimum setback	20'	20'	20'
Single-story maximum height	20'~~14~~	20'~~15~~	20'~~16~~
Multi-story maximum height	28'	28'	40'
Maximum single-story site coverage	50%	50%	50%
Maximum multi-story site coverage	35%	35%	45%
Floor area ratio	0.5:1	0.5:1	N/A
~~In garage parking spaces per unit~~	~~2~~	~~2~~	~~1~~

~~Other parking spaces~~	~~N/A~~	~~N/A~~	~~1~~
~~Guest parking spaces~~	~~N/A~~	~~N/A~~	~~0.2517~~
Usable open space per unit	N/A	15%	15%

~~8~~ [1] For single-family residences on a site.
~~9~~ [2] For two dwellings on a site.
[3] Nothing set forth in this section shall be construed to prohibit the construction of one (1) single-family dwelling on a single lot of record.
~~10 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are substandard. The actual required setback is calculated by determining the ratio of actual lot width to required lot width and multiplying the fraction by twenty.~~
~~11 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are substandard. The actual required setback is the greater of fifteen feet or the ratio of actual lot width to required lot width and multiplying the fraction by twenty.~~
~~12 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are substandard. The actual required setback is the greater of fifteen feet or the ratio of actual lot width to required lot width and multiplying the fraction by twenty.~~
~~13 Combined side yards equal or exceed twenty percent of average site width with required minimum.~~
~~14 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.~~
~~15 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.~~
~~16 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.~~
~~17 A minimum of one parking space is required.~~
(Ord. 5-00 §2 Exh. B (part), 2000).

18.06.040 Specific development standards.

In conjunction with the specific development standards set forth in Tables B and C of this chapter, the following specific development regulations shall apply:

A. Open Space. Development of multi-family structures in the R-2 district and R-3 district shall include usable open space which is fifteen percent of the floor area per unit, as follows:

1. Usable Open Space. Usable open space shall be defined as the sum of private open space and common open space as defined in this section providing outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or street side yard and excluding any land area with a slope in excess of twenty percent.

2. Private Open Space. Private open space is open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests, such as patios or screened decks or balconies. Patios at grade level must have a minimum area of one hundred twenty square feet, and balconies must have a minimum area of sixty square feet with no dimension less than six feet, in order to meet a portion of the open space requirement.

3. Common Open Space. Common open space is open space used commonly by residents of a building, having a minimum dimension of fifteen feet in any direction and a minimum area of three hundred square feet. Common open space includes terraces, courts, nonstreet side yards, rear yards, open patios and decks, rooftops surrounded by parapet wall or similar structure having a minimum height of four feet. Common open space shall be open to the sky and shall not include driveways, pedestrian access to units, parking areas or area required for front or street side yards.

B. Landscaping.

1. Guideline Conformance. All planting areas, plant materials, and irrigation

shall conform with guidelines in the city's current water-efficient landscaping program.

2. Landscape Plan. A landscaping plan is required for all new multi-family residences, and shall be in conformance with design criteria contained in this title and the city's current water-efficient landscaping program.

3. No Impediments. No landscaping may impede, block, obstruct, or otherwise be allowed to grow over a public sidewalk or other form of public or private access way such as a street, sidewalk or road. Trees and shrubs shall be maintained in such a manner as to provide a minimum clear distance between any public or private sidewalk, street, road or right-of-way and the lowest foliage.

4. Sight Distance. Within the sight distance area of any corner, as defined herein, trees must be pruned to allow a nine-foot clearance between natural grade and the lowest foliage, and shrubs must be trimmed to a maximum height of three feet.

a. Sight Distance Area. A triangular area measured from the corner property marker or the apex of the radius of the curve, to two points located twenty-five feet back along the front and side property lines and completed by the diagonal connecting these two points. The volume of space between three feet and nine feet above this triangular area is to be kept clear to allow safe vehicular movements at the street intersection. During review of new development on corner lots, this sight distance area can be increased for streets, upon a finding that the increased sight distance is required for safety at the intersection made during the review of the discretionary permit (s) for the project.

C. Height of Fences, Walls, Gates and Hedges. The height of a fence, wall or hedge shall be measured vertically from the natural or finished existing grade, whichever is lower, at the base of the fence, wall or hedge to the top of the fence, wall or hedge above that grade. The following specific criteria shall apply in all residential districts:

1. Driveway Gates. Decorative gates may extend up to one foot higher than the fence height permitted in that location.

2. Maximum Height. The maximum height of a solid fence, wall or hedge shall be as follows:

a. Front Limited Height. Fences, walls, and hedges located within a required front yard setback area or within the site distance area as defined herein shall be limited to a maximum height of three feet.

b. Rear Limited Height. Fences, walls, and hedges located to the rear of the required front yard setback area shall be limited to a maximum height of six feet, unless this area is also within the site distance area as defined herein, in which case the maximum height shall not exceed three feet in the site distance area.

c. Trellis or Rails. An additional one foot of fence or wall height is permitted on front yard, rear yard and interior side yard fences, only if the added fencing has openings comprising at least fifty percent of the added area (such as lath trellis or rails).

d. Retaining Wall Fence. Where a retaining wall protects a cut below existing grade or contains a fill above the existing grade and is located on the line separating lots, such retaining wall may be topped by a fence, wall or hedge with the maximum total height not to exceed six feet.

D. Off-Street Parking. Off-street parking shall be provided for all uses within a residential district in accordance with the following minimum requirements:

1. Parking Spaces. Parking spaces shall conform to the following sizes:

Table D PARKING SPACE SIZE

Type of Space	Dimensions
Standard	9' x 19' clear
Parallel	10' x 22' clear

2. Access Aisles. Parking areas shall provide adequate aisles for all vehicle turning and maneuvering, and conform to the following parking standards:

Table E PARKING STANDARDS

Parking Angle	Circulation	Aisle Width
0 degree	one-way	12 feet
0 degree	two-way	24 feet
85 -- 90 degree	one-way	22 feet
85 -- 90 degree	two-way	25 feet
30 -- 45 degree	one-way	14 feet
50 -- 55 degree	one-way	16 feet
60 degree	one-way	18 feet
65 -- 80 degree	two-way	20 -- 23 feet

3. Street Right-of-Way. No parking area shall be designed so that vehicular maneuvering on or backing up into public or private street right-of-way is necessary. This regulation shall not apply to driveways in R-1 and R-2 districts or to projects with two or fewer units in the R-3 district.

4. Location. Required garage spaces shall not be located within the front yard setback, but open, uncovered parking spaces may be located within the side or rear yards.

5. Multi-Family Residential. ~~All parking spaces provided for tenants of multiple-family residences shall be ninety-degree angle parking.~~ At least one of the two required tenant parking spaces for each unit shall be enclosed within a garage. The second required tenant parking space shall be covered by a carport, at a minimum. Guest parking spaces may be uncovered.

6. Carports. Any carport or open parking area for five or more cars serving a residential use shall be screened by a solid wall or fence six feet in height, except that the height of a wall or fence adjoining a required front yard shall be not less than two feet or more than three feet.

7. Garages. Garages shall provide adequate interior area for standard parking spaces. Garage door openings shall have a minimum height of seven feet and shall be covered by a solid or sectional overhead door which shall be constructed of ~~wood, metal or fiberglass~~durable material approved by the Building Department, and painted, stained or treated to be harmonious with the exterior of the residential structure. All required garages shall be kept free, clear, and accessible for the parking of a vehicle or vehicles at all times.

E. Driveways. Visibility of a driveway crossing a street property line shall not be blocked between a height of three feet and nine feet for a depth of five feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of fifty feet or at the nearest property line intersection with the street property line, whichever is less.

1. Semi-Circular. Semi-circular driveways are permitted on lots with widths of seventy-five feet or more, if no more than fifty percent of the front setback area is to be paved, and if visible landscaping is to be installed between the driveway and the sidewalk.

2. Minimum Widths. On building sites in the R-1 district and R-2 district, driveways leading to two-car garages shall have a minimum width of eighteen feet for two-car garages and nine feet for single car garages, and a minimum depth of eighteen feet for roll-up doors and twenty feet for pull-up doors. Driveways ~~located in side yards~~ leading to a detached or attached garage in the rear yard shall ~~have a minimum width of ten feet~~provide the same dimensions adjacent to the garage, but may be reduced to a minimum width of ten feet in required setback areas.

F. Underground Utilities. All new electrical, telephone, cable TV and similar distribution lines providing direct service to a residential development site, and any ~~existing~~ such service existing on the site, shall be installed underground within the site unless such installation is deemed unfeasible.

G. Maximum Building Envelope. The maximum building envelope shall apply to all residential development within any residential zone. The maximum building envelope

under which all structures in residential zones must fit is defined as follows: ~~the applicable height limitation for any portion of the structure as set forth in Tables B and C above, and a height limitation of twenty-eight feet overall for any portion of the structure, and~~ a plane that begins at ten feet above the side property lines and extends into the property at a forty five-degree angle and sixteen feet above the front and rear setback line and extends into the property at a sixty-degree angle. The following features may breach the maximum building envelope as defined in this subsection:

1. Dormers or gables may extend beyond the building envelope provided that the combination of all of these features on one development site measures no more than fifteen horizontal feet at the intersection of the building envelope on any side yard building envelope, and the total overall height of the encroaching features does not exceed the maximum allowed building height.

~~2. Roof overhangs, soffits and other architectural features may extend beyond the building envelope, but not more than 2'6" from a wall.~~

18.06.050 Exceptions to development standards.

A. Exceptions to Height Standard.

1. Chimneys. Chimneys may only exceed the maximum height limit of each residential district to the extent required by the ~~Uniform~~ California Building Code.

2. Architectural Features. Towers, spires, cupolas, elevator penthouses or similar architectural features, and mechanical appurtenances shall conform ~~with~~ to the maximum height limit of each residential district.

3. Exceptions. In addition to the findings for a variance as set forth in this title, the planning commission may approve an exception to allow a structure to exceed the maximum building height set forth for each residential district in Tables B and C of this chapter. ~~Single-story buildings in excess of sixteen feet in height are required to follow these procedures. In no case shall a single-story building be approved in excess of twenty feet in height.~~ Review of the application by the architectural review committee and planning commission shall include an evaluation of the proposed bulk of the structure including both horizontal and vertical dimensions, the location of the structure on the lot, and the treatment of all setback and open areas, and light planes. The following additional findings of approval shall be made:

a. Increased Building Height. That the increased building height will result in more public visual open space and views than if the building(s) were in compliance with the maximum building height standard for the residential district;

b. More Desirable Result. That the increased building height will result in a more desirable architectural treatment of the building(s) and a stronger and more appealing visual character of the area than if the maximum building height standard were complied with;

c. No Undesirable Results. That the increased building height will not result in undesirable or abrupt scale relationships being created between the structures and existing developments in the district;

d. No More Floor Area. The structures shall have no more floor area than could have been achieved without the exception.

~~4. Height Exception. Where the maximum height of an existing single-story structure exceeds the permitted maximum height of sixteen feet or the approved height according to the procedures set forth herein, any new construction or additions may maintain and conform with the existing maximum height. In no case may any portion of the new construction exceed the height of the existing structure or sixteen feet, or the approved height according to the procedures set forth herein which ever is greater.~~

B. Exceptions to Maximum Floor Area Ratio Standard. In addition to the findings for a variance as set forth in this title, the planning commission may approve an exception to the floor area ratio standards subject to the following additional findings in each case:

1. Predominant Pattern Retained. ~~That t~~The visual scale and bulk of the proposed structure is consistent with the predominant pattern established by the existing structures in the surrounding neighborhood;

2. Site Compatible. ~~That t~~The proposed structure is compatible with the

physical characteristics of the site;

3. Views Not Impacted. The additional square footage of the proposed structure will not impact public or private views across the site;

4. Solar Access Protected. That the additional floor area shall not impact solar access for adjacent structures.

C. Exceptions to Lot Coverage Standard. The area of walks, patios, in-ground swimming pools or pools that do not project more than thirty inches above the ground, uncovered decks thirty inches or less above the ground, and eaves projecting thirty inches or less from the exterior surface of a building wall shall not be included in lot coverage calculations.

D. Exceptions to Setback Standards.

1. Detached Accessory Structures.

a. ~~Detached Accessory Structure Height.~~ Detached accessory structures not exceeding two hundred fifty square feet in floor area and not exceeding eight feet in overall height may be located within the required rear yard setback of a site but shall be no closer than five feet to the rear property line or five feet to the side property line~~, and shall not exceed eight feet in overall height, plus one additional foot in height for each additional three feet of set back from side or rear property lines, up to a maximum of ten feet in overall height~~.

b. ~~Detached Accessory Structure Overall. Detached accessory buildings not exceeding overall dimensions of six feet in width and ten feet in length with a maximum height of eight feet may be located in a side or rear yard setback area provided a minimum setback of five feet from side property lines is maintained. Any such structure must conform with all applicable requirements of the Uniform Building Code.~~Detached accessory structures exceeding two hundred fifty square feet in floor area and exceeding twelve feet in overall height may be located within the required rear yard setback of a site but shall be no closer than ten feet to the rear property line or five feet to the side property line, provided that it does not encroach into the Maximum Building Envelope.

c. Detached accessory structures shall conform to all applicable requirements of the California Building Code.

~~E.~~ 2. Attached Structures and Features. The aggregate length of all bay windows, balconies, canopies, chimneys, covered porches and decorative features attached to a structure may project into a required yard or setback area across no more than twenty percent of the buildable width of the lot along a rear building wall, and twenty percent of the buildable length of a street-side-building wall. The area defined by the permitted encroachment and the aggregate permitted length is the maximum projection area.

a. Enclosed Porches and Solariums. If attached to the first floor of a residence, may extend into the rear yard setback across twenty percent of the lot width, but shall provide a minimum rear yard setback of thirteen feet, and provide the required side yard setbacks set forth in Tables B and C of this chapter. Enclosed porches and solariums shall not exceed a maximum height of nine feet in the required setback area. Solariums, porch and deck covers added on upper floors may not encroach into required rear and side setbacks. The area covered by enclosed accessory structures shall be included in lot coverage calculations.

b. Balconies. Balconies on the second floor or above may project a maximum of thirty inches into either the required front or rear setback. Balconies or second floor decks encroaching into required front or rear yard setbacks shall have open railings, glass or architectural details with openings to reduce visible bulk; balconies composed solely of solid enclosures are not allowed to project into required yards. That portion of a balcony which projects into a setback area shall not be covered.

3. Patio Covers. Patio covers of open roof trellis design only, attached to the main structure, may be located in the required rear yards, but must provide a minimum of five feet for a rear yard setback and a side yard setback equal to the required side yard of the underlying zoning district.

4. Eaves, Cornices, Canopies, Awnings and Mechanical Equipment. These

features may project a maximum of thirty inches into the required yards, provided that a minimum clearance of three feet remains.

5. Planter Boxes and Other Decorative Features. Decorative features attached to the walls of a structure may encroach a maximum of twelve inches into any required setback area.

6. Bay Window Encroachment. Bay windows providing floor area (i.e., extending from the finished floor upward) may not encroach into required setbacks, and are included in lot coverage calculations.

7. Bay Window Calculations. Bay windows having a minimum of eighteen inches of clear space above finished grade that do not provide floor area and do not project

beyond the eaves are not included in lot coverage calculations. Bay windows that provide a minimum of eighteen inches of clear space above grade and that do not provide floor area may encroach a maximum of thirty inches into required front and rear yard setbacks, and a maximum of twelve inches into any required side yard setback.

~~1. No Exceptions for Severely Substandard Lots. There shall be no exceptions to the setback standards for attached structures and features on severely substandard lots.~~

~~F.~~E. Development Standards for Exceptional, Substandard and Severely Substandard Lots. This section sets forth standards for development on substandard or severely substandard lots, which are defined in the zoning code definitions in Section 18.02.040 of this title. ~~The development shall meet all standards set forth in Tables E and F of this chapter respectively, unless otherwise specified.~~

1. Exceptional lots shall be subject to the R-1 development standards set forth in Table B of this chapter, unless otherwise specified.

~~1. Use Permit Required. Planning commission approval of a use permit is required for all development, including additions and accessory structures, on any substandard or severely substandard lot or building site except as provided in subsection (F)(3) of this section.~~

~~1. Site and Design Permit Required. Project design review pursuant to Chapter 18.21 is required for all development, including additions and accessory structures, on any substandard or severely substandard lot or building site except as provided in subsection (F)(3) of this section.~~

2. Development on Substandard or Severely Substandard Lots, other than Exceptional Lots, shall meet all standards set forth in Tables E and F of this chapter, respectively, unless otherwise specified. Project design review pursuant to chapter 14.37 is required for all development, including additions and accessory structures, on any substandard or severely substandard lot or building site except as provided in subsection (F)(3) of this section.

~~2.~~3. Coastal Act Consistency. The exception to development standards for substandard, severely substandard, and exceptional lots set forth in this subsection shall only be applied in full conformity with coastal development permitting requirements pursuant to Sections 30600 and 30610 of the Coastal Act and Title 14 Sections 13250, 13252, and 13253 of the California Code of Regulations and Sections 18.20.025 and 18.20.030 of the zoning code.

~~3. Exceptions to the Requirement for a Site and Design Permit. The following is a list of exceptions to the site and designpermit requirement for development on substandard and severely substandard lots:~~

~~a. Ninety-Five Percent Width Rule. Any substandard lot or building site that provides at least ninety-five percent of the required lot width, and at least one hundred percent of the lot area in the underlying zoning is subject to the same development standards as standard size lots, including but not limited to Table B of this chapter. Such exempted lots are subject to the same development standards as standard size~~

lots, including but not limited to Table B of this chapter.

b. Small Additions and Accessory Structures. An accessory building or addition to an existing building not exceeding the lesser of (i) two hundred fifty square feet in floor area or lot coverage or (ii) the applicable development standard for lot coverage and floor area ratio. This exception may only be granted one time in a twenty-four-month period. The twenty-four-month period will begin on the date of the final inspection for the issued building permit. If the permit never received a final inspection by the city, no further development may be applied for until the permit has received a final inspection and the twenty-four-month period has lapsed.

c. Exceptional Lots. An addition or an accessory structure on any substandard lot or building site in R-1-B-1 and R-1-B-2 zoning districts that meets all of the following (exceptional lots will be required to apply the development standards in Table B with the exception of floor area ratio and lot coverage, which is explained in subsection (F)(3)(c)(iii) of this section):

i. Does not meet the minimum average width and/or lot area requirement for the zoning district that the parcel is within, but provides at least fifty feet of average lot width and at least five thousand square feet of lot area;

ii. Has an existing residence that was constructed and completed (certificate of occupancy was issued for the structure or the structure was completed prior to the issuance of certificates of occupancy by the city) prior to December 7, 2004;

iii. The addition or accessory structure does not exceed the maximum allowed floor area ratio (FAR) for exceptional lots, which is fifty percent for the first five thousand square feet of lot area, thirty percent for lot area between five thousand and seven thousand five hundred square feet, and twenty percent for lot area above seven thousand five hundred square feet, and lot coverage equal to one hundred percent of the allowed FAR for a single-story house and thirty-five percent of the lot area for a two-story house;

iv. Application for architectural review committee review provides the same mailing procedure as specified in Sections 18.20.060(A) and 18.20.060(B)(1) through (B)(3) of the zoning code.

dc. Limited Extension of Nonconforming Setbacks on Exceptional Lots. Notwithstanding Section 18.06.080(B), where a legally constructed single-family dwelling encroaches upon presently required setbacks, the encroaching wall(s) may be extended in accord with this section. The addition shall be limited as follows:

i. An existing nonconforming front setback may be extended in width to follow the furthest forward existing front setback, but in no case shall the addition provide less than a twenty-foot front setback;

ii. Minimum side setbacks of five feet, except that street facing side setbacks shall conform to Table B of this chapter. The encroaching side yard addition may not extend the wall along the nonconforming side setback line more than twelve linear feet or up to the required front and rear setbacks, whichever is less;

iii. An existing nonconforming combined side setback may be extended consistent with this section, but in no case shall a nonconforming combined side setback be created on a site when the existing combined side setback is fully compliant with the zoning district's regulations;

iv. A minimum rear setback of twenty feet;

v. Provide an appropriate design that is consistent with the guidelines set forth in Chapter 18.21 of this title.

4. Water Quality. No coastal development permit for development on exceptional lots shall be granted unless the approved development conforms to the water quality protection standards specified in Section 18.38.120.

Table E - DEVELOPMENT STANDARDS FOR SUBSTANDARD LOTS

Lot coverage	Proportionality rule (definitions in SectionStandard for the zone 18.02.040)Standard

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Floor area ratio	~~Proportionality rule.~~Standard for the zone. Basements with floor area of 15% or less of the total calculated FAR, up to a maximum of 225 square feet, may be allowed subject to ~~use permit~~architectural review.
Maximum building envelope	Applicable
Required parking	Two spaces: one garage space with dimensional standards as set forth in this chapter, and one covered space not located in the front yard setback.
Front setback	Standard for the zone
Side setback	Standard for the zone
Rear setback	Standard for the zone
Street-facing side yard setback	Standard for the zone
Height	28 feet for two-story 20 feet for single-story, including single-story and loft[1]

[1] ~~—~~Single-story structures with height above ~~sixteen~~ twenty feet are required to follow the procedures for exemption to the height standards set forth in this chapter.

Table F - DEVELOPMENT STANDARDS FOR SEVERELY SUBSTANDARD LOTS

~~Lot coverage~~ Lot	~~Single-story maximum lot coverage is equal to the maximum FAR. The maximum two-story lot coverage is 70% of the maximum FAR2 for two-story.~~Standard for the zone
Floor area ratio	Standard for the zone. A maximum of 200 square feet above the maximum calculated floor area ratio is permitted. ~~Maximum FAR is calculated as follows: the ratio of the actual lot area to the required lot area times 50%.~~ Basements with floor area of 15% or less of the total calculated FAR, up to a maximum of 225 square feet, may be allowed subject to ~~use permit~~architectural review.
Maximum building envelope	Applicable
Required parking	Two spaces: one garage space with dimensions as set forth in this chapter. One additional parking space, whether covered or not, and not located within the front yard setback.
Front setback	Standard for the zone ~~applies~~.
Side setback	A minimum of 8 feet combined, with a minimum of 3 feet on one side. On a side that contains less than a 4-foot setback, the structure must be separated by a minimum of

	8 feet from any structure on the adjacent lot. Driveways to the rear garage structure must be a minimum of 10 feet. Rear garages can be a minimum of 3 feet from an interior side or rear property line.
Eave overhangs	Notwithstanding any other rules set forth in this title, severely substandard lots may have an eave encroachment that extends no more than 18 inches into the side yard. All other yards may have a 30-inch encroachment.
Rear setback	Standard for the zone.
Street-facing side yard setback	10' feet, including garage.
Height	28 feet for two-story 20 feet for single-story, including single-story and loft[3]loft[1]

~~2 The seventy percent is calculated only on the living space for severely substandard lots, i.e., before adding the "maximum of two hundred square feet" allowance.~~

~~3~~ [1] Single-story structures with height above ~~sixteen~~ twenty feet are required to follow the procedures for exception to the height standards set forth in this chapter.

F. ~~HGF. General Design Guidelines for Substandard and Severely Substandard Lots. In addition to the architectural design guidelines set forth in Chapter 18.21, the following guidelines shall apply to all substandard and severely substandard lots:~~

~~To the maximum extent possible, garages must be located in the rear yard.~~

~~Where located in the front of the building, the other features in the front façade shall work to de-emphasize the garage.~~

~~Where the proposed development is located within one hundred feet of at least one other substandard lot, the architectural review committee shall strongly consider following design characteristics when making its determination of whether the design is compatible with the neighboring area: setbacks, front façade, orientation to the street, side orientation to adjacent properties and their daylight planes, mass and bulk.~~

Exceptions for Affordable Housing. Any of the development standards and regulations of this chapter may be waived or relaxed by the planning commission for an affordable housing project ~~as defined in the city of Half Moon Bay housing element~~ if the resulting development fully conforms with the policies of the certified land use plan and all other applicable provisions of the zoning code outside this chapter.

G. Exceptions for Senior and Housing for Disabled Persons Projects. Any of the development standards and regulations of this chapter may be waived or relaxed by the planning commission for a single family, multi-family, or single room occupancy housing project restricted to occupancy by senior citizens or disabled persons if the resulting development fully conforms with the policies of the certified land use plan and all other applicable provisions of the zoning code outside this chapter.

H. Exceptions for Large Rental Units. Affordable or market-rate multi-family rental projects that include 25 percent or more units with at least three bedrooms shall be eligible for the following exceptions:

1. A 10 percent density bonus, based on the maximum allowed density of the site pursuant to the Zoning Code. The density bonus shall be rounded to the nearest whole number. This density bonus is not in addition to any other density bonus for which the project may be eligible.

2. Reductions in development standards consistent with the applicable provisions of Section 18.06.050(H) and Chapter 18.42.

3. If a market-rate project is not eligible for any reductions or waivers in

Comment [JP1]: NOTE: Ordinance No. C-08-11 incorrectly names this as Subsection "G". This subsection was re-lettered to Subsection "H" following amendments made by Ordinance No. C-15-10.

development standards pursuant to Section 18.06.050(H) or Chapter 18.42, the project may receive one of the following incentives: (i) a 10 percent reduction in front, side, and rear yard setback requirements, (ii) a 10 percent increase in maximum height, or (iii) a 4 percent increase in maximum site coverage.

l. Exceptions for Minor Improvements for Disabled Access. Exceptions to the city's development requirements, including standards and regulations of this code, may be waived or relaxed by the planning director for minor improvements to buildings to reasonably accommodate access needs for disabled persons.

1. Procedure. Exceptions to existing development standards may be granted by the planning director, upon making all of the findings outlined below.

a. The request for an exception shall be submitted on an application form provided by the Planning Department and shall include the following information:

i. A site plan and elevations.

ii. Basis for the claim that the individual is considered disabled.

iii. The municipal code provision, zoning ordinance provision, or other regulation or policy from which the exception(s) is requested.

iv. Additional supporting information as may be required by the planning director to provide sufficient understanding of the request and compliance with development standards.

b. No public notice or hearing is required.

c. Exceptions shall be granted subject to the following restrictions:

i. Improvements shall be restricted to those necessary for enhanced access for disabled persons, including but not limited to, access ramps, widening hallways, or expansion of bathrooms or closets.

ii. Exceptions to development regulations shall be limited to any, or all, of the following, over the life of each structure:

aa. Paved area coverage not greater than 250 square feet in excess of allowable limits for the site; and/or

bb. Floor area not greater than 150 square feet in excess of allowable limits for the site; and/or

cc. Encroachment into setbacks not greater than 10% of the allowable setback width; and/or

dd. Increased maximum building size for a main residence or primary building not to exceed 150 square feet in excess of the allowable maximum for the site.

2. Findings. The planning director shall make all of the following findings in order to grant an exception for minor improvements for disabled access:

a. The proposed exception(s) are necessary to provide for access by a person with a disability as defined by the Federal Fair Housing Act or the California Fair Employment and Housing Act (the Acts).

b. The house or building will be used by an individual with a disability protected under the Acts.

c. The exception(s) is necessary to make a specific home or building accessible to an individual with a disability under the Acts.

d. The requested exception(s) would not impose an undue financial or administrative burden on the City.

e. The proposed exception(s) will cause no significant negative environmental impacts to the applicant's property, adjacent properties, or to the surrounding neighborhood and city.

f. The proposed exception(s) will cause no significant negative impacts on the privacy of the applicant or adjacent neighbors.

(Ord. O-2-06 §2, 2006; Ord. O-6-04 §2 Exh. A (part), 2004; Ord. O-5-04 §1 Exh. A, 2004; Ord. O-4-04 §1 Exh. A, 2004; Ord. 5-00 §2 Exh. B (part), 2000).

Chapter 18.15
PLANNED DEVELOPMENT LAND USE (PUD)

Sections:

18.15.025 Permitted land uses.

Only the following uses shall be permitted on any site within a planned unit development district:

A. Uses Consistent with the General Plan, Adopted Planned Unit Development Plan, Specific Plan or Precise Plan. Permitted uses, densities, and intensities shall be consistent with those established in the land use plan, general plan or an approved planned unit development plan or specific plan, for the site.

B. Continuation of Existing Uses. The continuation of an existing land use prior to the adoption of a planned unit development plan as provided for in this chapter may be incorporated into the overall development plan if the existing use is consistent with the general plan and this chapter, or the existing use shall terminate in accordance with a specific abatement schedule approved as a part of a planned unit development plan for the site.

C. Interim or Temporary Uses. Interim or temporary uses and structures when approved by the planning director or the planning commission when consistent with the general plan and will not impact the health, safety, and general welfare of persons working or residing in the vicinity of the proposed temporary use or building, and any other ordinances or policies of the city, subject to the following conditions:

1. Temporary Uses and Structures Not to Exceed Ninety Days. The planning director may authorize the temporary use of structures and land in any planned unit development district for a period of time not to exceed ninety days. Prior to taking action on a request for temporary uses and/or structures, ~~approving said use and issuing any building permit, grading permit, business license, or other entitlement for the proposed use,~~ the planning director shall inform the Pplanning Ccommission andany other party requesting such information of the request. ~~of the intention to approve the use and any conditions imposed upon the applicant. The planning commission may sustain, overrule, or modify the decision of the planning director.~~The action of the planning director may be appealed pursuant to the provisions of Section 18.22.200 of this code.

2. Temporary Uses and Structures in Excess of Ninety Days. The planning commission may authorize the temporary use of structures or land in any planned unit development district for periods of time in excess of ninety days, subject to the review and approval of a use permit in each case. In approving a use permit for the temporary use of structures or land, the planning commission may impose whatever conditions deemed necessary to assure that the purpose and intent of the general plan and this chapter are carried out. The use permit shall establish a specific point in time when the temporary use is to be terminated and the site restored. The planning commission may authorize additional extensions of time for temporary use permits at a duly noticed public hearing. (1996 zoning code (part)).

Chapter 18.21
ARCHITECTURAL REVIEW AND SITE AND DESIGN APPROVAL

Sections:

18.21.010 Purpose.

The purpose of establishing the design review process set forth in this chapter is:

A. To determine whether proposed projects are in compliance with the regulations in this chapter;

B. To promote the orderly and harmonious development of the city's existing and new residential neighborhoods;

C. To ensure that new development, alterations to existing structures and proposed demolition in the downtown historic area will be subjected to design review; and

D. To require commercial, industrial or institutional projects to comply with consistent design standards. (Ord. 8-97 §3(part), 1997).

18.21.015 Architectural review committee.

An architectural review committee is created, consisting of one architect, one design professional (i.e., architect, landscape architect, urban design professional, historic building specialist, registered civil engineer, or "design professional" as broadly interpreted), and one layperson who shall reside within city limits. The architectural review committee (A.R.C.) members shall be appointed by the city council and shall serve at the pleasure of the city council for a term of two years.

A joint meeting of the city council, planning commission and architectural review committee shall be held annually to discuss design review policies. Each member shall serve until his or her successor is qualified and appointed. The A.R.C. may adopt such rules as needed for the conduct of its deliberations including the selection of a member who shall serve as chairman. The staff secretary of the planning commission shall serve as secretary to the committee. The planning director shall serve as member ex officio, but shall have no vote except when a quorum of the architectural review committee does not exist, the planning director may act as a voting member. The committee shall carry out the duties specified in this chapter. (Ord. 8-97 §3(part), 1997).

18.21.020 Authority.

Prior to the issuance of any building permits for new construction, alterations, or additions to any residential, commercial, industrial, or institutional building, the planning director shall review the plans submitted for each proposed project to establish the appropriate level of review as set forth herein:

A. Residential Projects:

1. Approval by the architectural review committee is required:

a. For the construction of any new residence or accessory structure on a property within the downtown historic area, and for any alterations or additions to an existing residence within the downtown historic area;

b. For any new residential structure(s) and landscaping within a planned unit development project unless specific design criteria or development standards are adopted in conjunction with a planned unit development plan, or a homeowners association architectural review committee has been established for the project area;

c. For any new residential structure or modifications to an existing structure requiring a discretionary permit such as a parking exception, variance, or use permit;

d. For the construction of a new single family residence or remodels and additions to an existing residence, accessory structures, or site improvements which may otherwise be exempt from the provisions of this chapter that the planning director has determined may not be consistent with the standards for review set forth in this chapter. All exterior modifications shall be subjected to preliminary staff design review during the building permit plan check process;

e. For the construction of any new duplex or significant exterior alterations or site improvements to an existing duplex.

2. Architectural review committee and planning commission approval of a site and design permit are required for the construction of any multiple family residential structure with more than two units on a single building site, and for additions, significant exterior alterations or improvements to any multi-family structure and/or site.

3. Second dwelling units that are consistent with the requirements of Chapter 18.42 are not subject to the requirements of this chapter.

B. Commercial/Industrial/Institutional Projects.

1. Architectural review committee approval is required:

a. Prior to consideration by the planning commission of discretionary permits such as a variance and/or use permit where new construction, exterior building modifications or site improvements are proposed;

b. For sign designs submitted with a sign permit application to be approved by the planning director;

c. For additions of less than ten percent of the floor area of existing buildings;

d. Remodels to existing buildings, new accessory structures or site improvements which may otherwise be exempt from the provisions of this chapter that the planning director has determined to be significant and/or inconsistent with the standards for review set forth in this chapter. All exterior modifications shall be subjected to staff design review during the building permit plan check process.

2. Architectural review committee and site and design approvals are required:

a. For the construction of any new commercial, industrial, or institutional building and associated site improvements including landscaping and parking lot plans;

b. For the construction of any addition of ten percent or more of the existing floor area in any one year period or for any increase in building height of an existing building;

c. For the change of an existing residential building to any commercial, industrial, or institutional use;

d. For any change in the intensity of use of an existing building resulting in significant exterior modifications or site improvements, additional floor area and/or need for additional parking spaces.

C. Staff Design Review of Exempted Projects.

1. For any proposed project specifically exempted from the requirements for consideration by the architectural review committee and/or approval of a site and design permit by the planning commission, the planning director shall review the plans submitted

to determine conformance with the findings and standards for review set forth in this chapter.

2. In the event the planning director determines that the proposed new construction or alterations are not consistent with the findings and standards for review set forth in this chapter, the planning director shall:

a. Within five working days of making that determination inform the applicant in writing; and

b. Provide the applicant with specific recommendations to bring the proposed project into conformance with the findings and standards for review set forth in this chapter;

c. In the event the applicant and planning director cannot satisfactorily resolve the design issues and bring the project into conformance with the findings and standards for review, the planning director shall forward the applicant's plans to the architectural review committee for their consideration on a no fee basis. All recommendations of the architectural review committee shall be incorporated into the final project plans unless appealed to the planning commission by the applicant. An applicant's appeal of the architectural review committee recommendations shall be accompanied by a fee as established by the city council.

3. The planning director shall provide an annual report to the planning commission and city council on all exempted projects which received staff design review and were not reviewed by the architectural review committee. (Ord. 8-97 §3(part), 1997).

18.21.025 Application.

A. Application shall be made on a form prescribed for this purpose by the city in accordance with the following:

1. For consideration by the architectural review committee, a completed application package shall be submitted at least two weeks prior to a regularly scheduled meeting in order to be heard at such meeting.

2. For consideration by the planning commission of a site and design permit, a completed application package shall be submitted at thirty days prior to a regularly scheduled meeting in order to be heard at such meeting. Planning commission consideration shall be subsequent to final action by the architectural review committee.

B. The application shall be accompanied by such maps, samples of proposed colors and exterior materials, location and types of all signs to be placed on the building, site plans, all elevations and other drawings as are necessary to enable the planning director, architectural review committee, and planning commission to make determinations as set forth in this chapter.

C. There shall be no separate application for staff design review, which will take place in conjunction with the application for building permit(s). (Ord. 8-97 §3(part), 1997).

18.21.030 Project design review.

A. The architectural review committee (A.R.C.) is empowered to evaluate each of the items listed below to determine that the proposed project is not in conflict with the provisions of this chapter or the general plan. The A.R.C. may review:

1. The character and quality of design;

2. The design and aesthetic compatibility with neighboring properties and uses including visibility and effect upon view at all site lines;

3. Site development characteristics including but not limited to the building(s) coverage, setbacks, height, location on the site, scale, and use of open space;

4. Other on-site improvements including, but not limited to parking and other paved areas, landscaping, lighting, signs and graphics, artwork, sculpture, fountains and other artistic features;

5. The building materials and colors;

6. The pedestrian, equestrian, bicycle, and vehicular circulation;

7. The disturbance of existing topography, trees, shrubs, and other natural features;

8. The accessory structures, including garages, sheds, utility facilities, and trash and recycling enclosures;

9. Building exterior features including but not limited to the lighting, stairs, ramps, elevators, downspouts, flues, chimneys, exhaust fans, air-conditioning equipment, elevator equipment, fans, cooling towers, antennas, and similar structures placed upon the roof or the exterior of the building which are visible from the street or any building in the immediate vicinity, the sunshades, awnings, louvers, and any visible device for deflecting, filtering, or shielding the structure or interior from the elements, the balconies, penthouses, loading docks, and similar special purpose appendages and accessory structures;

10. Energy efficiency and renewable energy design elements including, but not limited to exterior energy design elements, internal lighting service and climatic control systems, and building siting and landscaped elements;

11. Such other features as affect the design and ultimate appearance of the work as determined by the architectural review committee.

B. The A.R.C. may recommend requirements which are more restrictive than the development standards set forth in the city's zoning code, when it concludes such requirements are necessary either to promote the internal integrity of the design of the project or to assure compatibility of the proposed project's design with its site and surroundings. (Ord. 8-97 §3(part), 1997).

18.21.035 Design approval criteria.

In carrying out the purposes of this section, the planning director, architectural review committee and planning commission shall consider in each specific case any and all of the following criteria as may be appropriate:

A. Where more than one building or structure will be constructed, the architectural features and landscaping thereof shall be harmonious. Such features include height, elevations, roofs, material, color and appurtenances.

B. Where more than one sign will be erected or displayed on the site, the signs shall have a common or compatible design and locational positions and shall be harmonious in appearance.

C. The material, textures, colors and details of construction shall be an appropriate expression of its design concept and function, and shall be compatible with the adjacent and neighboring structures and functions. Colors of wall and roofing materials shall blend with the natural landscape and be nonreflective.

D. The design shall be appropriate to the function of the project and express the project's identity.

E. The planning and siting of the various functions and buildings on the site shall create an internal sense of order and provide a desirable environment for occupants, visitors and the general community.

F. Roofing materials shall be wood shingles, wood shakes, tile or other materials such as composition as approved by the appropriate design review authority. No mechanical equipment shall be located upon a roof unless it is appropriately screened.

G. The proposed development shall be compatible in terms of height, bulk and design with other structures and environment in the immediate area.

H. The proposed design shall be consistent with the applicable elements of the general plan.

I. If the project site is located in an area considered by the committee as having a unified design character or historical character, the design shall be compatible with such character.

J. The design shall promote harmonious transition in scale and character in areas located between different designated land uses.

K. The design shall be compatible with known and approved improvements and/or future construction, both on and off the site.

L. The planning and siting of the various functions and buildings on the site shall create an internal sense of order and provide a desirable environment for occupants, visitors and the general community.

M. Sufficient ancillary functions provided to support the main functions of the project shall be compatible with the project's design concept.

N. Access to the property and circulation systems shall be safe and convenient for equestrians, pedestrians, cyclists and vehicles.

O. The amount and arrangement of open space and landscaping shall be appropriate to the design and the function of the structures.

P. Landscaping shall be in keeping with the character or design of the building, and preferably clustered in natural appearing groups, as opposed to being placed in rows or regularly spaced.

Q. Where feasible, natural features shall be appropriately preserved and integrated with the project.

R. The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors, shall create a desirable and functional environment and the landscape concept shall depict an appropriate unity with the various buildings on the site.

S. Plant material shall be suitable and adaptable to the site, shall be capable of being properly maintained on the site, and shall be of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance.

T. The design shall be energy efficient and incorporate renewable energy design elements including, but not limited to:

1. Exterior energy design elements;
2. Internal lighting service and climatic control systems; and
3. Building siting and landscape elements. (Ord. 8-97 §3(part), 1997).

18.21.040 Findings.

The planning director, architectural review committee and planning commission shall determine from the data submitted whether the proposed project will be in conformance with the provisions of this chapter and shall approve the application upon making a positive finding. The application may be disapproved, may be approved as submitted, or may be approved subject to conditions, specified changes and additions. In approving any project, the planning director, architectural review committee or planning commission shall find 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, impair the desirability or opportunity to attain the optimum use and the value of the land and the improvements, impair the desirability of living or working conditions in the same or adjacent areas and/or otherwise adversely affect the general prosperity and welfare. (Ord. 8-97 §3(part), 1997).

18.21.045 Appeals.

A. The applicant or any aggrieved person may appeal determinations made pursuant to this chapter by the planning director and architectural review committee to the planning commission. Notification of appeal of any A.R.C. decision shall be forwarded to A.R.C. members at least seven days in advance of the planning commission hearing of the appeal request, so that A.R.C. members may attend the planning commission hearing to

offer clarification on recommendations and otherwise participate in any discussions on the matter.

B. The applicant or any aggrieved person may appeal determinations made pursuant to this chapter by the planning commission to the city council. Notification of appeal of any planning commission decision shall be forwarded to planning commission members at least seven days in advance of the city council hearing of the appeal request, so that planning commissioners may attend the city council hearing to offer clarification on recommendations and otherwise participate in any discussions on the matter.

C. Appeals shall be made in writing and must be filed with the city clerk within seven working days after a decision by the planning director, architectural review committee, or planning commission.

D. Any council member may call up for council review a decision of the planning commission under this chapter, by filing a written request therefor with the city clerk within seven days of a planning commission decision. The call up shall be handled like an appeal. (Ord. 5-07 §2, 2007; Ord. 8-97 §3(part), 1997).

18.21.050 Enforcement.

All findings and determinations of the planning director, architectural review committee, or planning commission shall be the responsibility and duty of the planning director to enforce. Any changes agreed upon by the applicant and the planning director and all conditions of approval imposed by the architectural review committee, planning commission, and city council shall be incorporated into the final project plans prior to the issuance of building permits.

A. All conditions of A.R.C. approval, where granted, shall be implemented in construction of projects with approved building permits. Unless otherwise modified by the planning commission, site and design permits shall include as a condition of approval that all conditions of design review approval recommended by the architectural review committee shall be included in project plans submitted for building permit, and shall be implemented in the construction of the project according to approved plans.

B. The planning director shall be responsible for enforcement of this chapter. (Ord. 8-97 §3(part), 1997).

18.21.055 Expiration of design approval.

The design approval shall be null and void and a new application shall be required if a building permit has not been issued and construction has not commenced within one year from:

A. The date of the architectural review committee, where no planning commission approval is required; or

B. The date of the planning commission approval. The expiration period of planning commission approvals of discretionary approvals shall supersede the expiration date of A.R.C. approvals;

C. The date of staff design approval, where staff has determined that planning commission and A.R.C. approvals are not required in accordance with the requirements of this chapter. (Ord. 8-97 §3(part), 1997).

18.21.060 Fees.

Fees for processing applications under this chapter shall be established by resolution of the city council to compensate for actual costs of the processing. (Ord. 8-97 §3(part), 1997).

18.21.065 Public notice.

Notice of projects to be reviewed by the architectural review committee (A.R.C.) shall be placed in a newspaper of general local circulation at least five days prior any A.R.C. meeting. Notice of review by the planning commission of site and design permit requests

~~shall be placed in a newspaper of general local circulation at least seven days prior to the planning commission meeting. Notice of A.R.C. appeals hearings shall be similarly published at least five days prior to the planing commission meeting at which the appeal shall be considered. (Ord. 8-97 §3(part), 1997).~~

~~**18.21.070 Applicability.**~~

~~The provisions of this chapter shall be applicable in all zoning districts, and in all planned unit developments. (Ord. 8-97 §3(part), 1997).~~

Chapter 18.22
USE PERMITS

Sections:

18.22.190 Application--Public hearing--Decision.

A. At such hearings the applicant may present testimony and other evidence in support of his application, and other interested persons may be heard and/or present evidence on the matter.

B. In order to grant the use permit as applied for or conditioned, the findings of the planning commission must include that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

C. In approving the granting of any use permit, the planning commission shall designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of this title as to light, air and the public health, safety, morals, convenience and general welfare. Said commission shall require such evidence and guarantees, including bonds, as it deems to be necessary to obtain compliance with the conditions designated in connection therewith.

D. In any case where a bond to secure the faithful performance of conditions designed by the planning commission has been posted and the commission has reasonable grounds for believing that the conditions of said bond have not been complied with, the commission may hold a hearing to determine whether there has been a noncompliance with the conditions or any part of them. Notice of the time and place of such hearing shall be served upon the person posting said bond by registered mail or by personal service at least ten days prior to the date set for said hearing. If at said hearing the commission finds that the conditions of the bond or any part of them have not been

complied with, it may declare all or part of said bond forfeited. In the event the determination is to declare all or part of said bond forfeited, the person posting said bond may appeal said decision to the city council, in the same manner as provided for appeals taken on the application or revocation of use permits. When such forfeiture has been declared and the determination has become final by failure to file an appeal within the time prescribed or otherwise, the planning commission may request that the city attorney take the steps necessary to make such forfeiture effective.

E. ~~The effective date of any use permit approved by the planning commission shall be the day following the regular city council meeting at which meeting the minutes of the planning commission reflecting the approval of the use permit have been considered by the city council. If, at that city council meeting, any member of the city council desires to review the propriety of the issuance of the use permit, that city council person may request the entire matter to be reviewed by the city council pursuant to the provisions of Section 18.22.200 of this code. (1996 zoning code (part)).~~Any action by the planning commission to approve, conditionally approve or deny any use permit may be appealed to the city council on or before the tenth calendar day following such action pursuant to the provisions of Section 18.22.200 of this code.

Chapter 18.33
SECOND DWELLING UNITS

Sections:

18.33.010 Purpose.

The purpose of this chapter is to:

A. Increase the supply of smaller units and rental housing units by allowing second dwelling units to locate on lots which contain ~~one~~a single-family dwellings in R-1, R-2, or R-3 districts within the city; and

B. Establish standards for second dwelling units to ensure that they are compatible with existing neighborhoods. (1996 zoning code (part)).

18.33.020 Definitions.

A. Floor Area. "Floor area" of a second dwelling unit" ~~-~~means the total enclosed area ~~included within the walls enclosing each dwelling unit. The floor area shall be measured from the inside face of the walls enclosing each dwelling unit including all closet space and storage areas contained within the unit~~ of all floors of a building measured to the outside face of the structural members in exterior walls, but shall not include unenclosed porches, balconies, or garages.

B. Second Dwelling Unit. The term "second dwelling unit" is defined in Section 18.02.040, Definitions. (1996 zoning code (part)).

18.33.030 Review and Approval.

A. Principally Permitted Use. Second dwelling units are permitted as a matter of right in the residential districts and shall conform to the development standards set forth in Section 18.06, except as modified by Section 18.33.040 of this chapter.

B. Ministerial Review. A second dwelling unit shall require an administrative Coastal Development Permit, administrative Site and Design Permit, and a Building Permit. The Planning Director is the approval authority for the administrative permits issued pursuant to this section. The approval and any appeals shall not be subject to a discretionary process or public hearing.

C. Variance. A variance shall be required for any second unit which does not meet the development standards set forth in Section 18.06, as modified by this chapter, or which extend existing non-conforming conditions on the site.

D. Residential Growth Limitations. Second dwelling units shall not be considered in or subject to the application of Measure D, Chapter 14.38, Chapter 17.06, or other local ordinance, policy, or program that serves to limit residential growth.

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18.33.~~030~~ 040 ~~Approval s~~Standards for new second dwelling units.

New second dwelling units shall be subject to the same requirements as any single family dwelling located on the same parcel in the same zoning district, including but not limited to the requirements of coastal development ~~districts~~ permits and general zoning provisions with the following differences:

A. Existing Development on a Lot. A single-family dwelling exists on the lot or will be

constructed in conjunction with the accessory unit.

A.B. Minimum Lot Area Perper Dwelling Unit. The minimum lot area per dwelling unit required by the applicable district shall not apply, provided the minimum building site requirements shall be met.

C. Construction Within or Above Existing Buildings or Detached Accessory Buildings. A second dwelling unit may be constructed within or above an existing building or detached accessory building.

B.D. Occupancy. The property owner must occupy either the primary or secondary dwelling unit.

~~C. Maximum Number of Second Dwelling Units Allowed. In order to preserve the character of single-family residential neighborhoods, the total number of second units allowed in each neighborhood has been predetermined. Exhibit A, on file in the office of the city clerk, shows the maximum number of second units allowed in each neighborhood. Use permits for second units shall be approved on a first-come first-served basis.~~

~~D. Use Permit Required. A use permit in accordance with this title shall be required to be issued by the planning commission provided the following findings are made:~~

~~1. The second dwelling unit is constructed within or above an existing building or detached accessory building (constructed prior to the effective date of this section for the zoning district(s) in which the structure is located);~~

~~2. The unit does not extend further into the required setbacks than the existing foundation of the building and is not within three feet of a property line;~~

~~3. The structural height shall be the minimum to accommodate the second unit, and in all cases shall not exceed thirty feet at the highest point of the roof;~~

~~4. The second dwelling unit will not significantly impact adjacent properties adversely;~~

~~5. The number of doors and windows facing the reduced side or rear yards are minimized;~~

~~6. The proposed second dwelling unit is approved by the fire department for emergency access;~~

~~7. The proposed addition can be accommodated with the existing water service;~~

~~8. The existing sewer lateral can accommodate the proposed addition;~~

~~9. The requirements of this chapter have been met.~~

E. Required Off-Street Automobile Parking Spaces. ~~There shall be provided at the time of the construction of any new second dwelling unit, a~~A minimum of one off-street parking space for the second dwelling unit, in addition to the ~~two covered~~ spaces required ~~by current ordinances~~for the primary residence, shall be provided. All off-street parking spaces for the second dwelling unit may be uncovered but must be paved per the city's parking ordinance, provided exceptions for off -street parking requirements shall be subject to the granting of an exception approved in accordance with this title. Off-street parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon topographical conditions, fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

F. Maximum Unit Size. The floor area of the second dwelling unit shall not exceed seven hundred square feet.

G. Minimum Unit Size. The minimum floor area of the second dwelling unit shall be no less 150 square or the minimum required for an Efficiency Dwelling Unit as defined in Section 17958.1 of the Health & Safety Code, as may be amended from time to time.

~~G. Architectural Review.~~

~~1. Design approval pursuant to procedures and standards of this title shall be obtained for all second dwelling units.~~

~~2. For second dwelling units attached to the main dwelling unit, new entrances and exits are allowed on the side and rear of the structures only.~~

~~3. To the extent feasible, second dwelling units shall be visually integrated with the main dwelling unit and located in the immediate vicinity of the main dwelling unit.~~

H. Setbacks for Detached Second Dwelling Units. Detached second dwelling units shall have a minimum side setback of five feet and minimum rear setback of 10 feet. The distance between buildings on the same lot must be a minimum of six feet. If any portion of a second dwelling unit is located in front of the

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main building, then the front and side yard setbacks shall be the same as a single family dwelling in the zoning district.

I. Setbacks for Attached Accessory Dwelling Units. Attached accessory dwelling units shall meet the same setbacks as a main building in the zoning district.

J. Building Height and Stories.

a. A one story detached second dwelling unit shall be no more than thirteen feet in height.

b. A one and one-half to two story detached second dwelling shall be no more than twenty-two feet in height measured to the roof peak.

c. An attached second dwelling unit may occupy a first or second story of a main residence if it is designed as an integral part of the main residence and meets the setbacks and height requirements for the main residence.

K. Adequate Public Services and Infrastructure. The second dwelling unit can be accommodated with the existing water service and existing sewer lateral.

L. Adequate Emergency Access. The second dwelling unit shall have adequate emergency access, as determined by the fire district.

M. Architectural and Site Design Standards. Architectural and design standards are limited to the following:

1. The design of the second dwelling unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

2. For second dwelling units located outside the standard side and rear yard setbacks for the district, the entrance to the second dwelling unit shall face the interior of the lot unless the second dwelling unit is directly accessible from an alley or a public street.

3. For second dwelling units attached to the main dwelling unit, new entrances and exits are allowed on the side and rear of the structures only.

4. Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

5. The site plan shall provide open space and landscaping that are useful for both the second dwelling unit and the primary residence. Landscaping shall provide for the privacy and screening of adjacent properties.

~~H. Owner Occupancy. On the date of the application for a building permit to construct a second dwelling unit on a property that contains a main dwelling unit, the main dwelling unit shall be owner occupied.~~

~~I.~~N. Conversion of Existing Residence. An existing residence, in conformance with the above regulations, may be converted to a second dwelling unit in conjunction with development of a new primary dwelling unit. (1996 zoning code (part)).

18.33.050 Deed Restrictions

Before obtaining a building permit for a second dwelling unit the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

A. The second dwelling unit shall not be sold separately.

B. The second dwelling unit is restricted to the approved size.

C. The second dwelling unit is a permitted use only so long as either the main residence, or the second dwelling unit, is occupied by the owner of record as the principal residence.

D. The above declarations are binding upon any successor in ownership of the property; lack of compliance will result in the second dwelling unit becoming an illegal, nonconforming use subject to the code enforcement and abatement proceedings established by the City of Half Moon Bay Municipal Code.

18.33.060 Incentives

The following incentives are to encourage construction of second dwelling units:

A. Affordability Requirements for Fee Deferral. Second Dwelling units proposed to be rented at affordable rents, as established by the City, may request deferral of building permit, plan check, and development impact fees, subject to the sole discretion and approval of the City, until issuance of a Certificate of Occupancy.

B. Parking. The covered parking requirement for the primary residence shall be limited to one covered parking space and one uncovered parking space if a secondary dwelling unit is provided.

C. Front or Exterior Yard Parking. Two uncovered parking spaces, one for the primary residence and one for the secondary dwelling unit, may be provided in the front or exterior yard setback under this incentive with the parking design subject to approval of the Planning Director. The maximum impervious surfaces devoted to the parking area shall be no greater than the existing driveway surfaces at time of application. Not more than 50% of the front yard width shall be allowed to be parking area.

~~A.~~D. Tandem Parking. For a parcel with a permitted accessory dwelling unit, required parking spaces for the primary residence and the accessory dwelling unit may be provided in tandem on a driveway. A tandem arrangement consists of one car behind the other. No more than two total cars in tandem may be counted towards meeting the parking requirement.

18.33.~~040~~ 070 Requirements to legalize existing second dwelling units.

Within three hundred sixty-five days of the effective date of this chapter for a specified zoning district(s), the owner of each existing second dwelling unit constructed without required permits located in the specified zoning district(s), may apply to the city ~~for a use permit in accordance with Chapter 18.22~~ to legalize such second dwelling unit. To qualify under this section, the second dwelling unit must have been constructed prior to the effective date of the ordinance codified in this chapter.

A. Building Permit Application for Legalization. The building permit application for legalization of a second dwelling unit shall be made by the record owner, or his authorized representative, in writing, ~~after approval of a use permit~~ and shall contain the information set forth in this section, and any other information as may be required by the building official:

1. Name(s) and address(es) of the owner or owners and applicant;
2. A property description (lot and block number, assessor's parcel number, street address);
3. A site plan showing streets, property lines (lot dimension), setbacks, the location of the primary and second dwelling unit and all other structures, and the location of all vehicular parking and drives;
4. The floor area (square footage) of the second dwelling unit;
5. The floor plan and elevations of all buildings on the property;
6. Evidence of the date of establishment of the second dwelling unit, found acceptable by the planning director;
7. The consent of the applicant to the physical inspection of the premises between the hours of 8:30 a.m. to 5:00 p.m., weekdays, upon reasonable notice prior to the legalization of the second dwelling unit;
8. Appropriate fees shall be paid;
9. ~~Letter granting approval of a use permit.~~

B. Required Findings for Certificate of Occupancy. A certificate of occupancy for the second dwelling unit shall be issued; provided, the second dwelling unit meets the same requirements as a single-family dwelling located on the same parcel in the same zoning district, including but not limited to the requirements of B districts and general provisions with the following differences:

1. Minimum Lot Area ~~Per~~per Dwelling Unit. The minimum lot area per dwelling unit required by the applicable district shall not apply. The minimum building site requirements shall be met.
2. Minimum Yards Required. Reduction of the minimum yards required by

the applicable district is permitted for a second dwelling unit subject to the granting of an exception approved in accordance with this title provided that the following findings are made:

a. The second dwelling unit will not significantly impact adjacent properties adversely; and

b. The proposed second dwelling unit is approved by the Half Moon Bay fire protection district.

3. Required Off-Street Automobile Spaces. There shall be provided a minimum of one off-street parking space for the second dwelling unit, in addition to the two covered spaces currently required for a one-family dwelling. Off-street parking spaces for the second dwelling unit may be uncovered.

4. Modification of Off-Street Parking Requirements. Modification of the off-street parking requirements are permitted, subject to the granting of an exception approved in accordance with this title:

a. To allow the required automobile spaces to ~~intrude~~ encroach into the front yard when locating the parking behind the front yard setback poses practical difficulties or unusual hardship; or

b. To reduce the number of parking spaces required when the granting of an exception in accordance with subparagraph (a) of this subdivision would result in significant portions of the front yard being paved or landscaping removed.

5. Building Code Compliance. The building official has found the second dwelling unit to be in rentable condition. A dwelling unit shall be deemed unrentable when it substantially lacks any of the following:

a. Effective waterproofing and weather protection of roof and exterior walls, and sound windows and doors in particular;

b. Plumbing facilities which conformed to applicable law in effect at the time of installation, maintained in good working order;

c. A water supply approved under applicable law, capable of producing hot and cold running water, or a system which is under control of the landlord, or owner, which produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law;

d. Heating facilities which conformed ~~with~~ to applicable law at the time of installation, maintained in good working order;

e. Sufficient electrical lighting, with wiring and electrical equipment which conformed ~~with~~ to applicable law at the time of installation and maintained in good working order;

f. Building, grounds and appurtenances, clean, sanitary and free in every part from all accumulation of debris, filth, rubbish, garbage, rodent and vermin;

g. An adequate number of approved receptacles for garbage and rubbish, in clean condition and in good repair;

h. Floors, required floor covering, stairway and railings maintained in good repair;

i. One-hour fire protection between attached units;

j. In addition, any other condition, as determined by the building official, to the extent that endangers the life, limb, health, property, safety or welfare of the public or occupants must be corrected per accepted standards.

~~6. Use Permit Approval. Prior to applying for a building permit applicants shall receive approval of a use permit pursuant to this title.~~

~~7.~~6. Exception Procedures. Application for an exception to any development standards shall be made to the planning commission and an exception may be issued under the same procedures as that specified in title for the granting of a variance, except that no public hearing be held thereon, and the findings need include only that the second dwelling unit as proposed is as nearly in compliance with the requirements set forth in this section as is reasonably possible.

~~8.~~7. Noncompliance ~~With~~with Requirements. Existing second dwelling units unable to meet requirements set forth in this chapter shall constitute a nuisance, subject to abatement at the direction of the building official.

~~9.~~8. Filing Fees. ~~Use permit applications, a~~Architectural review applications~~,~~ and building permit applications for legalization of second dwelling units shall be accompanied by the standard application and building permit fees as set by resolution of the city council. (1996 zoning code (part)).

Chapter 18.35
BELOW MARKET RATE HOUSING

Sections:

18.35.010 Purpose and intent.

This purpose of this chapter is to ensure that housing opportunities are available for all economic segments of the population as identified in the housing element of the city general plan and that housing units for very low and low income households is a priority per Government Code Section 65589.7. The intent of the below market rate housing program established by this chapter is to require either the construction of dwellings that very low, low, and moderate income households can afford to rent or buy, or require the contribution of an in lieu fee to an affordable housing fund an amount sufficient to provide affordable housing opportunities for these income groups as a part of any new residential subdivision of ten or more lots or dwelling units or the conversion of ten or more rental units to condominiums. (1996 zoning code (part)). Per Government Code Section 65589.7, identification of housing units for very low and low income households is a priority use.

18.35.025 Affordable housing agreement.

The city and developer of the below market rate dwelling units shall enter into an affordable housing agreement governing the dwelling units and that agreement shall be recorded against the property. The agreement shall include a clause prohibiting illegal and discriminatory housing practices, as defined by the California Fair Employment and Housing Act (Government Code Section 12900 et. seq.) in the marketing, rental, or sale of any Below Market Rate unit. (1996 zoning code (part)).

183.35.050 Incentives for Below Market Rate Units.

A. All projects providing below market rate units pursuant to the requirements of this chapter or providing housing affordable to extremely low, very low, or low income households shall be eligible for the following:

1. Development Standards. Reduction or waiver of development standards shall be provided consistent with the applicable provisions of Section 18.06.050(H) or Chapter 18.42.

2. Priority Use. The City shall provide notification to the applicable water and sewer agency identifying that the extremely low, very low, and low income housing units are considered a priority use pursuant to Government Code Section 65589.7.

3. Large Units. Incentives for large (three bedrooms or more) rental units shall be provided pursuant to Section 18.06.05(J) for projects that provide 25 percent or more of the

Below Market Rate units as three-bedroom units, with a minimum threshold of four Below Market Rate units with three or more bedrooms.

18.35.~~050~~ 055 Occupancy requirements.

Any dwelling unit affordable to very low, low, or moderate income households created by this chapter shall be occupied by the qualified buyer or qualified tenant only. Ownership units shall be owner occupied. No sub-leasing or other transfer of tenancy of any ownership or rental unit created by this chapter is permitted. (1996 zoning code (part)).

18.35.~~055~~ 060 Resale of below market rate units.

Below market rate dwelling units created by this chapter may be resold at any time on the open market to a qualified buyer as defined herein. Deed restrictions shall be recorded against the property and included within the affordable housing agreement establishing the standards and criteria for management and rasale of each protected unit, including the specific criteria to define a qualified buyer for each protected unit. (1996 zoning code (part)).

18.35.065 Notice of Conversion

Owners of Below Market Rate rental units must provide the City and each building tenant with a notice of pending conversion of the unit from below market rate rent to market rent at least one year prior to the conversion. The notice shall be mailed by registered mail, return receipt requested.

18.35.~~060~~ 070 Enforcement.

The city planning department shall be responsible for enforcing the affordability provisions of this chapter. As part of an annual housing affordability report funded by the affordable housing fund, the department shall monitor the rental/resale of designated affordable units. Appropriate enforcement action will be taken in the event that violations of the chapter are revealed. (1996 zoning code (part)).

Chapter 18.39
HISTORIC RESOURCES PRESERVATION

Sections:

18.39.005 Intent and purpose.

The intent and purpose of this chapter:

A. Provide incentives to property owners desiring to participate in a program for the protection, preservation, enhancement, and perpetuation of those buildings, structures and areas of historic, architectural and engineering significance which contribute to the cultural heritage of the city.

B. Encourage conservation and preservation of historic buildings, structures, sites, objects and districts with the need to set standards for and implement other elements of the city's plans, policies, and programs.

C. Establish policies and procedures to meet the requirements for the city to qualify as a certified local government as defined in the National Historic Preservation Act of 1966. (1996 zoning code (part)).

18.39.010 Definitions.

The definitions set forth herein shall apply to any building or site designated as an historic resource on the historic resources inventory, and in conjunction with any process specified herein.

A. "Addition" means expansion of the size of a historic building or object by new construction physically connected with the existing structure or by the addition of a new building on the same site.

B. "Alteration" means any kind of exterior change to a historic building, site, or object. For purposes of this chapter, minor changes to the structure that do not alter the physical appearance of the building such as the replacement of windows or doors that do not affect the historical integrity of the building or site are not to be considered an alteration.

C. "Architectural" means anything pertaining to the science, art or profession of designing and constructing buildings.

D. "Contributing resource" means a building, site, structure, or object that adds to the historic architectural qualities, historic associations, or archaeological value for which a district is significant.

E. "Cultural" means anything pertaining to the concepts, skills, habits, arts, instruments or institutions of a given people at a given point in time.

F. "Demolition" means an act or process which destroys a building, structure, site, object or major portion thereof, or impairs their structural integrity.

G. "Historic" defines any building, site, structure, site or object which depicts, represents or is associated with persons or phenomena which significantly affect or which have significantly affected the functional activities, heritage, growth, or development of the city, state or nation.

H. "Historic district" means a defined area containing buildings, structures, sites, objects and spaces linked historically through location, setting, materials, workmanship, feelings and/or association. The significance of a district is the sense of time and place in history that its individual components collectively convey. This sense may relate to developments during one period or through several periods of history. For purposes of this chapter and the historic resource preservation ordinance, district shall not be construed to be a zoning district.

I. "Historic district review criteria" means standards of appropriate activity which will preserve the historic and architectural character of a building, structure, site, object or the atmosphere of an area.

J. "Historic landmark" means the first, last, only or most significant of a type in a region, over fifty years old, possessing integrity of original location and intangible elements of feeling and association.

K. "Historic resource" means any real property or improvement thereon such as a building, structure, object or archaeological excavation that is significant because of its location, design, setting, materials, workmanship, or aesthetic feeling and is designated as such by the city council pursuant to the provisions of this chapter.

L. "Historic resources inventory" means the list of historic resources in Half Moon Bay published in 1981 and updated in 1995 and officially adopted by resolution of the city council. For purposes of this chapter and Chapter 2.48 of the municipal code, the historic resources inventory may also be referred to as simply the inventory.

M. "Integrity" means the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic period.

N. "Maintenance and repair" means and includes the act or process of conserving or repairing a structure without modifying the form, detail, or type of material. Maintenance and repair includes the placement of a concrete foundation for buildings and structures listed on the city's historic resource and contributors inventory.

O. "Preservation" means the use of long-term or permanent safeguards to guarantee the viability of man-made resources and includes the identification, study, protection, rehabilitation, restoration or enhancement of historic resources.

P. "Significant" means having historic, archaeological, architectural, or engineering value. (1996 zoning code (part)).

18.39.015 Applicability.

The provisions of this chapter shall apply to any historic resource on the historic resources inventory when:

A. The owner of an historic resource on the historic resources inventory desires to secure the advantages and benefits of preserving identified historic resources;

B. The owner of an historic resource on the historic resources inventory desires to alter the building or site in such a manner as to compromise its attributes that qualify it for inclusion on the inventory. In these cases, the provisions of Section 18.39.030 shall be followed; or

C. The owner of an historic resource on the historic resources inventory desires to demolish a building or object on the inventory. In these cases, the provisions of Section 18.39.045 shall be followed. (1996 zoning code (part)).

18.39.020 Exemptions.

The provisions of this chapter do not apply to the following situations:

A. Repair, Maintenance and Correction of Unsafe Conditions. Nothing in this chapter shall be construed to prevent the normal maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material or external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the chief building inspector certifies that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California State Historical Building Code (Title 24, Part 8). However, only such work as is necessary to correct the unsafe or dangerous condition may be performed and only after obtaining any required building permit. In the event any structure or other feature is damaged by fire or other calamity, the chief building inspector may specify, prior to any required review by the planning director, or the planning commission serving as the historic preservation commission, the amount of repair necessary to correct an unsafe condition. Such determination shall be made in conformance with the provisions of Public Resources Code Section 5028.

1. Prior to the issuance of a building permit for any proposed minor or routine maintenance or reconstruction, the planning and building director shall determine if the proposed work requires further review by the architectural review committee and planning commission serving as the historic preservation commission in accordance with the provisions of this chapter.

2. In the event the planning and building director determines the proposed alteration requires review by the architectural review committee and planning commission serving as the historic preservation commission in accordance with the provisions of this chapter or Chapter 2.48 of the municipal code, the property owner shall be notified in writing within five days of that determination and shall be informed of the process to be followed.

B. Alteration Covered by Plan. Any alteration or other work which conforms to an adopted historic resource plan as defined herein that has been approved by the planning commission serving as the historic preservation commission.

C. Nonhistoric Landscape Elements. Removal, alteration, or maintenance of landscape material at any building or site identified as an historical resource on the historical resource inventory unless the landscape elements are specifically identified as historic elements in an adopted historic resource plan.

D. Contributor Exemption. The provisions of this chapter do not apply to those buildings or sites identified as a contributor on the historic resources inventory and contributors list. (1996 zoning code (part)).

18.39.025 Land use regulations.

A. Underlying Zoning. Except as provided for herein, properties on the historic resources inventory are subject to the land use and development regulations of the underlying zoning district in which the historic resource exists.

B. Zoning Exceptions. Existing designated buildings, structures, sites or objects shall not be subject to the adopted development standards of the underlying zoning district such as height, floor area ratio, lot coverage, and setbacks if strict compliance with those provisions adversely affects the ability of the property owner to restore an identified historic resource and qualify for consideration as an historic landmark.

C. Hearing. Following notice of hearing pursuant to the provisions of this title, the planning commission serving as the historic preservation commission may grant an exception to any development standard set forth in the underlying zoning district regulations in conjunction with the approval of an historic preservation permit when such exception is necessary to permit the preservation, restoration, or improvements to, a building, structure, site or object listed on the historic resources inventory and contributors list. Such exceptions may include, but not be limited to parking, yards, height and

coverage regulations. Such exceptions shall not include approval of uses not otherwise allowed by the zoning district regulations.

D. New Construction. In those cases where a property owner desires to modify a designated historic resource in any manner that is not consistent with the restoration of the building to its original condition, all new construction on a designated site shall be subject to all of the development standards of the underlying zoning district and to the procedures set forth herein. (1996 zoning code (part)).

18.39.030 Alteration of any historic resource on the inventory.

Prior to the issuance of a building permit to alter or add to any building or object on the historic resources inventory, the procedures set forth in this section shall be followed.

A. Participation Procedures. In the event the property owner desires to participate in the historic preservation process set forth herein and in Chapter 2.48 of the municipal code and receive the benefits thereof, the procedures set forth in Section 18.39.035, Historic preservation permit, shall be followed.

B. Nonparticipation Procedures. In the event the property owner does not desire to participate in the historic preservation process set forth herein and in Chapter 2.48 of the municipal code and desires to alter the building site, or object in such a manner as to compromise the historic integrity of the building, site, or object, the following shall apply:

1. The building, site, or object shall be photographically recorded to historic American building survey standards; measured drawings at an appropriate scale shall be prepared; and any other recordation appropriate to the significance of the historic resource or landmark deemed necessary and appropriate to the satisfaction of the planning commission serving as the historic preservation commission shall be submitted.

2. Within thirty days of the submittal of the information required by this section, the planning commission serving as the historic preservation commission shall determine if the photographic record, measured drawings, or other recordation material required and submitted is adequate to establish a record of the resource.

3. The planning commission serving as the historic preservation commission shall notify the planning and building director immediately upon making a determination that the information is adequate.

4. Two copies of all required documentation shall be submitted to the planning and building director prior to the issuance of any permits. (1996 zoning code (part)).

18.39.035 Historic preservation permit.

Should the owner of an historic resource on the historic resources inventory desire to have the resource considered for inclusion on the National Register of Historic Places and the State Register of Historic Resources, and desire to restore or alter the building, site, or object in any manner that requires the issuance of a building permit prior to restoration or alteration, the process specified herein for approval of an historic preservation permit shall be followed prior to the issuance of any building permits.

A. Application. Application for an historic preservation permit shall be made on forms provided by the planning department and shall contain whatever detailed information as is required to review the application.

B. ARC Review. The architectural review committee shall review all proposed alterations or additions or modifications to the exterior elevations that would result in a change to the appearance to any building or object on the historic resources inventory. The architectural review committee shall forward its recommendation to the planning commission serving as the historic preservation commission.

C. Historical Society. The planning director shall forward a copy of the historic preservation permit application and plans to the Spanish town historical society at least twenty-one days prior to the date the planning commission considers the application. The Spanish town historical society shall submit any comments or recommendations to the

planning department at least seven days prior to the date the planning commission considers the application.

D. Required Review. The planning commission serving as the historic preservation commission shall review the recommendations of the architectural review committee and Spanish town historical society and shall determine, by resolution, if the proposed alterations and additions are consistent with the provisions of this chapter and forward its recommendation to the city council.

E. Finding of Consistency. Should the city council find that the proposal is consistent with the provisions of this chapter, the city council shall, by resolution, designate the site an historic landmark.

F. Support of Incentives. The city council shall support any such tax incentives, mutual covenants, protective covenants, purchase options, preservation easements, building, fire, health and city code modifications and any other methods deemed mutually agreeable between city and landowner which will help preserve historic resources. (1996 zoning code (part)).

18.39.040 Findings for approval of any alteration to an historic resource.

In reviewing applications for additions to, or exterior alteration of any historic resource, the architectural review committee, planning commission serving as the historic preservation commission, shall be guided by the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and any design criteria adopted by ordinance or resolution of the city. An historic preservation permit for alteration of a designated historic resource shall be approved only upon the following findings of fact:

A. The proposed work is consistent with an adopted historic resource plan; or

B. The proposed work is necessary for the maintenance of the historic building, structure, site or object in its historic form, or for restoration to its historic form; or

C. The proposed work is a minor change which does not affect the historic fabric of the building, structure, site or object; or

D. The proposed alteration retains the essential architectural elements which make the resource historically valuable; or

E. The proposed alteration maintains continuity and scale with the materials and design context of the historic resource to the maximum extent feasible;

F. The proposed alteration, as conditioned, does not significantly and adversely affect the historic, archaeological, architectural, or engineering integrity of the resource;

G. The architectural review committee and planning commission serving as the historic preservation commission have reviewed the project and any necessary and appropriate conditions of approval have been incorporated into the final project plans. (1996 zoning code (part)).

18.39.045 Demolition of any historic resource on the inventory.

Prior to authorizing the issuance of a demolition permit to remove any building or object on the historic resources inventory from a site, the procedures set forth in this section shall be followed:

A. The property owner shall submit evidence from a qualified professional that the building or object is a hazard to public health or safety and repairs or stabilization are not feasible; or

B. The property owner shall submit a written statement indicating that there is no viable economic use of the building or object in its present configuration or condition, and it is not feasible to derive a reasonable economic return from the building or object in its present configuration or condition; and

C. The property owner shall submit a written statement indicating that the building or object has been offered as a donation to a responsible organization such as the Spanish

~~town historical society for relocation to an appropriate receptor site for preservation. (1996 zoning code (part)).~~

~~18.39.050 Documentation of historic resource to be demolished.~~

~~A. Photographic Record. Prior to the issuance of a demolition permit, the building, site, or object shall be photographically recorded to historic American building survey standards; measured drawings at an appropriate scale shall be prepared; and any other recordation appropriate to the significance of the historic resource or landmark deemed necessary and appropriate to the satisfaction of the planning commission serving as the historic preservation commission shall be submitted.~~

~~B. Establishing a Record. Within thirty days of the submittal of the information required by this section, the planning commission serving as the historic preservation commission shall determine if the photographic record, measured drawings, or other recordation material required and submitted is adequate to establish a record of the resource.~~

~~C. Determination. The planning commission serving as the historic preservation commission shall notify the planning and building director immediately upon making a determination that the information is adequate.~~

~~D. Copies of Documentation. Two copies of all required documentation shall be submitted to the planning and building director prior to the issuance of any permits. (1996 zoning code (part)).~~

~~18.39.055 Adoption of state Historical Building Code.~~

~~The California State Historical Building Code shall be the adopted standards for all construction and alteration of historical buildings and structures in the city. This shall include structures on existing or future national, state or local historic registers or official inventories such as the National Register of Historic Places, the California registered historical landmarks, the California points of historical interest, the California register of historic resources, and city or county registers or inventories of historical or architecturally significant sites, places, historic resources and districts. (1996 zoning code (part)).~~

~~18.39.060 Fees.~~

~~The fees for review by the architectural review committee, planning commission serving as the historic resources commission, and city council, shall be set annually by resolution of the city council. (1996 zoning code (part)).~~

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CHAPTER 18.42
RESIDENTIAL DENSITY BONUS

Sections:

Section 18.42.010 Purpose.

The purpose of this Density Bonus Ordinance is to provide a means for granting density bonuses and incentives in compliance with Government Code Sections 65915 through 65917, as it now exists or may hereafter be amended. This Chapter provides density bonuses and incentives for projects that are affordable to very low, low, and moderate income households and projects restricted to occupancy by senior citizens.

Section 18.42.020 Definitions.

Unless otherwise specified in this chapter or unless the context plainly requires otherwise, the words and phrases used in this shall have the meanings defined in Chapter 18.02 and the meanings attributed to them in Government Code Section 65915 et seq.

"Project" or "development" as used in this section, means a residential or mixed-use (e.g., mixture of residential uses with commercial, office, or other uses) project for five or more residential units. For the purposes of this section, "project" also includes a subdivision or common interest development, as defined in Section 1351 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

"Density bonus" means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county.

"Affordable housing unit" means any extremely low, very low, low, or moderate income unit created pursuant to this chapter.

"Senior housing unit" means any housing unit restricted to occupancy by a senior citizen household pursuant to this chapter.

Section 18.42.030 Eligibility for Density Bonus and Incentives.

In order to be eligible for a density bonus and other incentives as provided by this chapter, a proposed project shall comply with the following requirements and satisfy all other applicable provisions of this Zoning Code, except as otherwise provided by this chapter.

A. Types of Projects. The provisions of this chapter shall apply to:

1. New residential projects of 5 or more dwelling units, regardless of the type of dwelling units proposed;

2. New mixed-use developments which include at least 5 dwelling units;

3. Renovation of one or more multi-family residential structures containing at least 5 units so as to result in a net increase the number of residential units.

4. Development that will change the use of an existing building from nonresidential to residential and that will provide at least 5 residential units.

5. Developments that include the conversion of at least 5 residential rental units to ownership housing.

B. Affordability and Age Requirements. Projects receiving a density bonus, incentives, and/or concessions under this chapter shall include at least one of the following:

1. A minimum of 10 percent of the proposed dwelling units are for low income households; or

2. A minimum of 5 percent of the proposed dwelling units are for very low or extremely low income households; or

3. A minimum of 10 percent of the total dwelling units in a common interest development, as defined in Civil Code Section 1351, are for persons and families of moderate income, provided that all units in the Development are offered to the public for purchase.

4. A senior citizen project or a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 51.2, 51.3, 798.76, or 799.5.

5. Length of Affordability. Projects that provide extremely low, very low, and low income units shall provide the units at affordable rents to eligible households for a minimum period of 30 years, beginning at the initial occupancy of each affordable housing unit, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Projects that provide moderate income units in a common interest development shall ensure the initial occupancy of the unit by a moderate income household and the occupancy and resale of the unit shall be governed by an affordable housing agreement. Senior citizen projects shall be restricted to occupancy by senior citizens in perpetuity.

Section 18.42.040 Amount and Calculation of Density Bonus.

A project that complies with the eligibility requirements of Section 18.42.030 shall be entitled to a density bonus. The applicant shall elect whether the Density Bonus shall be awarded on the basis of paragraphs 1, 2, 3, 4, 5, or 6 of this subsection. The applicant may request a smaller density bonus.

A. Bonus for Units for Very Low Income Households. For developments that include 5 percent of the total dwelling units for very low income households, the density bonus shall be calculated as follows:

Table 18.42-1 Very Low Income

Percentage of Base Units Proposed	Density Bonus Percentage
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

B. Bonus for Units for Low Income Households. For developments that include 10 percent of the total dwelling units for low income households, the density bonus shall be calculated as follows:

Table 18.42-2 — Low Income

Percentage of Base Units Proposed	Density Bonus Percentage
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

C. Bonus for Units for Moderate Income Households. For developments that include 10 percent of the total dwelling units in a common interest development for persons and families of moderate income, the density bonus shall be calculated as follows:

Table 18.42-3 — Moderate Income

Percentage of Base Units Proposed	Density Bonus Percentage
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

D. Bonus for Senior Citizen Housing. For an eligible senior citizen project, the density bonus shall be 20 percent of senior citizen housing units.

E. Bonus for Land Donation. When an applicant for a residential development agrees to donate land to the City for very low income households, the applicant shall be entitled to a density bonus for the entire market rate development, provided that nothing in this Subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.

1. Density Bonus. The applicant shall be entitled to an increase above the maximum allowed residential density for the entire market-rate residential development shall be calculated as follows:

Table 18.42-4 — Very Low Income Units

Percentage of Very Low Income Units Accommodated	Density Bonus Percentage
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

The Density Bonus for land dedication shall be in addition to any other density bonus allowed by this chapter, up to a maximum total density bonus of 35 percent.

2. Eligibility for Land Donation Bonus. An applicant shall be eligible for the increased Density Bonus described in this section if all of the following conditions are met:

a. The applicant donates and transfers the land to the City no later than date of approval by the City of the final subdivision map, parcel map, or residential development seeking the density bonus.

b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of market-rate residential units of the proposed development.

c. The transferred land: a) is at least one acre in size or of sufficient size to permit development of at least 40 units; b) has the appropriate General Plan designation and is appropriately zoned for development of very low income housing; c) is or will be served by adequate public facilities and infrastructure for the development of very low income housing; d) has appropriate zoning and development standards to make the development of the very low income housing units feasible; and e) has all of the permits and approvals, other than building

permits, necessary for the development of the very low income housing units, except that the City may subject the proposed development to subsequent design review, if the design is not reviewed by the City prior to the transfer.

d. The transferred land and very low income housing units shall be subject to a deed restriction, which shall be recorded on the property upon dedication, ensuring continued affordability of the units for a 30-year period.

e. The land is transferred to the City or to a housing developer approved by the City.

f. The transferred land is within the proposed development or, if approved by the City, within one-quarter mile of the boundary of the proposed development.

g. A proposed source of funding for the development of very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

F. Bonus for Condominium Conversions. When a development is the conversion of an existing apartment complex to a condominium complex and the applicant agrees to make at least 33 percent of the total units of the development affordable to moderate income households for 30 years, or 15 percent of the total units of the proposed development affordable to lower income households for 30 years, and agrees to pay for the administrative costs incurred by the City to process the application and to monitor the continued affordability and habitability of the affordable housing units, the City shall either:

1. Grant a Density Bonus of 25 percent, or

2. Provide other incentives of equivalent financial value as determined by the City. An Applicant shall be ineligible for a Density Bonus or other incentives under this section if the apartments proposed for conversion are part of a project for which a density bonus or other incentives were previously provided under this chapter or Government Code Section 65819 et seq.

G. Calculation of Density Bonus.

1. All density calculations resulting in fractional units shall be rounded up to the next whole number.

2. For the purposes of this chapter "total dwelling units" does' not include units added by a density bonus awarded pursuant to this section or any other density bonus allowed by the City of Half Moon Bay or state law.

3. If the site of a development proposal that requests a density bonus is located in two or more General Plan designations or zoning districts, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zones. The permitted number of dwelling units may be distributed within the development without regard to the zone boundaries.

4. If the applicant desires to develop a density bonus project available to a mix of income levels or age groups, the project may combine its allowed density bonus, based on calculations approved by the Planning Director, to a maximum density bonus of 35 percent.

5. The density bonus shall be based on "maximum allowable residential density" which means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

6. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the project other than the areas where the units for the lower income households are located.

Section 18.42.050 incentives and Concessions.

When an applicant seeks a density bonus or seeks to donate land for housing, the City shall provide the applicant with incentives or concessions for the production on housing units and child care facilities. The applicant must submit a density bonus application, as described in

Section 18.42.100, identifying the specific incentives or concessions that the applicant requests.

A. Granting of Incentive. When an applicant seeks a density bonus or seeks to donate land for housing, the City shall provide the applicant with incentives or concessions for the production of housing units and, if applicable, child care facilities. The City shall grant the incentive or concession requested by the applicant unless the City makes any of the following written findings, based upon substantial evidence:

1. The incentive or concession is not required to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units set as specified in Sections 18.42.030 and 18.42.040; or

2. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety, the physical environment, or on any real property that is listed in the California Register of Historic Resources, the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rending the development unaffordable to low and moderate income households; or

3. The incentive or concession would be contrary to State or Federal law.

B. Number of Incentives. The City shall grant the following number of incentives, except as provided in Section 18.42.050(A):

1. A total of one incentive or concession for a project that includes: at least 10 percent of the total units affordable to low income households, at least 5 percent of the total units affordable to very low income households, or at least 10 percent of the total units affordable to persons and families of moderate income in a common interest development.

2. A total of two incentives or concessions for a project that includes: at least 20 percent of the total units affordable to low income households, at least 10 percent of the total units affordable to very low income households, at least 20 percent of the total units affordable to persons and families of moderate income in a common interest development, at least 50 percent of the total units provide housing for disabled persons, or at least 50 percent of the total units provide housing for farmworkers

3. A total of three incentives or concessions for a development that makes: at least 30 percent of the total units affordable to low income households, at least 15 percent of the total units affordable to very low income households, or at least 30 percent of the total units affordable to persons and families of moderate income in a common interest development.

C. Types of Incentives or Concessions. For the purposes of this chapter, "incentive" or "concession means any of the following:

1. A reduction in the site development standards that results in identifiable, financially sufficient, and actual cost reductions. The reduction may include, but is not limited to:
   a. Reduced minimum lot sizes and/or dimensions,
   b. Reduced minimum setbacks,
   c. Increased maximum building height,
   d. Reduced onsite open-space requirements,
   e. Increased maximum lot coverage,
   f. Increased floor area ratio, or
   g. Reduced parking requirements.

2. A reduction in architectural design requirements that exceeds the minimum building standards approved by the California Building standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions.

3. Approval of mixed use development in conjunction with the proposed development if non-residential uses will reduce the development cost of the residential portion of the proposed development, and if the non-residential uses are compatible with the proposed development and with existing or planned development in the area.

4. Expedited project processing. The project will receive expedited project processing, which will include:

Mandatory Preliminary Review Meeting. An applicant requesting expedited project processing must participate in a mandatory preliminary review meeting prior to submittal of the project application.

a. 10 Business Day Review for Completeness. The review period to determine completeness of the project application will be reduced from 30 calendar days to 10 business days.

b. First Review Cycle. The project application will be provided to all appropriate agencies for a review period of 20 business days.

c. Project Review Meeting. Within 10 business days after the first review cycle, a project review meeting will be held with the City and applicant.

d. Subsequent Review Cycles (if needed). 15 business days.

e. Project Consideration. Upon completion of the third review cycle and completion of the environmental document, at the applicant's request the City will schedule the project for a public hearing, if required and for project consideration by the decision-making body.

f. Carrying. Capacity. No more than two residential projects may receive expedited project processing during any given period. Expedited review of residential projects shall not result in increased review times for priority coastal uses, as defined by the Local Coastal Program.

5. Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable, financially sufficient, and actual cost reductions.

6. A direct financial contribution, waiver of fees, or reduction of fees, when financially feasible, at the sole discretion of the City Council. Nothing in this chapter shall be construed to require the provision of direct financial incentives for the development, including the provision of publicly owned land by the City or other waiver of fees or dedication requirements.

Section 18.42.060 Parking Requirements.

A. Maximum Parking Standards. Upon the request of the applicant, the City shall not require a parking standard, inclusive of handicapped and guest parking, of a project that exceeds the following ratios:

1. Zero to one bedroom: one onsite parking space.
2. Two to three bedrooms: two onsite parking spaces.
3. Four and more bedrooms: two and one-half parking spaces.

B. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

C. For purposes of this section, a development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.

D. This subdivision shall only apply at the specific written request of the applicant to a development that meets the requirements the criteria of Section 18.42.030. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to Section 18.42.050.

Section 18.42.070 Density Bonus and Incentives for Child Care Facilities.

For the purposes of this chapter, "child care facility" is defined as means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

A. Allowable Density Bonus and Incentives. When an applicant proposes to construct a development that conforms to the requirements of Section 18.42.030 and includes a child care facility located on the premises, or as part of, or adjacent to, the development, the City shall grant either of the following:

1. An additional density bonus of 5 percent provided that the total density bonus for the project does not exceed 35 percent. The density bonus is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility and shall not exceed a maximum of 5 square feet of floor area of new structures for each 1 square foot of floor area contained in the child care facility; or

2. An additional incentive or concession designated by the City that contributes significantly to the economic feasibility of the construction of the Child Care Facility.

B. Conditions of Approval. The City shall require, as conditions of approving the development that:

1. The child care facility shall remain in operation as long as or longer than the time period during which the affordable housing units are required to remain affordable pursuant to the affordable housing agreement; and

2. Of the children who attend the child care facility, the children of very low income households, low income households, moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are made affordable to very low income households, low income households, moderate income households pursuant to Sections 18.42.030 and 18A2.040.

C. Notwithstanding any requirement of this chapter, the City need not provide a density bonus, incentive, or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

Section 18.42.080 Approvals.

A. The granting of a density bonus, incentive, and/or concession shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, local coastal plan amendment, or other discretionary approval.

B. The density bonus, incentive, and concessions requested shall be granted unless the City denies specific incentives and/or concessions based on the findings set forth at Section 18.42.050. The entity with approval authority for the Coastal Development Permit, subdivision map, parcel map, site plan approval, or other primary entitlement requested by the applicant shall consider the requested incentives and concessions based on the findings set forth at Section 18.42.050.

Section 18.42.090 Design, Distribution and Timing of Development of affordable housing units.

A. affordable housing units must be constructed concurrently with market-rate units. affordable housing units shall be integrated into the project and be comparable in infrastructure (including sewer, water and other utilities), construction quality, and exterior design to the market-rate units. The affordable housing units must also comply with the following criteria:

1. Rental Developments: Rental units shall be integrated within and reasonably dispersed throughout the project. All affordable housing units shall reflect the range and numbers of bedrooms provided in the project as a whole, and shall not be distinguished by design, construction or materials.

2. Owner-occupied Developments: Owner-occupied units shall be integrated within the project. Affordable housing units may be smaller in size and have different interior finishes and features than market-rate units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing as determined by the Planning Director. All affordable housing units shall reflect the range and numbers of bedrooms provided in the project as a whole, except that affordable housing units need not provide more than four bedrooms.

B. No building permits will be issued for market-rate units until permits for all affordable housing units have been obtained, unless affordable housing units are to be constructed in phases pursuant to a plan approved by the City.

C. Market-rate units will not be inspected for occupancy until all affordable housing units have been constructed, unless affordable housing units are to be constructed in phases pursuant to a plan approved by the City.

Section 18.42.100 Density Bonus Request.

In order to receive a density bonus, concessions, and/or incentives pursuant to this chapter, an Applicant must submit to the City a Density Bonus Request which will be treated as part of the development application. At any time during the review process, the Planning Director may require from the applicant additional information reasonably necessary to clarify and supplement the application or to determine the development's consistency with the requirements of this chapter. The Density Bonus Request shall include the following:

A. A description of the project, including the total number of proposed market rate units, affordable housing units, and/or senior housing units;

B. The zoning and General Plan designations and assessor's parcel number(s) of the project site;

C. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveways and parking layout;

D. A description of the concessions or incentives requested;

E. If an additional incentive(s) is requested, the application shall describe why the additional incentive(s) is necessary to provide the affordable housing units;

F. The draft affordable housing unit Plan meeting the requirements described in Section 18.42.110; and

G. Any other information reasonably requested by the City to aid in the implementation of this chapter.

Section 18.42.110 Affordable Housing Unit Plan.

An applicant shall submit an affordable housing unit plan as part of the density bonus request.

The affordable housing unit plan shall include the following:

A. The location, structure (attached, semi-attached, or detached), proposed tenure (sale or rental), and size of proposed market-rate, and affordable housing units and the proposed tenure and size of non-residential uses included in the Development.

B. A floor or site plan depicting the location of the affordable housing units and a floor plan describing the size of the affordable housing units in square feet;

C. The income level to which each affordable housing unit will be made affordable;

D. Draft of the documents to be used to assure that the units remain affordable for the desired term, such as resale and rental restrictions, deed of trust, and rights of first refusal and other documents;

E. For phased developments, a phasing plan that provides for the timely development of affordable housing units in proportion to other housing units in each proposed phase of development as required by this article;

F. A marketing plan that describes how the applicant will inform the public and those within the appropriate income groups, of the availability of affordable housing units;

G. A financial report (pro forma) to evaluate: i) whether the concessions or incentives sought would result in identifiable, financially sufficient, and actual cost reductions and ii) whether the concessions or incentives sought would reduce the cost of the project; and,

H. Any other information reasonably requested by the Planning Director to assist with evaluation of the affordable housing unit Plan.

Section 18.42.120 Affordable Housing Agreement.

Applicants, including the property owner, receiving a density bonus, incentives, and/or concessions pursuant to this chapter shall enter into an affordable housing agreement with the city.

A. Condition of Approval. An affordable housing agreement shall be a condition of approval for all residential developments subject to this chapter and shall be recorded as a restriction on any residential development on which the affordable and/or senior housing units will be constructed.

B. Timing. The affordable housing agreement shall be recorded prior to or concurrently with final parcel map or final subdivision map approval, or, where the residential development does not include a map, prior to issuance of a building permit for any structure in the residential development. The affordable housing agreement shall run with the land and bind all future owners and successors in interest.

C. Duration. The affordable housing agreement shall be binding on all future owners and successors in interest for the applicable affordability period, which shall begin at the initial occupancy, of each affordable housing unit. Senior projects shall be restricted to occupancy by senior citizens in perpetuity.

D. Contents. The affordable housing agreement shall address the occupancy, affordability, resale, and other restrictions identified at Government Code Section 65915(c) and shall include the following, at a minimum without limitation:

1. The total number of units approved for the residential development and the number, location, and level of affordability of the affordable and senior units.

2. Standards for determining affordable rent or affordable ownership cost for the affordable units.

3. The location, unit size in square feet, and number of bedrooms of the affordable and senior units.

4. Provisions to ensure initial and continuing affordability, including the execution and recordation of subsequent agreements.

5. A schedule for completion and occupancy of affordable and senior units in relation to construction of market rate units.

6. A description of remedies for breach of the agreement by either party. The city may identify tenants or qualified purchasers as third party beneficiaries under the agreement.

7. Procedures for qualifying tenants and prospective purchasers of affordable and senior units.

8. Provisions requiring maintenance of records to demonstrate compliance with this chapter.

9. Provisions requiring fair housing practices, as defined by the California Fair Employment and Housing Act (Government Code Section 12900 et.seq.) in the marketing, rental, or sale of any affordable housing unit.

10. Other provisions to ensure implementation and compliance with this chapter.

Section 18.42.140 Child Care Facility Agreement.

In addition to addressing the requirements of Section 18.42.070, a Child Care Facility Agreement for a project shall provide the following conditions governing the use and operation of the child care facility during the use restriction period:

A. If the developer uses space allocated for child care facility purposes, in accordance with Chapter 18.42, for purposes other than for a child care facility, an assessment based on the square footage of the project shall be levied and collected by the City. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project shall be levied and collected by the City. The assessment shall be consistent with the market value of the space. If the assessment is levied against a consortium of developers, the assessment shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this requirement shall be deposited by the City into a special account to be used for child care services or child care facilities.

B. Once the child care facility has been established, the facility shall not be closed, undergo change in use, or be reduced in physical size unless the City makes a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

Section 18.42.150 Administrative Fee.

The City shall charge an Administrative Fee to applicants to cover the City's cost of ongoing enforcement of this section. The amount of the Administrative Fee shall be established from time-to-time by City Council resolution. Fees will be charged for, inter alia, staff time and materials associated with: review and approval of applications for the project; project marketing and lease-up materials associated with the affordable housing units; and long-term compliance with the applicable provisions of this chapter.

Section 18.42.160 Compliance.

A. The provisions of this chapter shall apply to all agents, successors and assignees of an applicant receiving a density bonus, incentive, and/or concession pursuant to this chapter. No tentative map, use permit, special development permit or occupancy permit shall be issued for any project that has been granted a density bonus under this section unless that map or permit is exempt from or in compliance with the requirements of this chapter.

1. In addition to any other powers or duties prescribed by law, the Planning Director shall have the following powers and duties in relation to this chapter:

a. To monitor compliance with the provisions of this part and to refer to the city attorney for appropriate action any person violating the provisions of this chapter; and

b. To administer this chapter.

B. The City Attorney shall be authorized to enforce the provisions of this chapter, all agreements entered into pursuant to this chapter, and all other requirements of this chapter, by civil action and any other proceeding or method permitted by law.

C. The City may, at its discretion, take such enforcement action as is authorized under any provision of the Municipal Code and/or any other action authorized by law or by any agreement executed pursuant to this chapter.

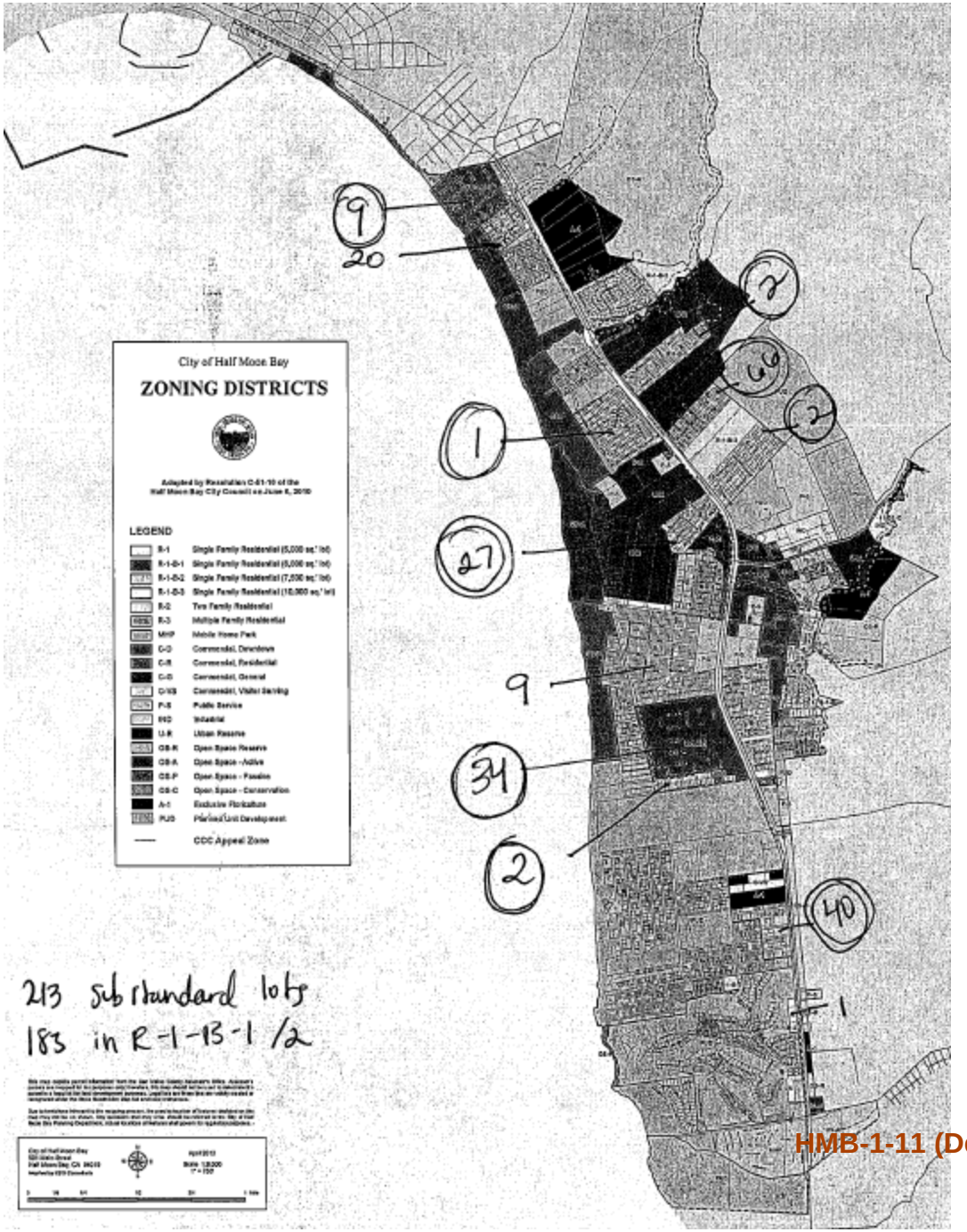
D. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including but not limited to actions to revoke, deny, or suspend any permit or project approval.

E. If the Planning Director determines that rents in excess of those allowed by the affordable housing agreement have been charged to a tenant residing in a rental affordable housing unit, the City may take the appropriate legal action to recover, and the rental unit owner shall be obligated to pay to the tenant (or to the City in the event the tenant cannot be located), any excess rent paid.

F.If the Planning Director determines that a sales price in excess of that allowed by the affordable housing agreement has been charged for an ownership affordable housing, the City may take the appropriate legal action to recover, and the seller of the affordable housing unit shall be obligated to pay to the purchaser (or to the City in the event the purchaser cannot be located), any excess sales costs.

G. Failure of any official or agency to enforce the requirements of this chapter shall not constitute a waiver or excuse any applicant or owner from the requirements of this chapter. No permit, license, map, or other approval or entitlement for a residential development shall be issued, including without limitation a final inspection or certificate of occupancy, until all applicable requirements of this chapter have been satisfied.

H. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the city from any other remedy or relief to which it otherwise would be entitled under law or equity.


City of Half Moon Bay
ZONING DISTRICTS
Adopted by Resolution C-61-10 of the Half Moon Bay City Council on June 6, 2010
LEGEND
R-1 Single Family Residential (5,000 sq.' lot)
R-1-B-1 Single Family Residential (5,000 sq.' lot)
R-1-B-2 Single Family Residential (7,500 sq.' lot)
R-1-B-3 Single Family Residential (10,000 sq.' lot)
R-2 Two Family Residential
R-3 Multiple Family Residential
MHP Mobile Home Park
C-D Commercial, Downtown
C-R Commercial, Residential
C-G Commercial, General
C-VS Commercial, Visitor Serving
P-S Public Service
IND Industrial
U-R Urban Reserve
OS-R Open Space Reserve
OS-A Open Space - Active
OS-P Open Space - Passive
OS-C Open Space - Conservation
A-1 Exclusive Floriculture
PUD Planned Unit Development
CDC Appeal Zone
9
20
2
60
2
1
27
9
34
2
40
1
213 substandard lots
183 in R-1-B-1 /2

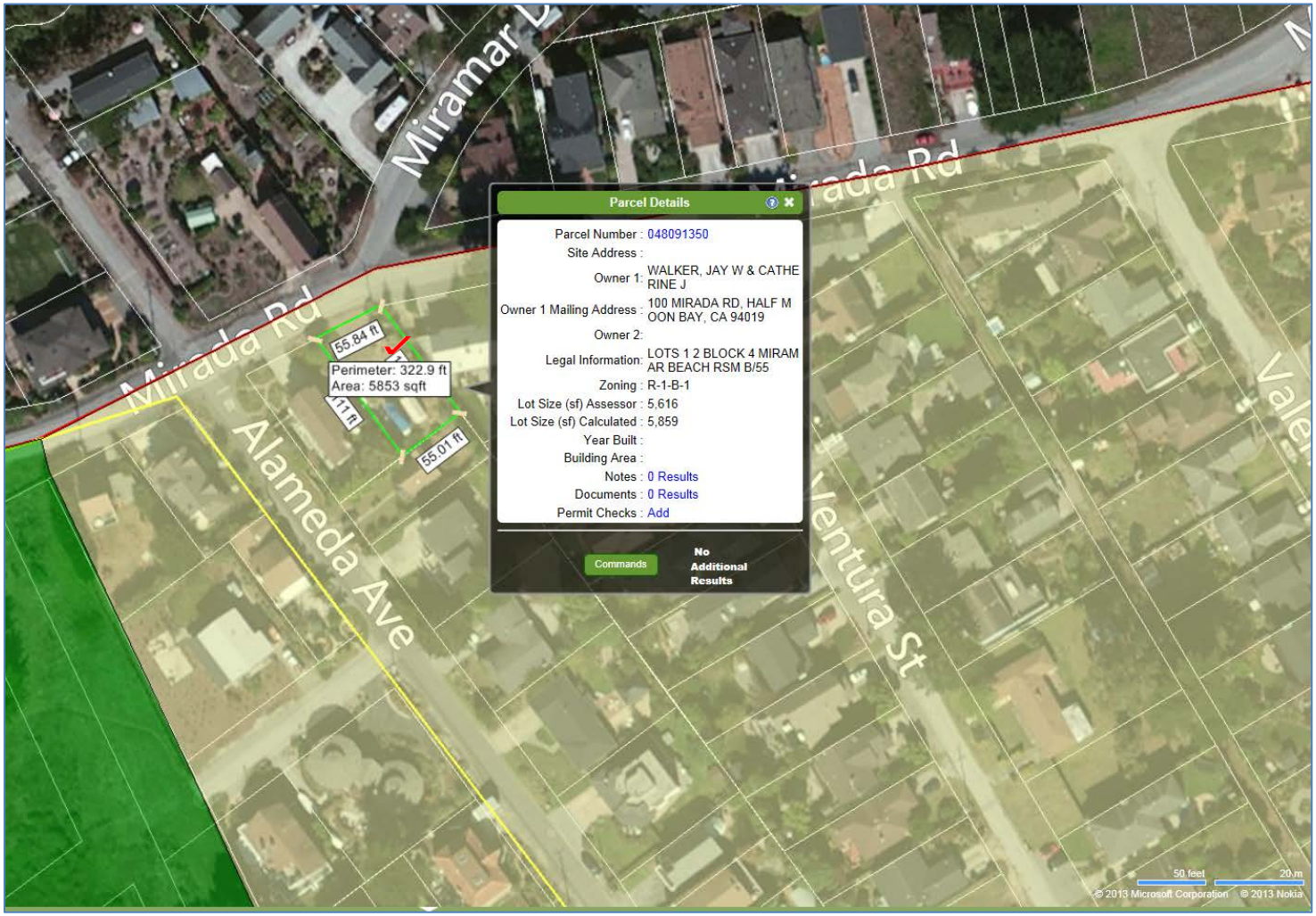
Zoning Designation	total vacant lots	total substandard	% substandard	Currently Undeveloped Exceptional Lots	Undevelopable Lots	% substandard without undevelopable
R-1	76	29	38.16		3	34.21
R-1-B-1	55	43	78.18	1	11	58.18
R-1-B-2	207	140	67.63	78	2	66.67
R-1-B-3	2	1	50.00		1	0.00
Totals	340	213	58.49		17	39.76

Estimated Number of Existing Exceptional Lots (developed)		Zoning	Estimated Percentage Exceptional
Grandview	3/7 are exceptional	R-1-B-2	43
Belleville	4/5 are exceptional	R-1-B-2	80
Areleta Park	1/5 are exceptional	R-1-B-1	20
Mira Mar	3 lots are exceptional	R-1-B-1	1
Van Ness / Dolores Ave	0	R-1-B-2	0
South of Magnolia	0	R-1-B-2	0
Arroyo Leon/Downtown	1/2 are exceptional	R-1-B-2	50
Highland Park	1/5 are exceptional	R-1-B-2	20
CDM/Kehoe	3/4 are exceptional	R-1-B-2	75
Sea Haven (Spindrift)	4/5 are exceptional	R-1-B-2	80
Ruisseau Francais	1/5 are exceptional	R-1-B-2	20
			35.4 %

The following lots are undeveloped and potentially exceptional in R-1-B-1 and R-1-B-2.

R-1-B-1: Between 5,000 and 6,000 lot size and at least 50' mean lot width.

Mira Mar neighborhood has 1 undeveloped lot that meet these criteria. This is the only undeveloped lot in R-1-B-1 identified.

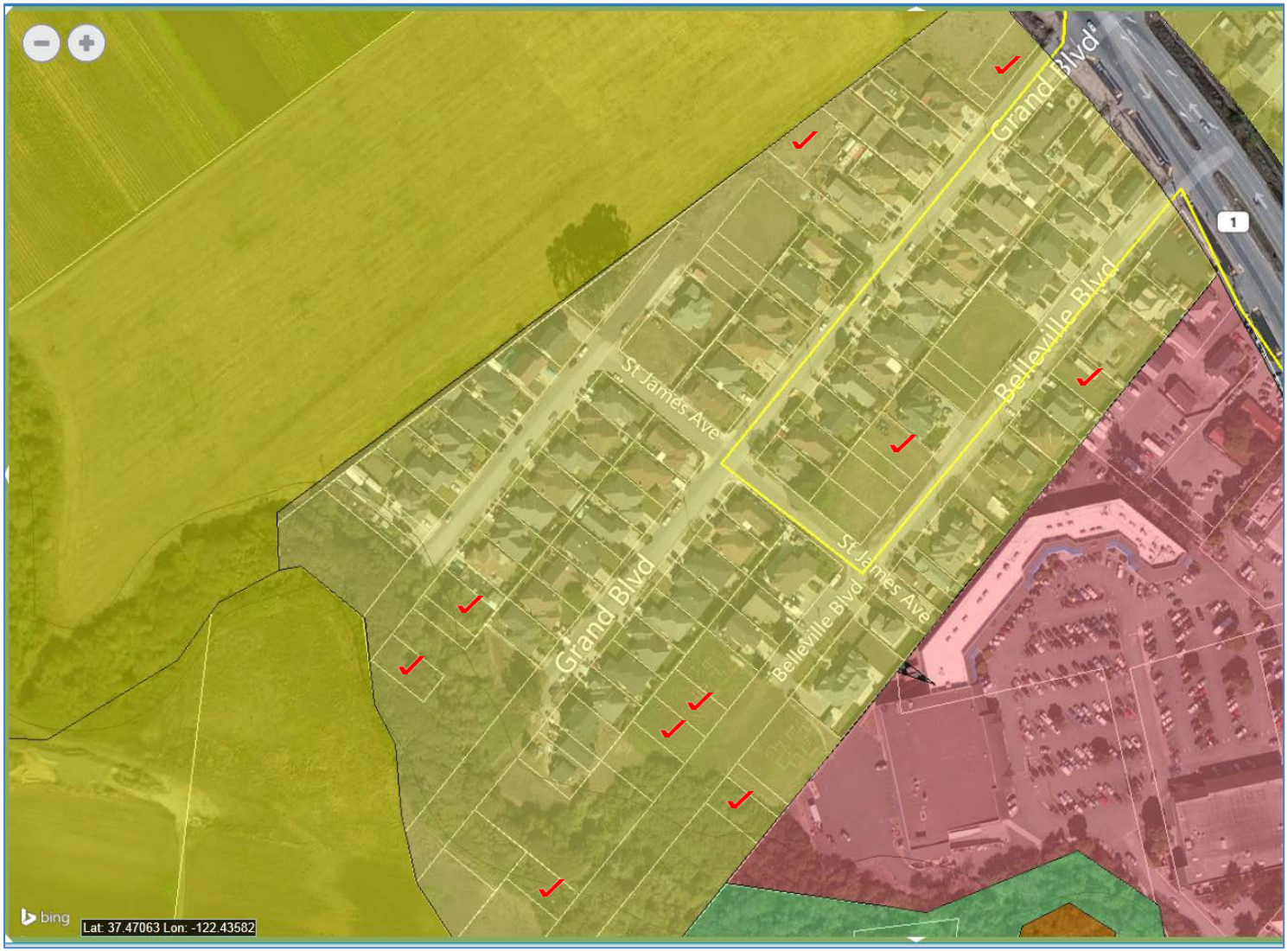


R-1-B-2: Between 5,000 and 7,500 lot size and at least 50’ mean lot width.

End of Grandview has 42 undeveloped lots that meet these criteria.

R-1-B-2: Between 5,000 and 7,500 lot size and at least 50’ mean lot width.

Belleville neighborhood has 10 undeveloped lots that meet these criteria.



R-1-B-2: Between 5,000 and 7,500 lot size and at least 50’ mean lot width.

Van Ness / Dolores Ave neighborhood has 21 undeveloped lots that meet these criteria.

R-1-B-2: Between 5,000 and 7,500 lot size and at least 50’ mean lot width.

South of Magnolia Street neighborhood has 2 undeveloped lots that meet these criteria.

R-1-B-2: Between 5,000 and 7,500 lot size and at least 50’ mean lot width.

Highland Park neighborhood has 2 undeveloped lots that meet these criteria.

R-1-B-2: Between 5,000 and 7,500 lot size and at least 50’ mean lot width.

Casa Del Mar / Kehoe neighborhood has 1 undeveloped lot that meet these criteria.

DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:
March 10, 2014 at 10:00 am

Location of communication:
Redwood City

Type of communication:
In person

Person(s) in attendance at time of communication:
Dante Hall, Bruce Ambo, Tony Condotti

Person(s) receiving communication:
Carole Groom

Name or description of project:

Item W14a – Appeal No. A-2-HMB-14-0004 (Half Moon Bay Drainage Maintenance)

LCP Amendment No. HMB-MAJ-1-11

Appeal No. A-2-HMB-12-005 (Stoloski)

Appeal No. A-2-HMB-12-011 (320 Church Street)

Tsunami Siren Appeal

Detailed substantive description of the content of communication:

The staff representatives of the City of Half Moon Bay indicated that the drainage maintenance appeal (Appeal No. A-2-HMB-14-0004) should be denied because this is routine work that needs to be done for the safety of residents. They indicated that it involves the clearing of vegetation in drains to reduce fire and flooding risks. As a part of the drainage maintenance appeal, the representatives indicated that the Kehoe Ditch has been identified as dispersal habit for garter snake and red legged frog, despite being a manmade ditch. They indicated that the city met with Fish & Wildlife Service and Army Corps of Engineers to make modifications to ensure a "no substantial issue" finding.

Regarding LCP amendments, the city staff is in agreement with coastal commission staff regarding proposed R-1 development standards; however they are not in agreement regarding the relocation of the architectural and historic code amendments. Because of this disagreement, city staff requested that the amendments could be addressed separately so that the items in agreement can be approved, while additional areas of disagreement could be resolved or further studied, or that staff could recommend denial to return to further study.

Regarding the Stoloski appeal, representatives indicated that the project should be approved because Dr. Jennings, an expert in sensitive habitat, attested that no red-legged frogs are located in the Pullman ditch.

Representatives indicate that appeal (Appeal No. A-2-HMB-12-011) was based on the safety of development in a tsunami inundation zone and its location in a floodplain, but studies have shown that even if natural disasters occur simultaneously, the property is safe. Furthermore, city staff indicated that coastal commission staff may be in support of traffic mitigation that involves purchasing another parcel elsewhere for retirement from development for each parcel developed. However, the city attorney indicated that this is unconstitutional because it doesn't mitigate traffic impact in a logical way.

City staff indicated that the appeal is based on the siren sound being disruptive to sensitive receptors near the ditch. City staff indicated that the City Council agreed to lower the volume by half; however engineers required it be amended back to full volume. This item went to the Coastal Commission in 2009.

Date: Apr 7 2014

Signature of Commissioner: Carole Smull

Chapter 18.37
VISUAL RESOURCE PROTECTION STANDARDS

Sections:

18.37.010 Purpose and intent.

The specific purpose and intent of these visual resource protection standards are to:

A. Protect the scenic and visual qualities of coastal areas as a resource of public importance.

B. Ensure that new development is located so as to protect views to and along the ocean and scenic coastal areas.

C. Minimize the alteration of natural land forms.

D. Restore and enhance visual quality in visually degraded areas.

E. Allow development only when it is visually compatible with the character of the surrounding areas. (1996 zoning code (part)).

18.37.015 Applicability.

Development projects, including additions and remodeling, are subject to the standards for review by the planning department staff, architectural review committee and planning commission as set forth in this title. In addition, all new development projects within or adjacent to visual resource areas shall meet the visual resource standards established within this chapter. (1996 zoning code (part)).

18.37.020 Visual resources areas.

The planning director shall prepare and maintain maps of all designated visual resource areas within the city, based upon the visual resources overlay map contained in the city's local coastal program land use plan. Visual resource areas within the city are defined as follows:

A. Scenic Corridors. Visual resource areas along the Highway One corridor and scenic beach access routes, defined as follows:

1. Highway One Corridor. Located on both sides of Highway One, for a distance of two hundred yards in those areas where Highway One is designated as a scenic highway by the state of California and in those areas shown on the visual resources overlay map in the city's local coastal program land use plan.

2. Broad Ocean Views. Areas providing broad ocean views from Highway One, as indicated on the visual resources overlay map in the city's local coastal program land use plan. Specifically, these areas are located within the following boundaries:

a. Between the breakwater in Pillar Point Harbor on the north to Magellan Avenue on the south.

b. Between the southerly edge of the city of Naples subdivision on the north and Sweetwood State Park on the south.

c. Between Frenchman's Creek on the north and Wave Avenue of El Mar Beach Subdivision on the south.

3. Scenic Coastal Access Routes. Primary access routes from Highway One to major parking facilities adjacent to the state beaches: Young Avenue, Venice Boulevard, and Kelly Avenue; and secondary access routes from Highway One to minor parking facilities: Wavecrest Road, Redondo Beach Road, Miramontes Point Road.

B. Upland Slopes. Scenic hillsides which are visible from Highway One and Highway 92, as indicated on the visual resources overlay map. These areas occur include hillside areas above the one hundred sixty foot elevation contour line which are located:

1. East of the proposed Foothill Boulevard, comprising portions of Carter Hill and Dykstra Ranch properties.

2. Southeast of Pilarcitos Creek and east of Arroyo Leon, comprising a portion of land designated as open space reserve in the land use plan.

3. East of the Sea Haven Subdivision, being a portion of the Gravance property designated urban reserve in the land use plan.

4. East of the Nurseryman's Exchange properties and lower Hester-Miguel lands, comprising all of the upper Hester-Miguel lands designated as open space reserve in the land use plan.

C. Planned Development Areas. New development within planned development areas shall be subject to development conditions as stated in the local coastal program land use plan for each planned development, to design review standards set forth in this title, and standards set forth in this chapter regarding landscaping, signs, screening, lighting, parking areas and utilities.

D. Old Downtown. The historic downtown area, once known as "Spanish Town," is a visual resource area identified on the city's land use plan visual resources overlay map. The old downtown is included within the larger planning area of the Half Moon Bay downtown specific plan. However, the "old downtown" referred to in this chapter pertains specifically to the following area:

1. Properties on both sides of Main Street, bounded on the north by Pilarcitos Creek and extending several properties south of Correas Street where historic buildings exist as visual resources.

2. Properties on both sides of Kelly and Miramontes Streets, bounded by Church Street to the west and extending several properties east of San Benito Street where historic buildings exist as visual resources.

3. Properties on both sides of Purissima, Johnston and San Benito Streets, bounded by Kelly Street to the north and several properties to the south of Correas Street where historic buildings exist as visual resources. (1996 zoning code (part)).

18.37.025 Beach viewshed area standards.

A. Structures shall be set back from the bluff edge far enough to ensure that the structure does not infringe on views from the beach and along the bluff top parallel to the bluff edge. In areas where existing structures on both sides of the proposed structure already impact public views from the beach or along the bluff top, new structures shall be located no closer to the bluff edge than adjacent structures.

B. 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 sited and designed to minimize visibility from the beach.

C. No off-premises outdoor advertising shall be permitted. This includes kiosks in beach viewshed areas. Other permitted signs shall be carefully designed and reviewed so that any negative visual impacts are minimized.

D. New development shall be sited and designed so as to avoid or minimize destruction or significant alteration of significant existing plant communities identified in the local coastal program land use plan and general plan. (1996 zoning code (part)).

18.37.030 Scenic corridor standards.

Public views within and from scenic corridors shall be protected and enhanced, according to the following standards:

A. Development within areas shown on the visual resources overlay map as providing broad ocean views. Development may not significantly obscure, detract from, or negatively affect the quality of broad ocean views. All new development shall be reviewed by the planning commission for conformance with the following criteria:

1. Structures shall be sited and designed to preserve unobstructed broad views of the ocean and shall be clustered to the maximum extent feasible.

2. A landscaping plan shall be provided which incorporates landscaping species which, when mature, will not interfere with public views of the ocean.

3. Within the mapped area of the visual resources overlay map, building height shall not exceed one story or fifteen feet, unless an increase in height would not obstruct public views to the ocean from the highway or would facilitate clustering of development which would result in greater view protection. The building height may be increased upon approval by the planning commission, if findings are made that greater view protection will result or public views will not be obstructed, but in no case shall building height exceed a height of twenty-eight feet.

B. Development within the Highway One corridor and scenic corridors along all designated shoreline access routes as indicated on the visual resources overlay map where existing permits or development does not exist. In general, structures shall be:

1. Situated and designed to protect any views of the ocean and scenic coastal areas. Where appropriate and feasible, the site plan shall restore and enhance the scenic quality of visually degraded areas.

2. Located where least visible from the public view. Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points.

3. Designed to be compatible with the environment, in order to maintain the natural features such as streams, major drainage, mature trees, and dominant vegetative communities.

4. Set back an appropriate distance from the Highway One right-of-way and from scenic beach access routes in accordance with the intent of this chapter.

5. Designed to maintain a low height above natural grade, unless a greater height would not obstruct public views.

C. Access Roads and Vegetation.

1. Removal of existing vegetation within roadway right-of-ways is prohibited, except where permitted for new landscaping or fire protection and in those areas required for road and shoulder alignment or as required for reasons of safety.

2. The number of access roads to a scenic corridor shall be minimized wherever possible. Access roads serving new development shall be combined with the intent of minimizing intersections with scenic roads, prior to junction with a scenic corridor unless severely constrained by topography. Traffic loops shall be used to the maximum extent possible so that dead-end roads may be minimized.

3. Curved approaches to scenic corridors shall be used in conjunction with native planting to screen access roads from view wherever practical. Additional planting may be required where existing planting is considered insufficient. Planting shall be placed so that it does not constitute a safety hazard.

4. Screening as required under this section should not consist of solid fencing, rather it should be of natural materials of the, area, preferably natural vegetation in conjunction with low earth berms.

5. Selective clearing of vegetation which allows the display of important public views may be permitted.

6. Landscaping and screening suitable to the site and compatible with the surrounding area shall be used to soften the visual effect of development within a scenic corridor.

7. Landscaping which establishes scenic gateways and corridors is encouraged to enhance the scenic quality of scenic corridors.

D. Signs. No off-premises outdoor advertising shall be permitted. Other permitted signs shall be carefully designed and reviewed so that any negative visual impacts are minimized.

E. Parking Lots. All commercial or public parking lots shall be landscaped and screened with berms, if necessary, to minimize visual intrusion within scenic corridors. (1996 zoning code (part)).

18.37.035 Upland slopes standards.

New development shall meet the following criteria:

A. Grading or creation of a building site which results in significant alteration of the natural terrain shall not be allowed. Structures shall be subordinate in appearance to the natural land form and shall follow existing natural contours.

B. Structures and roads shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction. Pitched, rather than flat roofs, which are surfaced with nonreflective materials except for solar energy devices shall be encouraged.

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

D. Tree stands shall be preserved wherever possible. Where trees must be removed for building purposes, reforestation with indigenous or naturalized species shall be provided as part of new development in order to maintain forested appearance of the hillside.

E. Structures shall be concentrated into clusters to preserve larger areas of open space.

F. The padding or terracing of building sites shall be prohibited, unless it is determined that there are no feasible and reasonable alternatives.

G. Within the Dykstra Ranch, Carter Hill and Nurserymen's Exchange planned unit development areas, no development shall occur above the one hundred sixty-foot contour line, nor on slopes of twenty-five percent or greater.

H. No off-premises outdoor advertising shall be permitted. Other permitted signs shall be carefully designed and reviewed so that any negative visual impacts are minimized. (1996 zoning code (part)).

18.37.040 Old downtown standards.

A. Design approval of new development, alterations to existing structures and proposed demolitions within the old downtown shall be in accordance with the following criteria:

1. Scale and style shall be similar to that of the predominant older structures within the immediate vicinity.

2. Continuity in building lines shall be maintained along Main Street.

3. Existing older buildings which contribute significantly to the character of the area, as described in the historic resources ordinance and inventory, shall not be demolished or altered in a manner which eliminates key architectural features, unless it is shown on a case by case basis that it is financially unfeasible to maintain such buildings due to requirements for seismic retrofitting of unreinforced masonry or for Americans with Disabilities Act requirements.

B. In addition to the above criteria, the downtown specific plan and historic resources ordinance contains preservation, design, and land use standards guiding new development and maintenance of historic sites within the downtown area. New development, additions and remodels in the downtown planning area shall be subject to the policies of the downtown specific plan and historic resources ordinance, and any design guidelines which may be developed to implement the downtown specific plan and historic resources ordinance.

C. New development, additions and remodels in the downtown area shall also be evaluated using the design review standards set forth in this title, and shall be subject to the standards set forth in this chapter regarding landscaping, signs, screening, lighting, parking areas and utilities.

D. No off-premises outdoor advertising shall be permitted, except temporary signs or signs approved by the city as a part of any directional sign program or special events sign program encouraged in policies of the city downtown specific plan. Other permitted signs shall be carefully designed and reviewed so that any negative visual impacts are minimized. (1996 zoning code (part)).

18.37.045 Significant plant communities.

A. Preservation of Significant Plant Communities. Significant plant communities including riparian vegetation along stream banks and bodies of water, notable tree stands, and unique species shall be preserved wherever possible.

1. Chapter 9 of the Half Moon Bay local coastal program land use plan establishes the following existing significant plant communities:

a. Cypress stands or rows in Miramar Beach, North Wavecrest, and Arleta Park/Miramontes Terrace South west of Railroad Avenue.

b. Eucalyptus stands or rows along Naples Creek (Guerrero Avenue Site), and in North Wavecrest.

c. Riparian vegetation located adjacent to all bodies of water, intermittent or perennial, man-made or natural.

2. Other significant plant communities include:

a. Cypress rows located elsewhere in the city including but not limited to along Highway 92 on the Pilarcitos Cemetery property and Nurseryman's Exchange property, and along Highway One on Cunha School property.

b. Groupings of native trees, such as Coast live oak, Holly oak, California sycamore, and Monterey pine, where they may occur in the city.

c. California wild strawberry located on bluffs within the city.

B. Plant Communities Preservation Guidelines.

1. Evaluation. As a part of the environmental review process for a proposed development, any notable tree stand or hedgerow, riparian vegetation or wild strawberry patch shall be evaluated by a qualified biotic resources professional such as a registered forester for trees, a botanist or other vegetation specialist for other significant plant communities. The qualified professional shall be under contract with the city, at the expense of the project applicant, and shall determine if preservation of the significant plant community may be possible or desirable. If the applicant has retained the services of a biotic resources professional to prepare a report prior to the submittal of permit applications, the city may enter into contract with a second professional to confirm the findings of the earlier report, at the city's expense. Evaluation of trees on public right-of-way or city property shall be performed at the expense of the city.

2. Report Required. Reports prepared by a qualified biotic resources consultant shall disclose the following:

a. For tree rows and tree stands, the number, age and expected remaining life span, location, and condition of the trees shall be disclosed. If it is determined that the trees may be saved but need to be trimmed or stabilized in other ways, the report shall

describe any necessary trimming or other preservation device such as wiring. If the trees are proposed to be removed, the report shall evaluate each of the trees, condition with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, age or remaining life span, and whether or not the tree acts as host for a plant which is parasitic to other species of trees which are in danger of being infested or exterminated by the parasite. For the removal of blue gum trees, the report shall present an evaluation as to the spreading of blue gum trees and invasion into or displacement of the habitat of native species on the site. Additional reporting requirements listed below and in municipal code Chapter 12.16, Section 12.16.030C shall be required for any development affecting trees on city property or public right-of-way.

b. For other plant communities, the extent of the area covered by unique species, or the limit of riparian vegetation where fifty percent of the vegetative cover in an area is made up of riparian species, namely, California cord grass, Red alder, Jaumea, Pickle weed, Big leaf maple, Narrowleaf cattail, Arroyo willow, Broadleaf cattail, Horsetail, Creek dogwood, Black cottonwood, and Box elder. Report requirements contained in this title under Chapter 18.38, Coastal Resource Conservation Standards, shall be applicable.

3. Siting of Development. Parking lots, buildings, utility lines and other development shall be sited so as not to disturb existing notable tree stands including their root systems, nor to intrude upon riparian vegetation or the habitat of existing unique vegetative species. A landscape plan shall be prepared in accordance with Section 18.37.050 of this chapter. Where no feasible alternatives exist but for development to be located on a site such that the health of existing tree stands or rows will be negatively impacted, city permits for removal and replacement of vegetation shall be obtained by the applicant. Performance standards within riparian habitats, riparian buffer zones and unique species habitats are contained in Chapter 18.38, Coastal Resource Conservation Standards, of this title.

4. Pruning and Removal--Permits. If the report listed in subsection (B)(2)(a) of this section, indicates the need for pruning or removal of significant trees, whether on public or private property, the applicable city permits must be obtained by the applicant. Municipal code Chapter 12.16 regulations pertaining to application, permits required, and the criteria for the issuance or denial of such permits shall be applicable. Permits allowing the removal of significant trees may be conditioned so that one-for-one replacement of such trees by the applicant is required, however development proposals will be considered on a case-by-case basis.

5. Replacement. Replacement vegetation shall be required to mitigate any adverse effects of the removal of notable tree stands and rows, riparian vegetation or unique vegetative species. Species for such replacement shall be reviewed and approved by the planning director, and where removal of vegetation will occur on public right-of-way or city property, replacement species shall also be reviewed by the public works department. Where possible and practical, any species removed shall be replaced by the same species, subject to the provisions of this chapter. The planning commission may approve the planting of replacement of trees to be removed on adjacent or contiguous properties if the development site cannot reasonably support the number of trees required and as may otherwise be necessary to comply with the intent and purpose of this chapter.

C. Conditions. Conditions for the preservation or replacement of significant plant communities shall be included in conditions of approval for each planned development area in the city, and for each development located adjacent to riparian areas or other sensitive habitats. Preservation standards provided in Chapter 18.38, Coastal Resource Conservation Standards, for protection of Monterey pines, California wild strawberry and other rare, unique or endangered plant species shall be incorporated in conditions of approval for any development in the vicinity of these species. (1996 zoning code (part)).

18.37.050 Landscape design standards.

Approval of a landscape plan will be based upon how well the plan addresses environmental and visual conditions specific to the site. Criteria used to evaluate the landscape plans will include the following:

A. Landscaping shall be an integral part of the project design, to create a pleasing appearance from both within and off the site.

B. Landscape plans shall display organization and usefulness of space through arrangement of architectural elements and plantings. Vegetation shall be arranged in a hierarchy of plant groupings to enhance the visual and scenic qualities of the site.

C. New or replacement vegetation shall be compatible with surrounding vegetation and shall be adaptable to the site with regard to rainfall, soil type, exposure, growth rate, erosion control and energy conservation purposes. Plant materials chosen shall be species which do not present safety hazards, which allow native flora to reestablish in the area, and which require minimal maintenance, including watering, pest control, and clean-up of litter from fruit and leaf droppings.

D. Existing trees shall be preserved wherever possible. Trees which are to be saved should be identified and a note included on the plans as to their protection and pruning.

E. Trees should not be planted directly over or under utility lines. Trees with a surface root system should not be planted in the following areas without a root control box: parking lot medians, parking lot tree wells, parking strips, areas adjacent to other paved surfaces.

F. In general, trees and large shrubs should be planted a minimum of fifteen feet away from any major structure, except for street trees and shrubs in the downtown area. Trees and shrubs which have a height greater than width at maturity may be planted as close as three feet to a structure. Trees should be planted far enough from windows and entry ways to prevent severe pruning or removal of the plant as it matures.

G. Trees should be planted far enough from street lighting to prevent blockage or reduction of light as the tree matures. Trees should be planted far enough from road signs and signals so as not to obstruct visibility. On the corner of a corner lot, shrubs shall be maintained at a height of thirty inches or lower at maturity and trees shall be trimmed and pruned so that they branch at six feet or higher to allow for adequate sight distance.

H. New street trees shall be fifteen gallon can size, at a minimum, at the time of planting. (1996 zoning code (part)).

18.37.055 Screening standards.

Storage and service areas, parking lots, recreational vehicle parks, rooftop mechanical equipment, utility installations such as trash enclosures, traffic control devices, transformer vaults and electrical meters shall be screened in accordance with the following standards:

A. Landscaping shall be used to separate and/or screen parking and storage areas from other areas, break up expanses of paved area, and define open space for usability and privacy.

B. In addition to landscaping, earth berms shall be used for screening public parking lots, wherever possible.

C. Recreational vehicle parks shall be landscaped in such a manner that the site is fully screened from public roads, vista points, public recreation areas and residential areas within five years of development commencing.

D. Location of structures should take into account maintenance of private view; rooftop mechanical equipment shall be incorporated into roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic control devices, transformer vaults and electrical meters shall be accessible, but screened where possible. (1996 zoning code (part)).

18.37.060 Standards for utilities, lighting and signs.

Utilities shall be placed underground in all new developments. All exterior lighting shall be functional, subtle, and compatible with the building's architectural style, materials, and colors. Signs shall meet regulations for size, location, design, color, number, lighting and materials contained in municipal code Title 15. (1996 zoning code (part)).

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260
FAX (415) 904-5400
TDD (415) 597-5885

Memorandum

July 10, 2014

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director
North Central Coast District

Re: **Additional Information for Commission Meeting**
Friday, July 11, 2014

Agenda Item	Applicant	Description	Page
F7a	City of Half Moon Bay LCP Amend. # 1-11	**Staff Report Addendum**	
F8a	A-2-HMB-12-011 Gibraltar Capital	**Staff Report Addendum**	
F8b	2-11-009 City of Pacifica Shoreline Protection	**Staff Report Addendum**	
F7a	City of Half Moon Bay LCP Amend. # 1-11	Correspondence, Alan & June Cozad	1
F8a	A-2-HMB-12-011 Gibraltar Capital	Correspondence, John Lynch	2-3

F 7a

California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

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COASTAL COMMISSION

We are writing in regard to Agenda Number 7 (Local Coastal Programs), referencing the City of Half Moon Bay LCP Amendment No. HMB-MAJ-1-11.

Our parcel (056-057-220), which measures 50 x 100 feet, is subject to severe building size restrictions that should be remedied by approval of this amendment. We urge you to pass this request by the planning department of Half Moon Bay.

Thank you for your time and consideration. We have waited a long time for some relief from these building limitations.

Sincerely,

Alan and June Cozad

F8a

Ms. Stephanie Rexing
California Coastal Commission
North Central District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105

July 8, 2014

Dear Ms. Rexing:

Thank you for the June 27, 2014 notice of the de novo hearing on my appeal of the subdivision of 320 Church Street approved by the City of Half Moon Bay. The project is certainly improved, but I am concerned that the revised project does not conform to the City's Local Coastal Program in important ways. I am unable to travel 350 miles to personally testify at the Commission's meeting in Ventura, and so I hope that staff and the Commission will consider these written comments instead.

Upland habitat outside of riparian area is not recognized by staff as habitat. Required for frogs for foraging, and for snakes for thermoregulation. Also required for escaping high water. Their life stages includes the lands upland of the drip line of riparian vegetation to escape waters flooding their refuge, for estivation and foraging, and for thermoregulation. The buffer area required by 18.38.085(D) of at least fifty feet should begin at the edge of this upland habitat, not at the drip line of riparian vegetation. This is tacitly recognized by the similarity of proposed restrictions in the buffer area to the restrictions required by the LCP for the habitat of listed species. The net effect is that the listed species habitat is not acknowledged, and while the proposed conditions would protect upland habitat, it would not have the buffer required by LCP policy and zoning ordinance.

In addition, the project location was the subject of a June 13, 2012 comment from the U.S. Fish and Wildlife Service. LCP Policy 3-x and associated zoning ordinance requires conformance with USFWS regulations, but there is no record of an opinion of "no take" or "not likely to take" from the USFWS.

The applicant's wetlands report made a curious distinction between natural and artificial wetland. Even if the wetland at sample point 9 were the byproduct of earlier development, it is unclear how the LCP policies and zoning can be interpreted to justify the proposed absence of protection the allegedly "constructed" wetlands. I would appreciate clarification on this point, or a revision in the project conditions to impose the required buffer area.

In addition, the report of wetlands investigation was curiously restricted to areas outside the riparian corridor, when wetlands may be collocated within the riparian corridor. Since section 18.38.080(D) of the LCP's implementing ordinance requires a 100-foot buffer zone around wetlands, the presence of such a wetland within the out fifty feet of the riparian area would result in addition buffer requirements. I would appreciate reports of data from all points investigated within the riparian area, or a justification of why no locations inside the riparian area were investigated.

The project effectively rewards the unpermitted and un-remediated removal of riparian vegetation, which was well documented for the City of Half Moon Bay by Biotic Resources Group in an April 30, 2001 report entitled Wolverine Parcel Riparian Assessment. To avoid rewarding the violations documented in

this report, the riparian buffer area required by Coastal Act 30231, LCP policies 3-10 and 3-11, and implementing ordinance 18.38.075(D) should extend a minimum of fifty feet from the pre-violation edge of riparian vegetation clearly identified in that report, rather than the post-violation riparian drip line which has been maintained by mowing into blackberry and other riparian species.

Some conditions associated with the protection of staging areas appears to water down the protections afforded to environmentally sensitive habitat areas (e.g., "minimize construction encroachment on sensitive habitat areas" in condition 6.a, in contrast to avoidance of sensitive habitats required by condition 6.c.5 on page 11) and provides no explicit protection for buffer areas, including those which are being protected de facto as upland habitat for listed species.

Although the staff report cites LCP Policy 3-21 requiring the City to revise its Habitat Areas and Water Resources Overlay (HAWRO) to show the location of habitat for rare and endangered species such as the San Francisco garter snake, the required HAWRO update is not a condition of the project.

Thank you for obtaining the analysis of the flood hazards. Although the report was based on 1929 data does not reflect changes in topography such as significant amounts of fill on the north side of the Pilarcitos Creek near the proposed development, the report states that Highway 1's will act as a weir holding the water to a maximum height of between 59.4 and 59.6 feet. However, the areas marked "developable area" on the map (included as page 41 of the Commission's staff report) appear to be below this elevation. I remain unclear on what minimum elevation will be used for building pads, and did not fmd conditions require building pads to be sited where the ground level is above 59.6 feet.

I applaud the staff recommendation that the applicant protect coastal access by retiring a meaningful, legal development coastside entitlement each entitlement that this subdivision created. The applicant's proposal for in-lieu fees provides no assurance that an equivalent number of building entitlements on legally formed parcels would in fact be retired, and creates a conflict of interest for proposed recipients of those funds. I believe that the Coastside Land Trust has distanced itself from applicant's fee proposal.

I hope to listen to the hearing over the internet, and hope that the above concerns about mapping and protection of endangered species, wetland, and pre-violation sensitive habitats and their buffer areas will be addressed, that building sites' elevation above flood hazard will be included as a condition, and that the coastal access protection of requiring no net increase in development entitlements is affirmed.

Thank you for considering my comments.

Respectfully.

John Lynch (Appellant)
2098 Touraine Lane
Half Moon Bay, CA 94019