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Th19b

Prepared April 24, 2015 for May 14, 2015 Hearing

To: Commissioners and Interested Persons

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

Subject: **City of Half Moon Bay LCP Amendment Number LCP-2-HMB-14-0847-3 Part B (P-S Zone)**

SUMMARY OF STAFF RECOMMENDATION

The City of Half Moon Bay proposes to amend its Local Coastal Program (LCP) Implementation Plan (IP) to add “animal hospital” as a principally permitted use within the Public Services (P-S) zone. The City proposes to add this additional principally permitted use to the P-S zones to allow for a new animal hospital location. Currently there are only two animal hospitals located in the City, both situated in the built-out downtown portion of the City; and thus, by necessity, these two existing hospitals have remained small operations. The City states that allowing the new use as a principally permitted use within the P-S zone would not result in any incompatibilities between the new use and the already-allowed uses in the zone. The City asserts animal hospitals/veterinary clinics are substantially similar to general hospitals and thus no conflict would occur.

The P-S zoning designation is intended to facilitate public-serving land uses, such as institutions (schools, churches, museums and hospitals), public safety facilities, government offices and parks. The proposed amendment will add an additional principally permitted uses in the P-S zoning district. The City has demonstrated that concerns to resource impacts will be avoided and minimized because such facilities are contained indoor facilities. Furthermore, any potential issues emanating from the expanded allowable public service use can and will be addressed via the coastal development permit review process to ensure consistency with all applicable LCP provisions. For the reasons discussed above, the proposed IP amendment can be found consistent with and adequate to carry out the certified LUP.

Staff therefore recommends that the Commission find the proposed amendment consistent with and adequate to carry out the policies of the City of Half Moon Bay LUP, and that the Commission approve the amendment as submitted. The motion and resolution are found on page 4 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on April 6, 2015. The proposed amendment includes IP changes only, and the original 60-day action deadline is June 5, 2015. Thus, unless the Commission extends the action deadline (it may extend the deadline by up to one year), the Commission has until June 5, 2015 to take a final action on this LCP amendment.

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EXHIBITS

Exhibit 1: Proposed IP Amendment (strikethrough/underline)

Exhibit 2: City Council Ordinance Approving Amendment

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment as submitted. The Commission needs to make one motion in order to act on this recommendation.

A. Certify the IP Amendment As Submitted

Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the IP amendment as submitted and the adoption of the following resolution and findings. 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 Number LCP-2-HMB-14-0847-3 Part B as submitted by the City of Half Moon Bay, and I recommend a no vote.*

***Resolution:** The Commission hereby certifies Implementation Plan Amendment Number LCP-2-HMB-14-0847-3 Part B as submitted by the City of Half Moon Bay and adopts the findings set forth below on the grounds that the amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Implementation Plan Amendment may have on the environment.*

II. FINDINGS AND DECLARATIONS

A. DESCRIPTION OF PROPOSED LCP AMENDMENT

The City of Half Moon Bay is proposing to amend its IP Chapter 18.09 “Public and Quasi-Public Land Uses (P-S)” to include “animal hospital” in the list of principally permitted uses enumerated in Section 18.09.020 for the P-S zoning district. This amendment would allow for new animal hospitals to be located in all P-S zones. Chapter 18.09 of the City’s IP provides zoning regulations applicable to the Public and Quasi Public (P-S) land use zoning districts. The P-S zoning designation is intended to facilitate public-serving land uses, such as institutions (schools, churches, museums and hospitals), public safety facilities, government offices and parks. The Coastside Fire Protection District, Cunha Intermediate School, Half Moon Bay High School, Cabrillo Unified School District, the Sewer Authority Mid-Coastside treatment plant and the Coastside Lutheran Church are all examples of uses currently existing in P-S zoning districts. The current list of principally permitted uses in P-S zones consists of fire stations, airports, schools, hospitals, libraries, cemeteries, churches, parks, and civic centers. As proposed to be amended, one additional use, “animal hospitals”, would be added to this list of principally permitted uses. Please see **Exhibit 1** for the text of the proposed amendment and **Exhibit 2** for the City Council Ordinance approving the amendment.

The City states it needs this expansion of P-S zoning district uses to facilitate the placement of new animal hospital facilities within the City. There are two existing animal hospitals located within the City, but both are located in the built-out and constrained downtown area; and thus cannot expand their operations. The City also states that allowing this additional use would not introduce any incompatibilities between the new use and the already-allowed uses in the zone (such as hospitals, generally). This is because the City asserts that animal hospitals/veterinary clinics are substantially similar to hospitals that serve people.

B. CONSISTENCY ANALYSIS

Standard of Review

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

Applicable Land Use Plan Policies

The City's LUP contains numerous policies requiring that all new development not adversely impact sensitive habitat areas and be sited and designed to have adequate available water, sewer, and traffic capacity to serve it:

***LCP 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.*

***LCP Policy 9-4:** All new development...shall have available water and sewer services...Prior to approval 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 and that such development is located within and consistent with the policies applicable to such an area designated for development.*

***LCP 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.*

***LCP Policy 10-13:** The City will support and require reservation of water supplies for each priority land use in the Plan, as indicated on Table 10.3...The amount to be reserved for each phase of water supply development shall be the same percentage of capacity for priority uses as that needed at build-out, until a determination is made that a priority use need is satisfied by available reservation.*

Analysis

The proposed IP amendment would allow an additional principally permitted use of "animal hospitals" in the P-S zones. The P-S zoning designation currently allows public-serving land

uses, such as institutions (schools, churches, museums and hospitals), public safety facilities, government offices and parks. Thus, adding the additional proposed principally permitted use of animal hospitals could intensify use in these zones, in conflict with the policies that require that developments not harm environmentally sensitive habitat areas and not tax the public service water and sewer infrastructure.

It is important to note that currently the P-S zone has eight principally permitted uses, including “hospitals,” generally. The City has stated that the impact of allowing animal hospitals would be “inconsequential” and that they see “no difference whatsoever by allowing animal hospitals versus a human hospital.” While this may be a logical conclusion, there is an argument to be made that allowing animal hospitals could have sensitive habitat or resource impacts that a human hospital may not have; specifically, some animal hospital facilities may require outdoor kennel areas or result in contaminated runoff that could impact coastal resource areas, inconsistent with LCP Policy 3-3. However, animal hospitals in the City of Half Moon Bay are constrained by their existing definition in zoning code Chapter 18.03 to those facilities that are “indoor medical operations.” Specifically, zoning code section 18.03.040(c)(3) requires that animal hospitals be “entirely enclosed, soundproofed and air-conditioned,” making these facilities primarily indoor facilities that would have inconsequential impacts on the surrounding environment.

In terms of intensification of use of public infrastructure such as traffic, sewer and water, LCP policies 9-4, 10-4, and 10-13 require that all new development have adequate water and sewer to service it and that public works capacity be reserved for priority uses (such as visitor-serving or floriculture). Allowing for the expansion of allowable uses in any zone risks a tax on public service infrastructure. However, this additional principally permitted use will not impact priority water and sewer reserves required by the LCP. Existing and potential Coastal Act priority uses in this zone will still have the reservation of services required by the LCP. In addition, the City has implemented water conservation measures and efficiency regulations to reduce water consumption by non-priority uses such as those allowed in the P-S zones, freeing up additional water connections in the City.¹ Finally, each animal hospital proposed and allowed under the amended zoning code would still be required to prove that the development is served by adequate water, sewer, and traffic capacity, assuring that these new allowed uses will not draw from priority uses. Every new animal hospital permitted in the P-S zones as a result of the proposed amendment will still be vetted through the existing coastal development permit process, requiring that each new development proposed illustrate and mitigate for its impacts. For example, for traffic capacity issues a new project would be required to submit traffic impact studies where these new uses are proposed. These existing coastal permit requirements assure that the requirement that new development be supported by adequate services, including water, sewer, and traffic capacity, is met consistent with LCP Policy 9-4. Therefore, the amendment would be consistent with the LCP policies requiring adequate public service infrastructure.

In conclusion, the proposed amendment will add an additional principally permitted use in the P-S zoning district. The City has demonstrated that concerns to resource impacts will be minimized and adequately addressed because such facilities are by definition contained indoors.

¹ Bruce Ambo, January 17, 2014 letter to Commission Staff.

Furthermore, any potential issues emanating from the expanded allowable uses will still be addressed via the coastal development permit review process to ensure consistency with all applicable LCP provisions. For the reasons discussed above, the proposed IP amendment can be found consistent with and adequate to carry out the certified LUP.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Specifically, Section 21080.9 of the California Public Resources Code – within CEQA – exempts 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 local coastal program. 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 LCP amendments. 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 a separate CEQA document for each LCP.

The City of Half Moon Bay, acting as lead CEQA agency, determined that the proposed LCP amendment was categorically exempt from the requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and concludes that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Exhibit A

Text in ~~strike through~~ format denotes text that the City proposes to delete and text in underline format denotes text that the City proposes to add.

18.09.020 Permitted uses.

Uses permitted in a P-S district include the following:

PERMITTED USES

Fire station

School

Library

Church

Airport

Hospital/Animal Hospital

Cemetery

Park Civic center

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ORDINANCE NO. C-2014-11

PDPz-046-14

AN ORDINANCE OF THE CITY OF HALF MOON BAY TO AMEND ZONING ORDINANCE CHAPTER 18.09 "PUBLIC AND QUASI-PUBLIC (P-S) LAND USE" TO INCLUDE "ANIMAL HOSPITAL" TO THE LIST OF PRINCIPALLY PERMITTED USES ENUMERATED IN SECTION 18.09.020 "PERMITTED USES"

WHEREAS, the City of Half Moon Bay is committed to 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, the City of Half Moon Bay Planning Commission, as the Advisory Body to the City Council, conducted a duly noticed hearing on August 12, 2014 at which time all those in attendance desiring to be heard were given an opportunity to speak on amendments proposed with this ordinance; 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 as set forth in this ordinance; and

WHEREAS, the City Council at its public hearing considered City-initiated text amendments to Chapters 18.09 of the Zoning Code, which involves including "Animal Hospital" to the use classifications listed Section 18.09.020 Permitted Uses for the purpose of modifying regulations that are outdated or otherwise ineffective; and

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

WHEREAS, the Zoning Code is part of the Implementation Plan of the City of Half Moon Bay's certified Local Coastal Program/Land Use Plan, which is intended to be carried out in a manner fully in conformity with the California Coastal Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 18.09 "PUBLIC AND QUASI-PUBLIC (P-S) LAND USE IS AMENDED, to include "Animal Hospital" to the use classifications listed Section 18.09.020 Permitted Uses for the purpose of modifying regulations that are outdated or otherwise ineffective.

Section 2. Compliance with California Environmental Quality Act. This is Statutorily Exempt from the requirements of CEQA under Section 15265 of the CEQA Guidelines, which provides that CEQA

does not apply to activities and approvals by any local government, as defined in Section 30109 of the Public Resources Code, necessary for the preparation and adoption of a Local Coastal Program, including amendments thereto.

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 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 5. 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, at a public hearing held on September 16, 2014.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 7th day of October, 2014, by the following vote:

AYES, Alifano, Fraser, Kowalczyk, Patridge & Mayor Muller

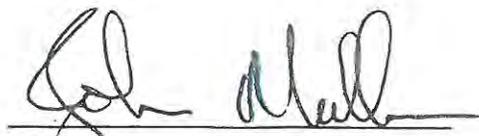
ABSENT,

ABSTAIN,

ATTEST:

APPROVED:


Siobhan Smith, City Clerk
FOR ←


John Muller, Mayor