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STATE OF CALIFORNIA—THE RESOURCES AGENCY

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December 1, 1995

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Steven F. Scholl, District Director
Bill Van Beckum, LCP Planner
Ann Cheddar, Staff Counsel

SUBJECT: **CITY OF HALF MOON BAY LCP PROPOSED IMPLEMENTATION PLAN** (for public hearing and action at the Coastal Commission meeting of December 13, 1995 in San Francisco)

SYNOPSIS

Background

The Local Coastal Program (LCP) Implementation Plan prepared and submitted by the City of Half Moon Bay is designed to implement the City's Land Use Plan (LUP), which was certified by the Commission in September 1985. The LUP applies to the entire City as the entire City is within the coastal zone. This Implementation Plan submittal, filed on October 19, 1995, consists of revisions to the City's Zoning Code, Zoning Map, and Subdivision Code. Exhibit 1 is the City Council's Resolution (No. C-74-95) forwarding the submittal to the Commission.

Final certification by the Commission on the Implementation Plan would nearly complete action on the City's LCP. The City would assume coastal permit-issuing authority over most development in the City's coastal zone following effective certification of the Implementation Plan. Final certification of the Implementation Plan will nearly bring to a close the long and demanding process of preparing a plan for future development and protection of resources in this most southerly of San Mateo County's three coastal cities.

Analysis Criteria

To approve the Implementation Plan the Commission must find that it will conform with and will adequately carry out the policies of the certified LUP.

Summary of Staff Recommendation

Staff recommends that the Commission, following a public hearing, deny the Implementation Plan as submitted by the City and then approve the Plan, if certain suggested modifications are incorporated. The proposed modifications are intended to fully comply with and carry out the policies of the certified Land Use Plan with regard to allowable development densities, protection of environmentally sensitive habitats, reservation of agricultural lands, protection and provision of public coastal access opportunities, recognition of geological hazards, and the review and processing of coastal development permit applications.

Additional Information

To obtain copies of the Implementation Plan, or for additional information about the proposed Implementation Plan or about this staff report and recommendation, please contact Bill Van Beckum at the North Coast Area office at the above address, at (415) 904-5260. Copies of the proposed Implementation Plan have been mailed to all Commisssioners.

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Exhibit 1: City Council Resolution

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Appendix A: Public Access Suggested Modifications

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STAFF RECOMMENDATION ON LCP IMPLEMENTATION PLAN

I. Analysis Criteria

To approve the Implementation Plan the Commission must find that it will conform with and will adequately carry out the policies of the certified LUP.

II. Staff Recommendation

Staff recommends that, following a public hearing, the Commission adopt the following resolutions and related findings:

A. Denial of the Implementation Plan as Submitted (Resolution I):

The resolution is properly introduced by the following motion:

MOTION I

"I hereby move that the Commission reject the Implementation Plan of the City of Half Moon Bay Local Coastal Program as submitted."

Staff recommends a YES vote, which would result in the adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION I

The Commission hereby rejects the Implementation Plan of the City of Half Moon Bay Local Coastal Program on the grounds that, as submitted, it does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact, within the meaning of CEQA, that the approval of the Implementation Plan would have on the environment.

B. Approval of the Implementation Plan if Modified as Suggested (Resolution II)

The second resolution is properly introduced by the following motion:

MOTION II

"I hereby move that the Commission approve the Implementation Plan of the City of Half Moon Bay Local Coastal Program if it is modified as suggested."

Staff recommends a YES vote, which would result in the adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION II

The Commission hereby approves certification of the Implementation Plan of the City of Half Moon Bay Local Coastal Coastal Program, if modified as suggested, for the specific reasons discussed in the following findings on the grounds that, as modified, the zoning code, zoning map, and subdivision code conform with and are adequate to carry out the provisions of the Land Use Plan as certified. Approval of the Implementation Plan if modified as suggested would have no significant adverse impacts on the environment within the meaning of CEQA.

C. Suggested Modifications:

The following suggested modifications are grouped by issue categories; references to ordinance "sections" (Sec.) relate to the City's Zoning Code submittal unless otherwise noted:

Environmentally Sensitive Habitat Areas

SUGGESTED MODIFICATION NO. 1: The word "designated" shall be deleted from Sec. 18.38.085.D. (shown in Sec. 18.38.085. context below);

SUGGESTED MODIFICATION NO. 2: Sec. 18.38.085.E.2. shall be modified by changing the phrase "of the building site" to "thereof" and changing the phrase "near-natural" to "natural" (shown in Sec. 18.38.085. context below):

Sec. 18.38.085. Habitats for Rare and Endangered Species.

A. Rare and Endangered Species. The potential exists for any of the following Rare and Endangered Species to be found within the San Mateo County Coastal Area and therefore within the City of Half Moon Bay:

1. Animals: the San Francisco Garter Snake, California Least Tern, California Black Rail, California Brown Pelican, San Bruno Elfin Butterfly, San Francisco Tree Lupine Moth, Guadalupe Fur Seal, Sea Otter, California Brackish Water Snail, Globuse Dune Beetle;

2. Plants: Rare plants known in San Mateo County are the Coast rock cress, Davy's bush lupine, Dolores campion, Gairdner's yampah, Hickman's cinquefoil, Montara manzanita, San Francisco wallflower, and Yellow meadow foam (botanical names are listed in the City's LCP/LUP).

B. Permitted Uses. In the event that a Biological Report indicates the existence of any of the above species in an area, the following uses are permitted:

1. Education and research;

2. Hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat;

3. Fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.

C. Permitted Uses within Critical Habitats. Within the critical habitat as identified by the Federal Office of Endangered Species, permitted uses are those which are deemed compatible by the U.S. Fish and Wildlife Service in accordance with the provisions of the Endangered Species Act of 1973, as amended.

D. Buffer Zones. The minimum buffer surrounding a ~~designated~~ habitat of a rare or endangered species shall be 50 feet.

E. Standards:

1. Animals: Specific requirements for each rare and endangered animal are listed in Chapter 3 of the Local Coastal Program Land Use Plan.

2. Plants: When no feasible alternative exists, development may be permitted on or within 50 feet of any rare plant population, if the site or a significant portion ~~of the building site~~ thereof shall be returned to a ~~near~~ natural state to enable re-establishment of the plant, or a new site shall be made available for the plant to inhabit and, where feasible, the plant population shall be transplanted to that site.

SUGGESTED MODIFICATION NO. 3: Sec. 18.38.075.H. (Exceptions for Development) shall be deleted entirely, and Sec. 18.38.75.I. shall be re-numbered to 18.38.075.H., re-titled to "Findings for Development within Riparian Buffer Zones," and modified in content (by substituting the word "project" for the word "Exception" and for the phrase "granting of the Exception") to read:

Sec. 18.38.075. Riparian Corridors and Buffer Zones.

~~18/38/075/H///Exceptions/for/Development/within/Riparian/Buffer~~
Zones. ~~An/Exception/may/be/issued/by/the/Planning/Commission/for/an~~
exception ~~to/buffer/zone/requirements/if/the/six/required/Exception~~
Findings ~~contained/in/Subsection/I/below/can/be/supported//in/the~~
following ~~cases/~~

~~1///If/the/imposition/of/the/minimum/buffer/area/would/render/a~~
~~previously/subdivided/parcel/unusable/for/its/designated/use/~~

2///If/there/are/special/circumstances/or/conditions/affecting/the property/

18.38.075.*I/*H. *Exception* Findings for Development within Riparian Buffer Zones. The following Findings shall be supported by the contents of the required Biological Report:

1. That there are special circumstances or conditions affecting the property;

2. That the *Exception* project is necessary for the proper design and function of some permitted or existing activity on the property;

3. That the *granting/of/the/Exception* project will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;

4. That the *granting/of/the/Exception* project will not significantly reduce or adversely impact the sensitive habitat, or there is no feasible alternative which would be less damaging to the environment;

5. That the *granting/of/the/Exception* project is in accordance with the purpose of this Chapter and with the objectives of the L.C.P. Land Use Plan;

6. That development on a property, which has its only building site located in the buffer area, maintains a 20-foot buffer from the limit of riparian vegetation, or if no vegetation exists, a 20-foot buffer from the bank of a perennial stream and a 20-foot buffer from the midpoint of an intermittent stream.

SUGGESTED MODIFICATION NO. 4: Sec. 18.38.080.H. (Exceptions for Development) shall be deleted entirely, and Sec. 18.38.80.I. shall be re-numbered to 18.38.080.H., re-titled to "Findings for Development within Wetlands Buffer Zones," and modified in content (by replacing its single sentence, a reference to riparian buffer zones, with the language specified in suggested modification No. 3 but with language specifically related to wetlands replacing "riparian vegetation" and "stream" references) to read:

Sec. 18.38.080. Wetlands.

18/38/080/H///Exceptions/for/Development/within/Wetlands/Buffer Zones. *The/Riparian/Buffer/Zone/Development/Exceptions/listed/under* this Title *shall/apply/to/Wetlands/Buffer/Zones/*

18.38.080.*I/*H. *Exception* Findings for Development within Wetlands Buffer Zones. *The/Riparian/Buffer/Zone/Exception/Findings/listed* under this Title shall apply to Wetlands Buffer Zones. The following Findings shall be supported by the contents of the required Biological Report:

1. That there are special circumstances or conditions affecting the property;

2. That the project is necessary for the proper design and function of some permitted or existing activity on the property;

3. That the project will not be detrimental to the public welfare or injurious to other property in the area in which the project is located;

4. That the project will not significantly reduce or adversely impact the sensitive habitat, or there is no feasible alternative which would be less damaging to the environment;

5. That the project is in accordance with the purpose of this Chapter and with the objectives of the L.C.P. Land Use Plan;

6. That development on a property, which has its only building site located in the buffer area, maintains a 20-foot buffer from the outer edge of any wetland.

SUGGESTED MODIFICATION NO. 5: The following, underscored language shall be added to the end of Sec.18.38.045.A.:

Sec. 18.38.045. Geological Report.

18.38.045.A. When Required. The applicant shall submit a geological report for shoreline strucures, for any structure to be built withoin 100 feet of the bluff edge, any seawall or cliff-retaining structure, and projects which involve substantial alteration of waterways, and for any development in areas of known geologic hazards, including but not limited to those indicated on the LUP Geologic Hazards Map or in any area known to contain expansive soils or to be subject to subsidence.

SUGGESTED MODIFICATION NO. 6: Secs. 18.38.045.B. and C. shall be modified as follows:

Sec. 18.38.045. Geological Report.

18.38.045.B. Report Contents. ~~For bluff and clifftop development, the Geological Report shall contain the following components:~~ All geological reports prepared pursuant to this chapter shall include an evaluation of the proposed development's adjacency to, threats from, and impacts on geologic hazards arising from seismic events, and from any other hazardous event or situation potentially affecting the particular parcel(s) on which the development is proposed, e.g., flooding, tsunami run-up, landslides, or other geologic conditions such as expansive soils and subsidence areas. The evaluation shall recommend mitigation measures to ensure the elimination or reduction of identified hazards.

including, as appropriate to location or project specifics, measures to minimize erosion problems during and after construction and to ensure that development will not contribute to flood hazards. In addition to including these contents required for all geological evaluations, the geologic reports prepared for bluff and clifftop development and for seawalls and cliff-retaining structures shall include the information specified below:

1. ~~Site/Stability/Evaluation/~~ Bluff and Clifftop Development. This evaluation shall focus on the base, face and top of all bluffs and cliffs, where the extent of blufftop to be considered is generally 50 feet inland from the bluffedge, but may extend inland beyond 50 feet in certain instances.

The evaluation shall contain:

(a) a study of past, present, and future cliff erosion,

(b) an analysis of cliff geometry and site topography,

(c) a description of geologic conditions,

(d) evidence of past or potential landslide conditions and potential effects upon development and vice versa,

(e) a study of wave and tidal action as to their erosion of seacliffs,

(f) an analysis of ground and surface water conditions and variations,

(g) a discussion of effects of proposed development, including siting and design of structures, landscaping, drainage, grading and impacts of construction activity on the stability of the site and adjacent area, and any other factors that might affect slope stability,

(h) for any structure to be built within 100 feet of the bluff edge, an assessment of the prospective hazard to the structure.

2. Seawalls and cliff-retaining structures. The geological report for seawall or cliff-retaining structures shall indicate that the structure will succeed in stabilizing that portion of the shoreline which is subject to severe erosion and will not aggravate erosion in other shoreline areas.

~~C////Mitigation/Measures///The/mitigation/measures/to/be/used/shall ensure/minimized/erosion/problems/during/and/after/construction/ Appropriate/mitigation/measures/shall/be/included/in/the/geological report//~~

SUGGESTED MODIFICATION NO. 7: Secs. 18.38.065.F.1. and F.2. shall be modified by adding, as item (e) in Sec. 18.38.065.F.1., and as item (c) in Sec. 18.38.065.F.2., the development standard that: "the project is designed to eliminate or mitigate all significant adverse impacts on local shoreline sand supply." These suggested additions are shown in context below.

Sec. 18.38.065. Bluffs and Sea Cliffs

F. Development Standards. In addition to requirements listed in D above, the following shall apply:

1. Seawalls and Cliff-retaining Structures. These structures are permitted by Use Permit under the following standards or conditions:

(a) the structure is designed to preserve the maximum amount of existing beach,

(b) the structure is designed to ensure lateral access along the shoreline,

(c) the structure is designed so that all existing endangered development within the area of the improvement is protected as a part of the project,

(d) the structure is not designed so as to encompass an area larger than that necessary to protect existing structures/,

<u>(e) the project is designed to eliminate or mitigate all significant adverse impacts on local shoreline sand supply.</u>

2. Revetments, groins, pipelines, outfalls, and other construction that alter natural shoreline processes. These projects are permitted by Use Permit under the following standards or conditions:

(a) the installation is designed so as not to block lateral beach access,

(b) drain pipes shall be designed and placed so as to minimize impacts to the bluff face, toe and beach. Drainage devices extending over the bluff face shall not be permitted if water can be directed away from the beach/,

<u>(c) the project is designed to eliminate or mitigate all significant adverse impacts on local shoreline sand supply.</u>

SUGGESTED MODIFICATION NO. 8: Modify Sec.18.11.030's lead paragraph to read:

Sec. 18.11.030. Conversion of Urban Reserve District Lands to the Planned Unit Development District. Lands designated Urban Reserve on the Land Use Plan Map and Zoning District Map shall not be eligible for conversion to the Planned Unit Development District or any other development approval and shall not receive a permit for any development, other than for uses permitted under the designation Urban Reserve, without benefit of certified amendments to the Local Coastal Program (LCP) Land Use Plan Map and Zoning District Map and except ~~under/of~~ one of the following conditions when it can be demonstrated that the requirements of (a) or (b) below are met and that also the requirements of (c) below are met:

(a) In the case of land which is within an agricultural preserve and subject to a Williamson Act contract as of July 1, 1980, expiration of the Williamson Act contract.

(b) In the case of land which is not subject to a Williamson Act contract, the expiration of 10 years from the effective date of the Land Use Plan (certified by the California Coastal Commission in September, 1985).

(c) Regardless of the expiration of a Williamson Act contract or the passage of the ten year period, lands designated Urban Reserve will not be permitted to convert to urban uses until substantial development has occurred in areas designated for development on the Land Use Plan Map.

SUGGESTED MODIFICATION NO. 9: Modify Sec.18.11.035. to read:

Sec. 18.11.035. Conversion of Open Space Reserve District Lands to the Planned Unit Development District. Lands designated Open Spce Reserve on the Land Use Map and Zoning District Map shall not be eligible for conversion to the Planned Unit Development District or for any other development approval and shall not receive a permit for development, other than for uses permitted under the Open Space Reserve designation until all other land in the City ~~suitable/for/development~~ designated for development on the Land Use Plan Map has been developed or ~~committed/to_other/uses~~ is authorized for development, through a current, unexpired permit issued pursuant to this Title's provisions, and until amendments to the Local Coastal Program (LCP) Land Use Plan Map and Zoning District Map have been effectively certified. No division of such lands shall be permitted until development approval is obtained pursuant to this provision.

SUGGESTED MODIFICATION NO. 10: Modify Subdivision Code Sec. 17.02.060. to read:

Sec. 17.02.060. Divisions of Land Within the Open Space Reserve Districts. Any lands designated Open Space Reserve by the Local Coastal Plan, the General Plan or any of its Elements, and/or the Zoning District Map may not be subdivided for urban uses until all other land

in the City ~~suitable for urban development has been developed or~~ committed to other uses designated for development on the Land Use Plan Map has been developed or is authorized for development, through a current, unexpired permit issued pursuant to Title 18 (Zoning Code) provisions, and until amendments to the Local Coastal Program (LCP) Land Use Plan Map and Zoning District Map have been effectively certified. Divisions of land in the Open Space Reserve District are permitted only when the use or uses proposed on the lands to be divided are permitted by the General Plan and its Elements, the Land Use Plan, and Title 18, the Half Moon Bay Zoning Code.

SUGGESTED MODIFICATION NO 11: Modify the Zoning Map to show the re-designation, from the A-2 zoning district to the U-R zoning district, of any land that is designated Urban Reserve by the LUP but is designated A-2 on the Zoning Map.

SUGGESTED MODIFICATION NO 12: Modify the Zoning Map to show the re-designation, from the A-1 and A-2 zoning districts to the OS-R zoning district, of any land that is designated Open Space Reserve by the LUP but is designated A-1 or A-2 on the Zoning Map.

SUGGESTED MODIFICATION NO. 13: Sec. 18.13.040. shall be modified by the addition of two concluding sentences as follows:

Sec. 18.13.040. Minimum Area of Lot or Building Site. Each single-family dwelling, together with its accessory buildings, hereafter erected as incidental to the operation of any use permitted in this Chapter (A-1 District) shall be located on a building site having an area of not less than one-half acre and an average width of one hundred feet; provided, that there may be two dwellings constructed on a parcel where the ownership is at least five acres, and for each additional three acres of ownership an additional dwelling may be constructed. In no instance shall there be more than four dwellings allowed on a single parcel zoned for floriculture. The minimum new lot size shall be 15 acres; no existing lot smaller than 15 acres in size shall be divided into smaller parcels. Any new dwelling allowed in this district must be for accessory use only.

SUGGESTED MODIFICATION NO. 14: The language of Subdivision Code Secs. 17.02.110.A. & B. shall be replaced (under the current section heading) with a single paragraph as follows:

Sec. 17.02.110. Availability of Sewer and Water Capacity to Serve a Subdivision Pursuant to this Title.

~~A)~~ Prior to the approval of any Parcel Map, Tentative Map, or Vesting Tentative Map pursuant to this Title, ~~sewer and water~~

capacity shall be available to serve all of the intended uses within the site area or specific conditions of approval shall be imposed preclude the recording of a Parcel Map or the approval of a Final Map until sewer and water service is available to serve the intended uses within the site area.//This requirement shall not preclude approval of multiple Final Maps based upon the availability of infrastructure capacity to serve the development within the boundaries of each Final Map.

B.//Prior to issuing any grading and or building permits for any development created by a division of land pursuant to this Title, proof of water and sewer capacity availability to meet the requirements of all of the proposed uses within the project area shall be submitted to the Planning Director.

SUGGESTED MODIFICATION NO. 15: Add a new chapter contained in Appendix A, entitled "Local Coastal Program Public Access Ordinance," to the Zoning Code.

SUGGESTED MODIFICATION NO. 16: Modify Chapter 18.20 "Local Coastal Development Permits" as indicated in Appendix B.

SUGGESTED MODIFICATION NO. 17: Add a new section to Chapter 18.24. to read:

> Sec. 18.24.100. Coastal Commission Certification of Local Coastal Program Amendments. Any proposed amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30512 and 30513 of the Public Resources Code. An amendment to this Local Coastal Plan as certified by the California Coastal Commission shall not become effective after City Council adoption until the amendment is submitted pursuant to the requirements of Section 13551 et seq. of the California Code of Regulations and also certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act.

D. Findings to Support Denial of the Implementation plan as Submitted and to Certify the Implementation Plan if Modified as Suggested:

The Commission finds and declares as follows:

In most respects, the Implementation Plan as submitted by the City of Half Moon Bay is fully consistent with and adequate to carry out the certified Land Use Plan (LUP). These findings therefore primarily address those limited areas of the Implementation Plan which are not adequate, as submitted, to carry out the LUP but which would become adequate if modified as suggested.

1. ENVIRONMENTALLY SENSITIVE HABITAT AREAS:

Chapter 3 of the City's certified LUP, Environmentally Sensitive Habitat Areas, contains policies and standards relating to the protection of riparian corridors, wetlands, sand dunes, sea cliffs, and rare, endangered, and unique species. Proposed ordinance measures to implement these policies are contained in Zoning Code Chapter 18.38 Coastal Resource Conservation Standards. In certain instances proposed ordinance language is inadequate with respect to the LUP policy provisions the ordinances are meant to implement.

Rare and Endangered Species Protections

Zoning Code Secs. 18.38.085.D. and E.2., for example, contain regulations for implementing LUP Policy 3-31. This policy prohibits "any development on or within 50 feet of any rare plant population" except "when no feasible alternative exists," and then only if mitigated in specific ways. Proposed ordinance Sec. 18.38.085.D. requires that a minimum buffer surrounding "a designated habitat of a rare or endangered species shall be 50 feet" and proposed Sec.18.38.085.E.2. sets standards for allowing development closer than 50 feet pursuant to the policy 3-31 exception provisions.

Sec. 18.38.085.D. inadequately addresses Policy 3-31 provisions, however, in that the inclusion of the word "designated" in Sec. 18.38.085.D. would narrow the applicability of Policy 3-31 provisions, since Policy 3-31(a) does not require that a rare plant population be part of any designated habitat in order to have a protective buffer around it. Sec. 18.38.085.E.2. is deficient in that it allows as mitigation the return to a "near-naural state" of a "the site or a significant portion of the building site," rather than more demanding mitigation, pursuant to Policy 3-31, that requires the return "to a natural state" of "the site or a significant portion thereof," with "thereof" being a reference to a larger area than merely a site's building envelope. Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

The Commission, therefore, is able to certify that Sec. 18.38.085. is adequate to carry out the provisions of Policy 3-31 only if modified as suggested.

SUGGESTED MODIFICATION NO. 1: The word "designated" shall be deleted from Sec. 18.38.085.D. (shown in context below);

SUGGESTED MODIFICATION NO. 2: Sec. 18.38.085.E.2. shall be modified by changing the phrase "of the building site" to "thereof" and changing the phrase "near-natural" to "natural" (shown in context below):

Sec. 18.38.085. Habitats for Rare and Endangered Species.

A. Rare and Endangered Species. The potential exists for any of the following Rare and Endangered Species to be found within the San Mateo County Coastal Area and therefore within the City of Half Moon Bay:

1. Animals: the San Francisco Garter Snake, California Least Tern, California Black Rail, California Brown Pelican, San Bruno Elfin Butterfly, San Francisco Tree Lupine Moth, Guadalupe Fur Seal, Sea Otter, California Brackish Water Snail, Globuse Dune Beetle;

2. Plants: Rare plants known in San Mateo County are the Coast rock cress, Davy's bush lupine, Dolores campion, Gairdner's yampah, Hickman's cinquefoil, Montara manzanita, San Francisco wallflower, and Yellow meadow foam (botanical names are listed in the City's LCP/LUP).

B. Permitted Uses. In the event that a Biological Report indicates the existence of any of the above species in an area, the following uses are permitted:

1. Education and research;

2. Hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat;

3. Fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.

C. Permitted Uses within Critical Habitats. Within the critical habitat as identified by the Federal Office of Endangered Species, permitted uses are those which are deemed compatible by the U.S. Fish and Wildlife Service in accordance with the provisions of the Endangered Species Act of 1973, as amended.

D. Buffer Zones. The minimum buffer surrounding a ~~designated~~ habitat of a rare or endangered species shall be 50 feet.

E. Standards:

1. Animals: Specific requirements for each rare and endangered animal are listed in Chapter 3 of the Local Coastal Program Land Use Plan.

2. Plants: When no feasible alternative exists, development may be permitted on or within 50 feet of any rare plant population, if the site or a significant portion ~~of the building site~~ thereof shall be returned to a ~~near~~ natural state to enable re-establishment of the plant, or a new site shall be made available for the plant to inhabit and, where feasible, the plant population shall be transplanted to that site.

Riparian Protections

LUP policies 3-11(a) and (b) through 3-13 provide for the establishment of riparian buffer zones in which only certain specifed uses would be permitted and only if certain specified "performance standards" are met. Ord. Secs. 18.38.075.E. and F. accurately reflect the permitted uses of Policy 3-12, Sec. 18.38.075.G. repeats Policy 3-13 standards as "development standards," and Secs. 18.38.075.H. and I. provide the procedures for allowing the specified limited uses as "exceptions for development within riparian buffer zones." Some clarification is needed in Secs. 18.38.075.H. and I., however, since it is not made certain in these sections that an "exception" can only be an exception from the requirements for full 30- to 50- feet-wide buffers (depending, pursuant to Policy 3-11 [a] and [b], on whether a watercourse is perennial or intermittent) but not an exception from the LUP's basic, minimum buffer requirements (minimum of 20 feet, pursuant to pursuant to Policy 3-12 [a][2] and [5]).

Furthermore, since ordinance Secs. 18.38.075.E. and F. already permit certain uses within riparian buffer zones (consistent with LUP policy 3-12), a "findings" section is not necessary with regards to exceptions (Sec. 18.38.075.I., "Exception Findings") but with regards to the circumstances in which permitted uses are allowed. Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

The Commission, therefore, is able to certify that Sec. 18.38.075. is adequate to carry out the provisions of Policy 3-12 only if modified as suggested.

SUGGESTED MODIFICATION NO. 3: Sec. 18.38.075.H. (Exceptions for Development) shall be deleted entirely, and Sec. 18.38.75.I. shall be re-numbered to 18.38.075.H., re-titled to "Findings for Development within Riparian Buffer Zones," and modified in content (by substituting the word "project" for the word "Exception" and for the phrase "granting of the Exception") to read:

> Sec. 18.38.075. Riparian Corridors and Buffer Zones.
>
> *18/38/075/H///Exceptions/for/Development/within/Riparian/Buffer Zones. An/Exception/may/be/issued/by/the/Planning/Commission/for/an exception to/buffer/zone/requirements/if/the/six/required/Exception Findings contained/in/Subsection/I/below/can/be/supported//in/the following cases/*
>
> *1///If/the/imposition/of/the/minimum/buffer/area/would/render/a previously/subdivided/parcel/unusable/for/its/designated/use/*
>
> *2///If/there/are/special/circumstances/or/conditions/affecting/the property/*

18.38.075.~~I~~/H. ~~Exception~~ Findings for Development within Riparian Buffer Zones. The following Findings shall be supported by the contents of the required Biological Report:

1. That there are special circumstances or conditions affecting the property;

2. That the ~~Exception~~ project is necessary for the proper design and function of some permitted or existing activity on the property;

3. That the ~~granting of the Exception~~ project will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;

4. That the ~~granting of the Exception~~ project will not significantly reduce or adversely impact the sensitive habitat, or there is no feasible alternative which would be less damaging to the environment;

5. That the ~~granting of the Exception~~ project is in accordance with the purpose of this Chapter and with the objectives of the L.C.P. Land Use Plan;

6. That development on a property, which has its only building site located in the buffer area, maintains a 20-foot buffer from the limit of riparian vegetation, or if no vegetation exists, a 20-foot buffer from the bank of a perennial stream and a 20-foot buffer from the midpoint of an intermittent stream.

Wetland Protections

The Zoning Code's provisions for the protection of wetlands are similar to the Code's provisions regarding riparian habitat protection. LUP policies 3-11(c) through 3-13 provide for the establishment of wetland buffer zones in which only certain specifed uses would be permitted and only if certain specified "performance standards" are met. Ord. Secs. 18.38.080.E. and F. accurately reflect the permitted uses of Policy 3-12, Sec.18.38.080.G. repeats Policy 3-13 standards as "development standards," and Secs. 18.38.080.H. and I. provide the procedures for allowing the specified limited uses as "exceptions for development within riparian buffer zones." Some clarification is needed in Secs. 18.38.080.H. and I., however, since it is not made certain in these sections that an "exception," pursuant to Policy 3-12 (a)(2) and (5), can only be an exception from the requirements for full 100-foot-wide buffers (Policy 3-11 [c]) but not an exception from the LUP's basic, minimum buffer requirements (minimum of 20 feet, pursuant to pursuant to Policy 3-12 [a][2] and [5]). Furthermore, since ordinance Secs. 18.38.080.E. and F. already permit certain uses within wetland buffer zones (consistent with LUP policy 3-12), a "findings" section is not necessary with regards to exceptions (Sec. 18.38.080.I., "Exception Findings") but with regards to the circumstances in which permitted uses are allowed. Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

The Commission, therefore, is able to certify that Sec. 18.38.080. is adequate to carry out the provisions of Policy 3-12 only if modified as suggested.

SUGGESTED MODIFICATION NO. 4: Sec. 18.38.080.H. (Exceptions for Development) shall be deleted entirely, and Sec. 18.38.80.I. shall be re-numbered to 18.38.080.H., re-titled to "Findings for Development within Wetlands Buffer Zones," and modified in content (by replacing its single sentence, a reference to riparian buffer zones, with the language specified in suggested modification No. 3 but with language specifically related to wetlands replacing "riparian vegetation" and "stream" references) to read:

> Sec. 18.38.080. Wetlands.
>
> ~~18/38/080/H///Exceptions/for/Development/within/Wetlands/Buffer~~ Zones. ~~The/Riparian/Buffer/Zone/Development/Exceptions/listed/under~~ this Title ~~shall/apply/to/Wetlands/Buffer/Zones/~~
>
> 18.38.080.~~I~~/H. ~~Exception~~ Findings for Development within Wetlands Buffer Zones. ~~The/Riparian/Buffer/Zone/Exception/Findings/listed~~ under this Title shall apply to Wetlands Buffer Zones. The following Findings shall be supported by the contents of the required Biological Report:
>
> 1. That there are special circumstances or conditions affecting the property;
>
> 2. That the project is necessary for the proper design and function of some permitted or existing activity on the property;
>
> 3. That the project will not be detrimental to the public welfare or injurious to other property in the area in which the project is located;
>
> 4. That the project will not significantly reduce or adversely impact the sensitive habitat, or there is no feasible alternative which would be less damaging to the environment;
>
> 5. That the project is in accordance with the purpose of this Chapter and with the objectives of the L.C.P. Land Use Plan;
>
> 6. That development on a property, which has its only building site located in the buffer area, maintains a 20-foot buffer from the outer edge of any wetland.

2. HAZARDS:

Chapter 4 of the City's LUP, Hazards, contains policies and standards relating to seawall and shoreline structures, bluff protection, geotechnical hazards, and flooding. Policy language provides, for example: guidance for evaluating proposed developments in terms of their contributing to, or being impacted by,

potential geological hazards; limitations on construction of new shoreline structures based on their purpose, and/or on the need for them; and standards for setbacks from areas subject to flooding. One cited method (in LUP Policy 4-6) for reviewing and evaluating geologic hazards is the preparation of a geological report; Policy 4-6 is specific as to the main concerns that a geologic review must consider, these being, "adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami run-up, landslides, flooding or other geologic hazards such as expansive soils and subsidence areas."

Measures to implement LUP hazard policies are contained in several sections of Zoning Code Chapter 18.38 Coastal Resource Conservation Standards, e.g., in Secs. 18.38.030 (Required Reports), 18.38.045 (Geological Report), and 18.38.065 (Bluffs and Sea Cliffs). Secs. 18.38.030.A.5. and 18.38.045.A. require that geological reports be prepared, prior to the determination that a required development permit application is considered complete, for shoreline structures, any structure to be built within 100 feet of the bluff edge, any seawall or cliff-retaining structure, and projects which would involve substantial alteration of waterways. The "When (Report) Required" provisions of Sec. 18.38.045.A. are consistent in most respects with LUP Policy 4-6 geologic report requirements, but fail to specify that a report is required also, pursuant to Policy 4-6, for development "in areas of known geologic hazards, as indicated on the Geologic Hazards Map."

The LUP's Geologic Hazards Map shows hazards by four categories: 1) Tsunami Zone; 2) Flood Zone; 3) Landslide-Slope Failure Zone; and 4) 50 Year Line of Cliff Retreat. Sec. 18.38.045.A.'s "When Required" provisions are deficient in that an application for a development proposal in an area mapped as within one of the map's four categories, or in a location known to be subject to other geologic hazards identified in Policy 4-6 (such as expansive soils and subsidence areas), would not necessarily be required to include a geologic report. For example, since the hazard map categories are not necessarily within the locations described in, or implied by, Policy 4-6 and Sec. 18.38.045.A., a geologic report would not be required, by Sec. 18.38.045.A, for a development in a LUP-mapped hazard area unless the development proposal was of a type or in an area as also described in Sec. 18.38.045.A. Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

The Commission is able to certify that Sec. 18.38.045.A. is adequate to carry out the certified Land Use Plan's LUP Policy 4-6 provisions regarding when a geologic report would be necessary only if modified as suggested.

SUGGESTED MODIFICATION NO. 5: The following, underscored language shall be added to the end of Sec.18.38.045.A.:

Sec. 18.38.045. Geological Report.

> 18.38.045.A. When Required. The applicant shall submit a geological report for shoreline strucures, for any structure to be built withoin 100 feet of the bluff edge, any seawall or cliff-retaining structure, and projects which involve substantial alteration of waterways, <u>and for any development in areas of known geologic hazards, including but not limited to those indicated on the LUP Geologic Hazards Map or in any area known to contain expansive soils or to be subject to subsidence.</u>

Sec. 18.38.045. contains two other subsections, B. and C.: 18.38.045.B. is specific as to required contents of geological reports prepared for "bluff and clifftop development" (the subject of B.1) and for "seawalls and cliff-retaining structures" (the subject of B.2.); and 18.38.045.C. is specific as to requiring that any geological report would include mitigation measures.

Although the first paragraph of Sec. 18.38.045.B. includes the phrase "in addition to the report requirements listed in this Title, the Geological Report shall contain the following components," the Zoning Code is deficient in that it does not anywhere specify what the other requirements for geologic reports are, i.e., it does not actually cite basic hazard evaluation needs for all types of development (whether a development is a type described in B.1. or B.2. or some other type) for which a geologic report is required. In other words, there are no other geologic report content requirements "listed in this Title," which might be the subject of the reference in Sec. 18.38.045.B. Consequently, the proposed Implementation Plan is inadequate to carry ou the certified LUP and must be denied.

The Commission, therefore, is able to certify that the remainder of Sec. 18.38.045. is adequate to carry out provisions of Policy 4-6 of the certified Land Use Plan, by ensuring that all geologic reports adequately reflect and carry out Policy 4-6 report content provisions, only if modified as suggested.

SUGGESTED MODIFICATION NO. 6: Secs. 18.38.045.B. and C. shall be modified as follows:

> Sec. 18.38.045. Geological Report.
>
> 18.38.045.B. Report Contents. ~~For bluff and clifftop development, in addition to the report requirements listed in this title, the Geological Report shall contain the following components:~~ <u>All geological reports prepared pursuant to this chapter shall include an evaluation of the proposed development's adjacency to, threats from, and impacts on geologic hazards arising from seismic events, and from any other hazardous event or situation potentially affecting the particular parcel(s) on which the development is proposed, e.g., flooding, tsunami run-up, landslides, or other geologic conditions such as expansive soils and subsidence areas. The evaluation shall recommend mitigation measures to ensure the elimination or reduction of identified hazards, including, as appropriate to location or project specifics, measures to</u>

minimize erosion problems during and after construction and to ensure that development will not contribute to flood hazards. In addition to including these contents required for all geological evaluations, the geologic reports prepared for bluff and clifftop development and for seawalls and cliff-retaining structures shall include the information specified below:

1. ~~Site/Stability/Evaluation/~~ Bluff and Clifftop Development. This evaluation shall focus on the base, face and top of all bluffs and cliffs, where the extent of blufftop to be considered is generally 50 feet inland from the bluffedge, but may extend inland beyond 50 feet in certain instances.

The evaluation shall contain:

(a) a study of past, present, and future cliff erosion,

(b) an analysis of cliff geometry and site topography,

(c) a description of geologic conditions,

(d) evidence of past or potential landslide conditions and potential effects upon development and vice versa,

(e) a study of wave and tidal action as to their erosion of seacliffs,

(f) an analysis of ground and surface water conditions and variations,

(g) a discussion of effects of proposed development, including siting and design of structures, landscaping, drainage, grading and impacts of construction activity on the stability of the site and adjacent area, and any other factors that might affect slope stability,

(h) for any structure to be built within 100 feet of the bluff edge, an assessment of the prospective hazard to the structure.

2. Seawalls and cliff-retaining structures. The geological report for seawall or cliff-retaining structures shall indicate that the structure will succeed in stabilizing that portion of the shoreline which is subject to severe erosion and will not aggravate erosion in other shoreline areas.

~~C////Mitigation/Measures///The/mitigation/measures/to/be/used/shall ensure/minimized/erosion/problems/during/and/after/construction/ Appropriate/mitigation/measures/shall/be/included/in/the/geological report/~~

LUP Policy 4-2 specifies the limitations on permitting "revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other such construction that alters natural shoreline processes," including the requirement that any such development that is found to be permissible must "be designed to eliminate or mitigate adverse impacts on local sand supply." The provisions of Policy 4-2, and also of Policy 4-1, whose similar but even more specific provisions are directed exclusively to "seawalls and cliff-retainining structures," are implemented by ordinance Sec. 18.38.045.B.2 (as noted above, the geologic report requirements for seawalls and cliff-retaining structures), and by Secs. 18.38.065.D. ("Bluffs and Sea Cliffs, Conditionally Permitted Uses") and 18.38.065.F.1. and F.2. ("Development Standards," for any of the development types noted in Policy 4-2). The development standards of Secs. 18.38.065.F.1. and F.2., however, are deficient to carry out Policy 4-2 in that they do not include the policy's requirement that permitted developments be designed to eliminate or mitigate adverse impacts on local sand supply. Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

The Commission, therefore, is able to certify that Secs. 18.38.065.F.1. and F.2. are adequate to reflect and carry out provisions of Policy 4-2 of the certified Land Use Plan only if modified as suggested.

SUGGESTED MODIFICATION NO. 7: Secs. 18.38.065.F.1. and F.2. shall be modified by adding, as item (e) in Sec. 18.38.065.F.1., and as item (c) in Sec. 18.38.065.F.2., the development standard that: "the project is designed to eliminate or mitigate all significant adverse impacts on local shoreline sand supply." These suggested additions are shown in context below.

Sec. 18.38.065. Bluffs and Sea Cliffs

F. Development Standards. In addition to requirements listed in D above, the following shall apply:

1. Seawalls and Cliff-retaining Structures. These structures are permitted by Use Permit under the following standards or conditions:

(a) the structure is designed to preserve the maximum amount of existing beach,

(b) the structure is designed to ensure lateral access along the shoreline,

(c) the structure is designed so that all existing endangered development within the area of the improvement is protected as a part of the project,

(d) the structure is not designed so as to encompass an area larger than that necessary to protect existing structures/.

(e) the project is designed to eliminate or mitigate all significant adverse impacts on local shoreline sand supply.

2. Revetments, groins, pipelines, outfalls, and other construction that alter natural shoreline processes. These projects are permitted by Use Permit under the following standards or conditions:

(a) the installation is designed so as not to block lateral beach access,

(b) drain pipes shall be designed and placed so as to minimize impacts to the bluff face, toe and beach. Drainage devices extending over the bluff face shall not be permitted if water can be directed away from the beach/.

(c) the project is designed to eliminate or mitigate all significant adverse impacts on local shoreline sand supply.

3. AGRICULTURAL LANDS PROTECTION:

The City's LUP Chapter 8 Agriculture policies include development restrictions and guidelines for lands designated on the LUP Land Use Plan Map as "horticultural business" (Policy 8-7), "urban reserve" (Policy 8-5) and "open space reserve" (Policy 8-6). Appendix B of the LUP provides further definition of the LUP's land use designations; the definitions are intended to describe the principal permitted uses for each of the designations.

Zoning Code Chapters 18.11 (Urban and Open Space Reserve Districts), 18.13 (Exclusive Floriculture District), and 18.14 (Agriculture and Agriculture Reserve District) set forth measures to implement the LUP's agricultural provisions, as these chapters set forth the requirements relating to the four zoning districts that overlay the lands the LUP Map includes in its agricultural-related designations:

LUP Map Designation	Overlaying Zoning District(s)
Horticultural Business	A-1 (Exclusive Floriculture District)
Urban Reserve	U-R (Urban Reserve), or A-2 (Agriculture & Agriculture Reserve)
Open Space Reserve	OS-R (Open Space Reserve), or A-1, or A-2

The "Reserve Districts" chapter (chap. 18.11) specifies permitted uses and development standards and requirements that must be met before conversions of Urban- or Open Space-Reserve designations to other zoning designations could occur. As noted in Zoning Code Sec. 18.11.010.A.2., it is intended that the

reserve district regulations will "allow for the continued use of lands designated Urban Reserve and Open Space Reserve for agriculture, horticulture and floriculture as well as very low density residential uses until those areas are need for urban development." Sec.18.11.015 includes a "schedule of uses" (Table A) "that establishes the uses permitted within each Reserve District." The reserve district uses listed in Table A, allowed either as principal permitted uses or as uses allowed with a use permit, are consistent with the agricultural or agricultural-related uses identified in the LUP as appropriate for "reserve" areas.

The reserve districts' ordinance provides (Sec.18.11.010.A.5., 18.11.030. and 18.11.035.) that the conversion of reserve parcels to urban development (only after the occurrence of specific events as noted below) could occur "through the use of Planned Unit Development Plans and similar planning tools." The PUD District (Ord. Chap. 18.15) includes provisions that are intended (in Sec.18.15.010.) to "guide the orderly development of land," "provide for the ... development of parcels of land as coordinated, comprehensive projects," and "provide flexibility required for ... protection of coastal resources, provision of open space and recreational areas"; the PUD district therefore would be an appropriate alternative district once conversion requirements can be met. However, since the Planned Development District (LUP) and Planned Unit Development District (Zoning Code) are different LCP designations (than "reserve" designations) an LCP amendment, certified by the Coastal Commission, would be needed to redesignate a reserve parcel to a planned development designation, or to any other land use or zoning designation, that allows development of a type or intensity other than what is provided by the land use and zoning "reserve" designations. Consequently, without a statement of need for a certified LCP amendment, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

Furthermore, there is a need to clarify proposed zoning code provisions relating to the time constraints that conversions are subject to pursuant to LUP policies 8-5 and 8-6. With regards to conversion of "urban" reserve district lands, Sec.18.11.030 in its leading paragraph, and in its subsections (a) and (b) about the minimum time that "reserve" lands must be reserved, adequately reflects the requirements of Policy 8-5. Subsection (c), which contains language not in the LUP policy, appears to be included to ensure that even though the time passage requirements of (a) or (b) may be met "lands designated Urban Reserve will not be permitted to convert to urban uses until substantial development has occurred in areas designated for development on the Land Use Plan Map." Including this (the quoted) language in (c) at first seems reasonable, since it more or less mirrors language in the LUP's Appendix B "urban reserve" definition, which states "this designation is intended ... as a reserve for logical subsequent urban expansion once substantial new development has been accommodated on sites designated for new urban development on the Land Use Plan Map."

Although the term "substantial new development" is not defined in the ordinance and is fairly open-ended, the fact that, as specified above, any proposed conversion from Urban Reserve to urban uses will require an LCP amendment, that must be certified by the Commission, will help ensure the Commission will have the opportunity to review any determination the City makes that "substantial" development has occurred.

There is a problem, however, in that (c) begins with "Regardless of" (the occurrence of [a] or [b]), which could be read to mean that regardless of the provisions of (a) or (b) a conversion may be permitted just on the basis that "substantial development has occurred in areas designated for development on the Land Use Plan Map." That interpretation especially is possible since Sec. 18.11.030's lead paragraph ends with a clause that requires conformance only to "one of the following (three) conditions " (a, b, or c). Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

To adequately reflect and carry out Policy 8-5's intent (as described in the LUP Appendix B definition), Zoning Code Sec. 18.11.030.'s lead paragraph shoud be modified to note that a conversion could not occur except until the requirements of (a) or (b) are met and also not until the requirements of (c) are met. The Commission, therefore, is able to certify that Sec. 18.11.030. is adequate to carry out the provisions of Policy 8-5 of the certified Land Use Plan only if modified as suggested.

SUGGESTED MODIFICATION NO. 8: Modify Sec.18.11.030's lead paragraph to read:

> Sec. 18.11.030. Conversion of Urban Reserve District Lands to the Planned Unit Development District. Lands designated Urban Reserve on the Land Use Plan Map and Zoning District Map shall not be eligible for conversion to the Planned Unit Development District or any other development approval and shall not receive a permit for any development, other than for uses permitted under the designation Urban Reserve, <u>without benefit of certified amendments to the Local Coastal Program (LCP) Land Use Plan Map and Zoning District Map and</u> except ~~under/of~~ <u>one of the following conditions when it can be demonstrated that the requirements of (a) or (b) below are met and that also the requirements of (c) below are met</u>:
>
> (a) In the case of land which is within an agricultural preserve and subject to a Williamson Act contract as of July 1, 1980, expiration of the Williamson Act contract.
>
> (b) In the case of land which is not subject to a Williamson Act contract, the expiration of 10 years from the effective date of the Land Use Plan (certified by the California Coastal Commission in September, 1985).

(c) Regardless of the expiration of a Williamson Act contract or the passage of the ten year period, lands designated Urban Reserve will not be permitted to convert to urban uses until substantial development has occurred in areas designated for development on the Land Use Plan Map.

Zoning Code Sec. 18.11.035., which relates to implementation of the LUP's "Open Space" reserve provisions, has as its only condition for reserve designation conversion for any development approvals (other than for uses permitted under the open space reserve designation) the condition that the development/conversion can not occur "until all other land in the City suitable for development has been developed or committed to other uses." This language is different than certified Policy 8-6's provisions that there can be no development approvals "unless and until there are no alternative areas appropriate for infilling within the City for the proposed use," and is more restrictive than the policy's requirements, in that the policy requires only that the availability of other city lands "<u>appropriate</u> ... <u>for the proposed use</u>" (emphasis added) would have to be considered. In that sense, the ordinance language seems at least adequate to carry out LUP provisions requiring prior infill, since the ordinance language, which does not limit its concerns to infill only of lands "appropriate for the proposed use," encompasses considerations not only of these types of lands but "all other land in the City suitable for development." One deficiency of the Sec. 18.11.035. language, however, is its failure to define "suitable for development." An appropriate alternative to that phrase is the phrase "designated for development on the Land Use Plan Map," a phrase already being used in the City's zoning ordinance language, in Sec. 18.11.030.(c).

When all other land designated for development on the LUP map has in fact been developed it follows that Policy 8-6 requirements regarding the condition that "there are no alternative areas appropriate for infilling" would be met. The same cannot be said, however, about Ord. Sec.18.11.035. language regarding the commitment of other lands to other uses, i.e., language saying that conversions from open space reserve status might be appropriate when other land in the City has been "developed <u>or committed to other uses</u>" (emphasis added). There is no basis in the LUP which would provide that some sort of undefined commitment to some sort of undefined use on some non-open space reserve parcel would automatically preclude that parcel from being a candidate for providing space to complete the urban infill process described in pol.8-6. There could be, of course, some sort of commitment, such as an unexpired permit for development on a particular vacant non-open space reserve parcel, that could reasonably be shown as argument that the as-yet-undeveloped parcel should be removed from active consideration as an eligible candidate for other infill. But Sec. 18.11.035. does not spell out this type of event. Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied..

The Commisssion, therefore, is able to certify that Sec. 18.11.035. is adequate to carry out the provisions of Policy 8-6 of the certified Land Use Plan only if modified as suggested.

SUGGESTED MODIFICATION NO. 9: Modify Sec.18.11.035. to read:

> Sec. 18.11.035. Conversion of Open Space Reserve District Lands to the Planned Unit Development District. Lands designated Open Spce Reserve on the Land Use Map and Zoning District Map shall not be eligible for conversion to the Planned Unit Development District or for any other development approval and shall not receive a permit for development, other than for uses permitted under the Open Space Reserve designation until all other land in the City ~~suitable for development~~ designated for development on the Land Use Plan Map has been developed or ~~committed to other uses~~ is authorized for development, through a current, unexpired permit issued pursuant to this Title's provisions, and until amendments to the Local Coastal Program (LCP) Land Use Plan Map and Zoning District Map have been effectively certified. No division of such lands shall be permitted until development approval is obtained pursuant to this provision.

Sec. 17.02.060. of the City's Subdivision Code (Title 17), included as part of the City's Implementation Program submittal, sets forth the requirements for land divisions within the Open Space Reserve district, including the restriction against subdivisions of OS-R lands "for urban uses until all other land in the City suitable for urban development has been developed or committed to other uses." As stated above in the findings for suggested modifications No. 8 and No. 9, the proposed Implementation Plan must be denied as inadequate to carry out the certified LUP without a statement of need for a certified LCP amendment in order to change the status of a "reserve" parcel, and without a replacement of the phrase "suitable for urban development has been developed or committed to other uses" with the phrase "designated for development on the Land Use Plan Map has been developed or is authorized for development, through a current, unexpired permit issued pursuant to Title 18 (Zoning Code) provisions."

The Commission, therefore, is able to certify that Sec. 17.02.060. is adequate to carry out the provisions of Policy 8-6 of the certified Land use Plan only if modified as suggested.

SUGGESTED MODIFICATION NO. 10: Modify Subdivision Code Sec. 17.02.060. to read:

> Sec. 17.02.060. Divisions of Land Within the Open Space Reserve Districts. Any lands designated Open Space Reserve by the Local Coastal Plan, the General Plan or any of its Elements, and/or the Zoning District Map may not be subdivided for urban uses until all other land in the City ~~suitable for urban development has been developed or committed to other uses~~ designated for development on the Land Use Plan Map has been developed or is authorized for development, through a current, unexpired permit issued pursuant to Title 18 (Zoning Code) provisions, and until amendments to the Local Coastal Program (LCP) Land

> Use Plan Map and Zoning District Map have been effectively certified. Divisions of land in the Open Space Reserve District are permitted only when the use or uses proposed on the lands to be divided are permitted by the General Plan and its Elements, the Land Use Plan, and Title 18, the Half Moon Bay Zoning Code.

Both LUP Policy 8-5 and Zoning Code Sec. 18.11.035. are silent as to land divisions within Urban Reserve districts. However, Sec. 17.02.070. of the City's Subdivision Code (Title 17), included as part of the City's Implementation Program submittal, sets forth the requirements for land divisions within the Urban Reserve district, including the requirement, consistent with LUP and Ordinance provisions, that "the City Council makes specific findings that substantial development has occurred in areas designated for development on the Land Use Plan Map."

All but one of the areas shown as Urban Reserve on the LUP Map are designated U-R (Urban Reserve District) on the draft Zoning Map. The exception is an area (approximately 135 acres) zoned on the LCP zoning map as A-2 (Agriculture and Agriculture Reserve District) at the north end of the City, east of Highway 1 and just south of Frenchman's Creek. (Current zoning for the area also is A-2, reflecting current use of most of the lands for agriculture.) The area is under four separate ownerships, and consists of 9 parcels, ranging in size from 0.3 acres to 50 acres; the average parcel size is about 15 acres; the combined holdings of each of the 4 owners range from 17 acres to 70 acres.

While the uses permitted in the A-2 zoning district are consistent with the uses permitted in areas the LUP designates as Urban Reserve, residential densities permitted in the A-2 zoning district are greater than those permitted in the Urban Reserve (U-R) zoning district. The U-R zoning district, consistent with LUP provisions for the "urban reserve" designation, requires a "minimum lot area per dwelling unit" of 15 acres and a "minimum lot area for new subdivisions" of 50 acres, while the A-2 zoning district requires only that a single-family dwelling have a building site at least one acre in size. Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

Therefore, the Commission is able to certify that the Zoning Map adequately will ensure that none of the lands designated Urban Reserve on the LUP Land Use Plan Map could be developed or subdivided, while still in "reserve" status, at densities greater than allowed by the LUP Urban Reserve designation, only if the Zoning Map is modified as suggested.

SUGGESTED MODIFICATION NO 11: Modify the Zoning Map to show the re-designation, from the A-2 zoning district to the U-R zoning district, of any land that is designated Urban Reserve by the LUP but is designated A-2 on the Zoning Map.

Most of the areas designated Open Space Reserve on the Land Use Plan Map are also designated Open Space Reserve on the Zoning Map. Two areas, however, are designated agricultural on the Zoning Map. One of these areas consists of a strip of parcels adjacent to the east side of Main St. and Highway 1, and extending north from the southern city limits up to the south edge of Higgins Purisima Road. Except for this strip's most southerly parcel, an 18.77-acre parcel across Highway 1 from Miramontes Point Road, the parcels are rather small, generally 1- to 1 1/2-acres in size. The small parcels (under several ownerships) form an approximately 200'-wide strip between Main St. and Highway 1 and unincorporated County lands to the east. The most southerly parcel (the 18.77-acre parcel) is designated A-2 (Agriculture and Agriculture Reserve District) on the Zoning Map, while the other parcels are designated A-1 (Exclusive Floriculture District).

The other area in the City with a different zoning designation (also A-1) than its LUP-Open Space Reserve designation is an area covering the greater portion of 4 contiguous parcels (ranging from 18.3 to 28.15 acres in size and totalling about 88 acres), under three separate ownerships, and located on the south side of Pilarcitos Creek and just east of downtown.

While the uses permitted in the A-2 (Agriculture and Agriculture Reserve) zoning district are consistent with the uses permitted in areas the LUP designates as Open Space Reserve, residential densities permitted in the A-2 zoning district are greater than those permitted in the Open Space Reserve (OS-R) zoning district. The OS-R district, consistent with LUP provisions for the "open space reserve" designation, requires a "minimum lot area per dwelling unit" of 50 acres and a "minimum lot area for new subdivisions" of 50 acres, while the A-2 zoning district requires only that a single-family dwelling have a building site at least one acre in size.

Furthermore, while the uses permitted in the A-1 (Exclusive Floriculture) zoning district also are consistent, as are the uses permitted in the A-2 district, with the uses permitted in areas the LUP designates as Open Space Reserve, residential densities permitted in the A-1 zoning district also are greater than those permitted in the Open Space Reserve (OS-R) zoning district. While the A-1 zoning district requires only that a single-family dwelling have a building site at least one-half acre in size (compared with the one-acre minimum of the A-2 district), the OS-R district, as noted above, requires a "minimum lot area per dwelling unit" of 50 acres and a "minimum lot area for new subdivisions" of 50 acres. Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

Therefore, the Commission is able to certify that the Zoning Map adequately will ensure that none of the lands designated Open Space Reserve on the LUP Land Use Plan Map could be developed or subdivided, while still in "reserve" status, at densities greater than allowed by the LUP Open Space Reserve designation, only if the Zoning Map is modified as suggested.

SUGGESTED MODIFICATION NO 12: Modify the Zoning Map to show the re-designation, from the A-1 and A-2 zoning districts to the OS-R zoning district, of any land that is designated Open Space Reserve by the LUP but is designated A-1 or A-2 on the Zoning Map.

This modification would not affect the other lands that are designated A-1 on the Zoning Map, i.e., land zoned A-1 (Exclusive Floriculture) because the underlying LUP designation on the land is "Horticultural Business." The agricultural uses permitted in the A-1 district are consistent with the uses in areas the LUP designates as Horticultural Business. The proposed LCP zoning designation of A-1 is the same as the actual zoning designation that is currently in place on these lands, reflecting actual use of the lands for horticultural business. The LUP, in Appendix B, provides that "minimum parcel size is 15 acres, except where existing parcels are smaller," and that while "housing for persons employed on the premises" would be allowed "no principal dwelling would be permitted." As noted above, however, the A-1 zoning requires (Sec. 18.13.040.) only that a single-family dwelling have a building site at least one-half acre in size, without specifying a minimum lot size, even though Sec. 18.13.040. is entitled "Minimum Area of Lot or Building Site." (Sec. 18.13.040., however, does further provide that "there may be two dwellings constructed on a parcel where the ownership is at least five acres, and for each additional three acres of ownership an additional dwelling may be constructed. In no instance shall there be more than four dwellings allowed on a single parcel zoned for floriculture." These limits mean, in effect, that for a parcel to accommodate the maximum number of four dwellings the parcel must be at least 11 acres in size.) Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

Therefore, the Commission is able to certify that only if Sec. 18.13.040. is modified as suggested will the zoning code be adequate to prevent, consistent with provisions of the certified LUP, further divisions of lands designated A-1 that already are less than 15 acres in size, and to prevent the use of A-1 lands for "principal dwellings."

SUGGESTED MODIFICATION NO. 13: Sec. 18.13.040. shall be modified by the addition of two concluding sentences as follows:

> Sec. 18.13.040. Minimum Area of Lot or Building Site. Each single-family dwelling, together with its accessory buildings, hereafter erected as incidental to the operation of any use permitted in this Chapter (A-1 District) shall be located on a building site having an area of not less than one-half acre and an average width of one hundred feet; provided, that there may be two dwellings constructed on a parcel where the ownership is at least five acres, and for each additional three acres of ownership an additional dwelling may be constructed. In no instance shall there be more than four dwellings allowed on a single parcel zoned for floriculture. <u>The minimum new lot size shall be 15 acres; no existing lot smaller than 15 acres in size shall be divided into smaller parcels. Any new dwelling allowed in this district must be for accessory use only</u>.

4. PUBLIC SERVICES:

Chapter 9 of the City's LUP, Development, contains policies and standards relating to build-out densities, land divisions, Planned Development (PD) districts, and the availability of public services. Measures to implement these policies are contained in Zoning Code Chapters 18.04 Residential Growth Ordinance, 18.15 Planned Unit Development Districts, and 18.20 Local Coastal Development Permit Required, and in the revised Subdivision Code (Title 17).

Ordinance Secs. 18.20.045 Application Requirements and 18.20.070.D. Findings Required, Adequate Services, are key provisions to implement LUP Policy 9-4, the central LUP policy designed to incorporate Coastal Act Sec. 30250(a) requirements, regarding new development, into the City's LCP. LUP Policy 9-4 requires, in part, that the Planning Commission or City Council makes specific findings that all new development "have available water and sewer services ... adequate ... to serve the proposed development upon its completion." The issue of ensuring the availability of public services is especially relevant to the City of Half Moon Bay in light of ongoing service rationings due to deficiencies in the ability of the Coastside County Water District (CCWD) to supply new water connections and to deficiencies in plant capacity of the Sewer Authority Midcoastside (SAM).

The permit application and permit findings provisions of Secs. 18.20.045 and 18.20.070.D. are consistent in most respects with LUP Policy 9-4 requirements, but fail to specify what is needed for the Planning Commission or City Council to make its findings of services' availability prior to the adoption of the findings, i.e., evidence, at the permit application stage, of water and sewer capacity availability to meet the requirements of all of the proposed uses within the project area. Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

The Commission, therefore, is able to certify that Secs. 18.20.045 and 18.20.070.D. are adequate to carry out the provisions of Policy 9-4 of the certified Land Use Plan only if these sections are modified pursuant to suggested modification No. 16, which includes the following suggested revisions (see Appendix B., Suggested Modifications to Chapter 18.20, for the complete texts of these two code sections):

-- modifying the last sentence of Sec. 18.20.045, to read:

> "In addition to the submittal requirements for a discretionary or ministerial permit, applications for a Coastal Development Permit shall also include a location map, proof of water and sewer capacity availability to meet the requirements of all of the proposed uses within the project, and any other information deemed necessary and appropriate by the Planning Director and Building Director."

-- modifying subsection D. of Sec. 18.20.070. to read:

> "D. Adequate Services. Evidence has been submitted with the permit application that the proposed development will be provided with adequate services and infrastructure in a manner that is consistent with the Local Coastal Program."

The City's Subdivision Code (Title 17), in Sec. 17.02.050., requires that "In all respects, any proposed division of land shall conform to the Local Coastal Plan ...," and, in Secs. 17.02.110.A. & B., sets forth the requirements regarding the "Availability of Sewer and Water Capacity to Serve a Subdivision Pursuant to this Title." Secs. 17.02.110.A. & B., however, are deficient to ensure that Sec. 17.02.050.'s total LCP conformance requirements are met in that these sections do not require that in all cases the proof of water and sewer capacity availability be submitted prior to land division approvals, as required by LUP policy 9-4. Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

The Commission, therefore, is able to certify that Subdivision Code Secs. 17.02.110.A. & B. are adequate to carry out the provisions of Policy 9-4 of the certified Land Use Plan only if modified as suggested.

SUGGESTED MODIFICATION NO. 14: The language of Subdivision Code Secs. 17.02.110.A. & B. shall be replaced (under the current section heading) with a single paragraph as follows:

> Sec. 17.02.110. Availability of Sewer and Water Capacity to Serve a Subdivision Pursuant to this Title.
>
> A/ Prior to the approval of any Parcel Map, Tentative Map, or Vesting Tentative Map pursuant to this Title, sewer and water capacity shall be available to serve all of the intended uses within the site area or specific conditions of approval shall be imposed precluding the recording of a Parcel Map or the approval of a Final Map until sewer and water service is available to serve the intended uses within the site area.//This requirement shall not preclude approval of multiple Final Maps based upon the availability of infrastructure capacity to serve the development within the boundaries of each Final Map.
>
> B///Prior to issuing any grading and or building permits for any development created by a division of land pursuant to this Title, proof of water and sewer capacity availability to meet the requirements of all of the proposed uses within the project area shall be submitted to the Planning Director.

5. IMPLEMENTATION OF PUBLIC ACCESS:

As submitted, the Implementation Plan is not adequate to carry out the public access policies of the City's Certified Land Use Plan. Although Chapter 18.38.070 "Coastal Accessways" reiterates the access goals of the certified LUP, no specific procedural provisions detail how and when access dedications shall be obtained, the types of access dedications which may be required, when exceptions are granted, or the necessary project specific findings that must be made. The provisions of the Implementation Plan as submitted are not adequate to carry out the public access policies of the LUP regarding the provision of vertical, recreation, blufftop, and trail access. Therefore, the Commission finds that the Implementation Plan as submitted is not in conformance with, nor is it adequate to carry out, the public access policies of the LUP and must be rejected.

There are opportunities which remain to enhance and acquire additional shoreline beach access throughout the City. The Coastal Act requires that local coastal programs contain a readily identifiable public access component. The provision of public access is a strong mandate of the Chapter Three policies of the Coastal Act reflected in the City's Certified Land Use Plan. The Implementation Plan as submitted does not contain adequate provisions in this regard and must be rejected.

The Implementation Plan is being modified for the inclusion of a new chapter devoted to the provision of lateral, vertical, trail, blufftop, and recreational access. This new chapter contains standard and minimum requirements for various types of access as well as provisions for the recordation of access easements. In addition, the access chapter contains provisions regarding historic public use. Inclusion of the new access chapter would provide standards for the provision of new access as well as ensure that existing access is maintained.

Thus, only as modified, the Commission finds the proposed Implementation Plan to be consistent with and adequate to carry out the public access policies of the City's Certified Land Use Plan.

SUGGESTED MODIFICATION NO. 15: Add a new chapter contained in Appendix A, entitled "Local Coastal Program Public Access Ordinance," to the Zoning Code.

6. COASTAL DEVELOPMENT PERMIT ORDINANCE:

The purpose of the Coastal Development Permit Ordinance is to provide implementation of the City Local Coastal Program (LCP) and detail the procedures for processing a coastal development permit application as well as enforcing permit requirements. The Coastal Development Permit Ordinance contains several provisions and includes the following:

- Outlines coastal development permit approval authority for various types of projects;

- Details developments exemptions from permit requirements and that some development can be categorically excluded; and

- Establishes coastal development permit application submittal and processing requirements including noticing procedures, public access requirements and appeals to the Coastal Commission.

The California Coastal Act provides for the transfer of much of the Commission authority to local jurisdictions upon effective certification of a local coastal program for their geographic area. The Coastal Act and accompanying implementing regulations therefore require that the implementation plan portion of a local jurisdiction's LCP include procedures for carrying out this transferred authority. Essentially, four elements must be addressed to adequately fulfill this procedural requirement. These elements are permit requirements, hearing and notice procedures, appeal procedures, and LCP amendment procedures.

The permit processing portion of the City's Implementation Plan is contained within Chapter 18.20 of the City's ordinance and is entitled "Local Coastal Development Permit." This ordinance, as submitted, contains numerous errors and/or omissions pertaining to certain procedural requirements of the Coastal Act and its implementing regulations. Consequently, the procedural portions of the Implementation Plan, as proposed are inadequate to transfer coastal development permit authority from the Commission to the City; and, therefore, the Coastal Development Permit Ordinance must be rejected.

The proposed suggested modifications would bring this ordinance into conformance with the procedural requirements of the Coastal Act and its implementing regulations, thus allowing the transfer of permit authority to the City. Specifically, modifications are proposed relating to categorical exclusions, appealable development, and permit exemptions. Thus, only as modified, the Commission finds the proposed Implementation Plan to be consistent with and adequate to carry out the City's certified land use plan.

SUGGESTED MODIFICATION NO. 16: Modify Chapter 18.20 "Local Coastal Development Permits" as indicated in Appendix B.

7. <u>LCP AMENDMENTS</u>:

The Coastal Act (Section 30514 and the accompnaying Regulations (Section 13551 et seq. and Section 13544, 13544.5, 13587, 13515, 13512, 13511 and 13514) provide for the Amendment of Certified Local Coastal Programs. A maximum of three amendment requests per calendar year may be submitted for Commission review.

The Implementation Plan as submitted contains provisions for amendments of the zoning code in Chapter 18.24 entitled Amendments. However, as submitted, the Implementation Plan does not contain adequate provisions for amending the Local Coastal Program, particularly in regards to the need for Coastal

Commission approval, the required submittal resolution, the findings the City is required to make in approving an LCP amendment, and the contents of a submittal to the Commission. As submitted, the proposed Implementation Plan must therefore be rejected.

As modified, the provisions for LCP amendments in the Implementation Plan amendment would be consistent with the provisions for LCP amendments in the Coastal Act and California Code of Regulations and would be adequate to transfer Coastal Act authority to the City of Half Moon Bay.

SUGGESTED MODIFICATION NO. 17: Add a new section to Chapter 18.24. to read:

> Sec. 18.24.100. Coastal Commission Certification of Local Coastal Program Amendments. Any proposed amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30512 and 30513 of the Public Resources Code. An amendment to this Local Coastal Plan as certified by the California Coastal Commission shall not become effective after City Council adoption until the amendment is submitted pursuant to the requirements of Section 13551 et seq. of the California Code of Regulations and also certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act.

8. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Pursuant to SB 1873, which amended the California Environmental Quality Act (CEQA), the Coastal Commission is the lead agency in terms of meeting CEQA requirements for local coastal programs. In addition to making a finding that the Implementation Plan is in full compliance with CEQA, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

> ... if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The Commission finds that there are no feasible mitigation measures availble that could substantilally reduce adverse environmental impacts. For the reasons discussed in this report, there are no feasible alternatives or mitigation measures available that could substantially reduce adverse environmental impacts. The Commission further finds, therefore, that the Implementation Plan, as modified, is consistent with Section 21080.5(d)(2)(i) of the Public Resources Code.

8480p/bvb

RESOLUTION NO. C-74-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY ACCEPTING THE REVISED ZONING CODE AS MEETING THE REQUIREMENTS FOR ZONING MEASURES NECESSARY TO CARRY OUT THE LAND USE PLAN AS SET FORTH IN SECTION III OF THE CERTIFIED LAND USE PLAN, AND FORWARDING THE REVISED ZONING CODE, ZONING MAP, AND SUBDIVISION CODE TO THE COASTAL COMMISSION FOR CERTIFICATION.

WHEREAS, the City of Half Moon Bay Land Use Plan was certified by the California Coastal Commission in September of 1985; and

WHEREAS, Section III detailed the steps to be taken by the City in order to implement the Policies of the Land Use Plan; and

WHEREAS, included in the Land Use Plan was Section III, Zoning Measures to Carry Out the Land Use Plan; and

WHEREAS, Section III also requires amendments to the Subdivision Code which were adopted by the City Council on April 14, 1994; and

WHEREAS, as a part of the L.C.P. Zoning Implementation process, it became necessary to revise and update the City Zoning Code; and

WHEREAS, the L.C.P. Implementation process also necessitated revisions to the Zoning Map to ensure consistency and conformity with the Land Use Plan Map; and

WHEREAS, the procedures for amending the Zoning Code and Zoning Map as set forth in the Half Moon Bay Municipal Code and State law have been followed; and

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 Land Use Plan, and the Zoning Code; and

WHEREAS, the City Planning Commission and City Council have conducted numerous public meetings and hearings considering the Draft L.C.P. Zoning Implementing Ordinances and Zoning Map revisions; and

WHEREAS, notice containing a brief description of each of the Draft L.C.P. Implementing Ordinances and the amendments to the Zoning Map and the date, time, and place of each Planning Commission and City Council public hearing

EXHIBIT NO. 1
APPLICATION NO.
HALF MOON BAY LCP
IMPLEMENTATION PLAN
California Coastal Commission

was mailed to all persons expressing an interest in these proceedings, to all property owners within 300 feet of the site, and to all County, State, and Federal agencies with an interest in the City's General Plan/Land Use Plan: and

WHEREAS, notice containing a brief description of the each of the Draft L.C.P. Implementing Ordinances and Zoning Map amendments and the date, time, and place of the Planing Commission and City Council public hearings was published in the Half Moon Bay Review, a newspaper of general circulation in the City; and

WHEREAS, all those in attendance desiring to be heard at each of the Planning Commission and City Council public hearings were given an opportunity to speak; and

WHEREAS the Planning Commission and City Council considered all written and oral testimony presented in their consideration of the L.C.P. Zoning Implementing Ordinances and the amendments to the Zoning Map; and

WHEREAS, the Planning Commission has recommended that the City Council approve each of the Draft L.C.P. Implementing Ordinances; and

WHEREAS, the City Council has approved and adopted each of the proposed L.C.P. Implementing Ordinances; and

WHEREAS, the Planning Commission, at its meeting of August 24, 1995, reviewed the Revised Zoning Code for internal consistency and conformance with the polices of the Land Use Plan and forwarded its recommendation that the City Council accept the document and map and

WHEREAS, at its meeting of September 5, 1995, the City Council accepted the Planning Commission Resolution.

NOW THEREFORE BE IT RESOLVED that the City Council accepts the revised Zoning Code and Zoning Map as attached hereto and incorporated herein by reference as satisfying the requirements of Section III of the Land Use Plan for Zoning Measures to Carry Out the Land Use Plan and further directs Staff to forward the revised Zoning Code, Zoning Map, and Subdivision Code to the Coastal Commission for certification.

PASSED AND ADOPTED by the City Council of the City of Half Moon Bay at its meeting thereof held on the 4th day of September, 1995, by the following vote:

AYES, COUNCIL MEMBERS: RUDDOCK, PATTERSON, DONOVAN AND PASTORINO

NOES, COUNCIL MEMBERS: _____

ABSENT, COUNCIL MEMBERS: PATRIDGE

ABSTAIN, COUNCIL MEMBERS: _____

Naomi Patridge, Mayor

Attest:

Dorothy Robbins
City Clerk

file:CCCRESO:August 25, 1995

PASSED AND ADOPTED AT THE
COUNCIL MEETING OF
9-5-95

CITY CLERK

APPENDIX A

ADD SUGGESTED NEW CHAPTER TO ZONING ORDINANCE

LCP PUBLIC ACCESS ORDINANCE*

ARTICLE 1. PURPOSE

Section 1.0 Purpose.

(1) To achieve the basic state goals of maximizing public access to the coast and public recreational opportunities, as set forth in the California Coastal Act codified at sections 30000 through 30900 of the California Public Resources Code. Section 30001.5(c) states that public access both to and along the shoreline shall be maximized consistent with sound resource conservation principles and constitutionally protected rights of private property owners;

(2) To implement the public access and recreation policies of Chapter 3 of the Coastal Act (Sections 30210-30255); and,

(3) To implement the certified land use plan of the Local Coastal Program which is required by Section 30500(a) of the Act to include a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.

(4) In achieving these purposes, this ordinance shall be given the most liberal construction possible so that public access to the navigable waters shall always be provided and protected consistent with the goals, objectives and policies of the California Coastal Act and Article X, Section 4, of the California Constitution.

ARTICLE 2. DEFINITIONS

Section 2.0. Development

"Development" means, on land, in or under water, the placement or erection of a solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; change in density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water; or access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes; kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

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*Although the LCP Public Access Ordinance is to be added as a suggested modification in its entirety, for ease of reading the entire ordinance does not appear in underline.

As used in this section "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Section 3.0. New development

For purposes of implementing the public access requirements of Public Resources Code Section 30212 and of this ordinance, "new development" includes "development" as defined above except the following:

(a) Structures destroyed by natural disaster: The replacement of any structure, other than a public works facility, destroyed by a disaster; provided that the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, and is sited in the same location on the affected property as the destroyed structure. As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owners.

(b) Demolition and reconstruction: The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(c) Improvements: Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the structure by more than 10 percent, which do not block or impede access, and which do not result in a seaward encroachment by the structure.

(d) Repair and maintenance: Repair or maintenance activity which, pursuant to Public Resources Code Section 30610, requires no permit unless the activity will have an adverse impact on lateral public access along the beach.

(e) Reconstruction and repair: The reconstruction or repair of any seawall; provided that the reconstructed or repaired seawall is not seaward of the location of the former structure. As used in this section, "reconstruction or repair" of a seawall shall not include replacement by a different type of structure or other modification in design or construction which results in different or greater impacts to shoreline resources than those of the existing structure.

Section 4.0. Sea

"Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

Section 5.0 Types of public access and recreation

(a) Lateral public access provides public access and use along or parallel to the sea.

(b) Bluff top access provides public access and coastal viewing along a coastal bluff top area.

(c) Vertical access provides a public access connection between the first public road, trail, or public use area nearest the sea and the publicly owned tidelands or established lateral access.

(d) Trail access provides public access along a coastal recreational path, including to and along lakes, rivers, streams, freshwater marshes, significant habitat and open space areas or similar resource areas, and which also may link inland recreational facilities to the shoreline.

(e) Recreational access provides public access to coastal recreational resources through means other than those listed above, including but not limited to parking facilities, viewing platforms and blufftop parks.

Section 6.0. Character of accessway use

(a) Pass and repass refers to the right of the public to walk and run along an accessway. Because this use limitation can substantially restrict the public's ability to enjoy adjacent publicly owned tidelands by restricting the potential use of lateral accessways, it will be applied only in connection with vertical access or other types of access where the findings required by Sections 20.0 and 23.0 establish that the limitation is necessary to protect natural habitat values, topographic features (such as eroding bluffs), or privacy of the landowner.

(b) Passive recreational use refers to the right of the public to conduct activities normally associated with beach use, such as walking, swimming, jogging, sunbathing, fishing, surfing, picnicking, but not including organized sports, campfires, or vehicular access other than for emergencies or maintenance.

(c) Active recreational use refers to the right of the public to conduct the full range of beach-oriented activities, not including horseback riding and use of motorized vehicles unless specifically authorized.

ARTICLE 3. APPLICABILITY

Section 7.0 Access Required.

As a condition of approval and prior to issuance of a permit or other authorization for any new development identified in (a) through (d) of this section, except as provided in Section 8.0, an offer to dedicate an easement (or other legal mechanism pursuant to Section 18(b)) for one or more of the

types of access identified in Section 5.0 (a-e) shall be required and shall be supported by findings required by Sections 20.0-22.0; provided that no such condition of approval shall be imposed if the analysis required by Sections 20.0 (a) through (d) establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources or that the access dedication requirement will not alleviate the access burdens identified.

(a) New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts.

(b) New development between the nearest public roadway and the sea.

(c) New development on any site where there is substantial evidence of a public right of access to the sea acquired through use or a public right of access through legislative authorization.

(d) New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access.

Section 8.0 Exceptions

Section 7.0 shall apply except in the following instances:

(a) Projects excepted from the definition of "new development" at Section 3.0.

(b) Where findings required by Sections 20.0 and 21.0 establish any of the following:

(1) Public access is inconsistent with the public safety, military security needs, or protection of fragile coastal resources;

(2) Adequate access exists nearby; or,

(3) Agriculture would be adversely affected.

(c) Exceptions identified in (b) shall be supported by written findings required by Section 22.0 of this ordinance.

ARTICLE 4

STANDARDS FOR APPLICATION OF ACCESS CONDITIONS

Section 9.0. Lateral public access

The public access required pursuant to Section 7.0 shall conform to the standards and requirements set forth in Sections 9.0 through 19.0.

(a) Minimum requirements. [Also to be used for blufftop access or trail access, as applicable.] A condition to require lateral access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 7.0 shall provide the public with the permanent right of lateral public access and passive recreational use along the shoreline (or public recreational area, bikeway, or blufftop area, as applicable); provided that in some cases controls on the time, place and manner of uses may be justified by site characteristics including sensitive habitat values or fragile topographic features, or by the need to protect the privacy of residential development.

Active recreational use may be appropriate in many cases where the development is determined to be especially burdensome on public access. Examples include cases where the burdens of the proposed project would severely impact public recreational use of the shoreline, where the proposed development is not one of the priority uses specified in Public Resources Code Section 30222, where active recreational uses reflect the historic public use of the site, where active recreational uses would be consistent with the use of the proposed project, and where such uses would not significantly interfere with the privacy of the landowner. In determining the appropriate character of public use, findings shall be made on the specific factors enumerated in Section 21.0. Lateral access shall be legally described as required in Section 15.0.

Section 10.0 Vertical public access

(a) Minimum requirements. A condition to require vertical public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 7.0 shall provide the public with the permanent right of access, (1) located in specific locations identified in the certified Local Coastal Program for future vertical access, or (2) located in a site for which the local government has reviewed an application for a development permit and has determined a vertical accessway is required pursuant to the access and recreation policies of the Coastal Act or the applicable provisions of the Local Coastal Program.

A condition to require vertical access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 7.0 shall provide the public with the permanent right of vertical access and be limited to the public right of passive recreational use unless another character of use is specified as a condition of the development. In determining whether another character of use is appropriate, findings shall be made on the specific factors identified in Section 21.0.

Each vertical accessway shall extend from the road to the shoreline (or bluff edge) and shall be legally described as required in Section 15.0. The access easement shall be a minimum of 10 feet wide [or a different standard if specified in the certified LUP]. If a residential structure is proposed, the accessway should not be sited closer than 10 feet to the structure [or another distance if specified in the certified LUP].

Section 11.0 Bluff top access

(a) Minimum requirements. A condition to require public access along a bluff top as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 7.0 shall provide the public with the permanent right of scenic and visual access from the bluff top to the public tidelands.

The bluff top access shall be limited to passive recreational use and coastal viewing purposes unless another character of use is specified as a condition of development. In determining the appropriate character of use findings shall be made on the specific factors identified in Section 21.0.

Each bluff top accessway shall be described in the conditions of approval of the coastal development permit as an area beginning at the current bluff edge extending 25 feet inland [or a different standard, greater or lesser as determined to be necessary for public safety or geologic stability, if specified in the certified LUP]. However, the accessway shall not extend any closer than 10 feet from an occupied residential structure. Due to the potential for erosion of the bluff edge, the condition shall include a mechanism that will cause the accessway to be adjusted inland as the edge recedes. Any permanent improvements should be set back from the accessway by a distance derived by multiplying the annual rate of blufftop retreat by the life expectancy in years of the improvements.

The accessway shall be legally described as required in Section 15.0, with the furthest inland extent of the area possible referenced as a distance from a fixed monument in the following manner:

> "Such easement shall be ____ feet wide located along the bluff top as measured inland from the daily bluff edge. As the daily bluff top edge may vary and move inland, the location of this right of way will change over time with the then current bluff edge, but in no case shall it extend any closer than ____ feet from _____ (a fixed inland point, such as the centerline of a public road or other easement monument)."

Section 12.0 Trail access

(a) Minimum requirements. A condition to require public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) required pursuant to Section 7.0 shall provide the public with the permanent right of access and active recreational use, (1) along a designated alignment of a coastal recreational path or trail in specific locations identified in the LCP for implementation of trail access, or (2) in locations where it has been determined that a trail access is required to link recreational areas to the shoreline or provide alternative recreation and access opportunities pursuant to the access and recreation policies of the LCP and Coastal Act, consistent with other provisions of this chapter. In determining if another character of use is appropriate, findings shall be made on the specific factors enumerated in Section 21.0. The trail access shall be legally described as required by Section 15.0.

Section 13.0 Recreational access

(a) Minimum requirements. A condition to require public recreational access as a condition of approval of a coastal development permit (or some other authorization to proceed with development) required pursuant to Section 7.0 shall provide the public with the permanent right of access and use within a designated recreational access area. Conditions required pursuant to this section shall specify the location and extent of the public access area. The form and content should take the form of requirements in Sections 9(a) through 12(a) as applicable. The accessway shall be legally described as required in Section 15.0.

Section 14.0 Protection of historic public use

(a) Substantial evidence determination. Substantial evidence that the area used by the public has been impliedly dedicated shall be determined based on evidence of all of the following:

(1) The public must have used the land for a period of five years or more as if it were public land,

(2) Without asking for or receiving permission from the owner,

(3) With the actual or presumed knowledge of the owner,

(4) Without significant objection or bona fide attempts by the owner to prevent or halt the use, and

(5) The use must be substantial, rather than minimal, and

(6) The applicant must not have demonstrated that the law has prevented the property from being impliedly dedicated.

(b) Findings. Where an issue as to the existence of public prescriptive rights has been raised during the course of reviewing a coastal development permit application, one of the following findings shall be made:

(1) Substantial evidence does not warrant the conclusion that public prescriptive rights exist;

(2) Substantial evidence of public prescriptive rights exist, but development will not interfere with those rights;

(3) There is an unresolved controversy as to the existence of public prescriptive rights which requires denial of a coastal development permit because of interference with those rights.

(4) There is an unresolved controversy as to the existence of public prescriptive rights, but the applicant's dedication of a public access protects the rights of the public and allows an agreement to accept the actual dedication in exchange for giving up the contested claim of implied dedication.

(c) Siting and design requirements. Development shall be sited and designed in a manner which does not interfere with or diminish any public right of access which may have been established based on historic public use. Only when site constraints are so severe that siting of the accessway or recreational use area in its historic location would significantly impair the proposed development and alternative development siting is not feasible, development may be sited in the area of public right of access based on historic use provided that the applicant provides an equivalent area of public access or recreation to and along the same destination and including the same type and intensity of public use as previously existed on the site. Mechanisms for guaranteeing the continued public use of the area or equivalent area shall be required in accordance with Sections 9.0 through 13.0 above.

(d) Minimum requirements. An access condition shall not serve to extinguish or waive public prescriptive rights. In permits where evidence shows the possibility of such prescriptive rights, the following language shall be added to the access condition:

"Nothing in this condition shall be construed to constitute a waiver of any prescriptive rights which may exist on the parcel itself or on the designated easement."

Section 15.0 Legal description of an accessway; recordation

An access dedication required pursuant to Section 7.0 shall be described in the condition of approval of the permit or other authorization for development in a manner that provides the public, the property owner, and the accepting agency with the maximum amount of certainty as to the location of the accessway. As part of the condition of approval, easements shall be described as follows: (1) for lateral access: along the entire width of the property from the mean high tide line to (as applicable): the toe of the bluff, the toe of the seawall, or other appropriate boundary such as stringline or dripline; (2) for blufftop access or trail access: extending inland from the bluff edge or along the alignment of a recreational trail; (3) for vertical access: extending from the road to the shoreline (or bluff edge). A privacy buffer provided pursuant to Section 17.0 shall be described, as applicable.

Prior to the issuance of the coastal development permit or other authorization for development, the landowner shall execute and record a document in a form and content acceptable to the the Coastal Commission [or local agency authorized pursuant to 14 Cal. Admin. Code Section 13574(b)], consistent with provisions of Section 24.0 of this ordinance, irrevocably offering to dedicate to a public agency or private association approved by the Coastal Commission [or local agency authorized by the Commission pursuant to 14 Cal. Admin. Code Section 13574(b)] an easement for a specific type of access as described in Section 5.0 and a specific character of use as described in Section 6.0, as applicable to the particular condition.

The recorded document shall provide that the offer to dedicate shall not be used or construed to allow anyone, prior to acceptance of the dedication, to interfere with any rights of public access acquired through use which may exist on the property.

The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area and a map to scale. The offer shall be recorded free of prior liens and any other encumbrances which the Coastal Commission [or local agency authorized by the Commission] determines may affect the interest being conveyed. The offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

Section 16.0 Management plan

(a) Minimum requirements. A management plan may be required in conjunction with a dedication of public access in any case where there is substantial evidence of potential conflicts between public access use and other uses on or immediately adjacent to the site. Examples include access in areas of sensitive habitats, agricultural resources, or significant hazards, or adjoining residential neighborhoods or military security areas. The plan shall be prepared by the accepting agency and approved by [identify local authority] prior to the opening of the access to public use. Where applicable, the plan should specify management controls on time and intensity of use, standards for privacy buffers, and requirements for maintenance of aesthetic values through such measures as litter control.

Section 17.0 Privacy buffers

(a) Minimum requirements. Separation between a public accessway and adjacent residential use may be provided when necessary to protect the landowner's privacy or security as well as the public's right to use of the accessway. Any such buffer shall be provided within the development area. Access should not be sited closer to any residential structure than the distance specified in the certified LUP, or where there is no distance specified, no closer than 10 feet. The buffer can be reduced where separation is achieved through landscaping, fences or grade separation.

Section 18.0 Implementation

(a) A dedicated accessway shall not be required to be opened to public use until a public agency or private association approved in accordance with Section 15.0 agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is implemented through a deed restriction.

(b) In any case where the size and character of a development would impose very substantial burdens on public access, such as a large resort development on the shoreline, and where the applicant has the capacity to operate and maintain the accessway or recreation area, a deed restriction may be required instead of an offer to dedicate in order to assure immediate public use of the area and maintenance of the area by the applicant and successors in interest. In any such case, all other applicable provisions of this ordinance shall apply.

(c) Access facilities constructed on access easements (e.g., walkways, paved paths, boardwalks, etc.) should be no wider than necessary to accommodate the numbers and types of users that can reasonably be expected. Width of facilities can vary for ramps or paved walkways, depending on site factors.

Section 19.0 Title information

As a requirement for any public access condition, prior to the issuance of the permit or other authorization for development, the applicant shall be required to furnish a title report and all necessary subordination agreements. Title insurance may also be required where easements are being granted. The amount of insurance shall reflect the estimated cost to acquire an equivalent accessway or recreational use elsewhere in the vicinity. All offers shall be made free of all encumberances which the approving authority pursuant to Section 15.0 determines may affect the interest being conveyed. If any such interest exists which could erase the access easement, it must be subordinated through a written and recorded agreement.

ARTICLE 5

REQUIRED FINDINGS and SUPPORTING ANALYSIS FOR PUBLIC ACCESS DEDICATIONS

Section 20.0 Required overall findings

Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals, denials or conditional approvals of projects between the first public road and the sea (whether development or new development) and of all approvals or conditional approvals of projects (whether development or new development) where an access dedication is included in the project proposal or required as a condition of approval. Such findings shall address the applicable factors identified by Section 21.0 and shall reflect the specific level of detail specified, as applicable. Findings supporting all such decisions shall include:

(a) A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section 21.0. The type of affected public access and recreation opportunities shall be clearly described.

(b) An analysis based on applicable factors identified in Section 21.0 of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act.

(c) A description of the legitimate governmental interest furthered by any access condition required.

(d) An explanation of how imposition of an access dedication requirement alleviates the access burdens identified and is reasonably related in nature and extent.

Section 21.0 Required project-specific findings

In determining any requirement for public access, including the type of access and character of use, the City shall evaluate and document in written findings the factors identified in subsections (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the dedication will alleviate or mitigate the adverse effects which have been identified and is reasonably related to those adverse effects in both nature and extent. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.

(a) Project effects on demand for access and recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and receation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection of the anticipated demand and need for increased coastal access and recreation opportunties for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities.

(b) Shoreline processes. Description of the existing shoreline conditions, including beach profile, accessibility and useability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and useability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project - alone or in combination with other anticipated changes - will have upon the ability of the public to use public tidelands and shoreline recreation areas.

(c) Historic public use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal).

Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc. and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use).

(d) Physical obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline.

(e) Other adverse impacts on access and recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent to which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

Section 22.0 Required findings for public access exceptions

Any determination that one of the exceptions of Section 8.0(b) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

(a) The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable.

(b) Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected.

(c) Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

Section 23.0 Findings for management plan conditions

Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:

(a) Identification and protection of specific habitat values including the reasons supporting the conclusion that such values must be protected by limiting the hours, seasons, or character of public use.

(b) Topographic constraints of the development site.

(c) Recreational needs of the public.

(d) Rights of privacy of the landowner which could not be mitigated by setting the project back from the accessway or otherwise conditioning the development.

(e) The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access.

(f) Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

ARTICLE 6

REVIEW OF RECORDED ACCESS DOCUMENTS

Section 24.0 Standards and procedures

Upon final approval of a coastal development permit or other authorization for development, and where issuance of the permit or authorization is conditioned upon the applicant recording a legal document which restricts the use of real property or which offers to dedicate an interest in land for public use, a copy of the permit conditions, findings of approval and drafts of any legal documents proposed to implement the conditions shall be forwarded to the California Coastal Commission for review and approval prior to the issuance of the permit. The standards of review and approval by the Commission shall be the legal adequacy of the document to carry out the purposes of the permit conditions or certified land use plan; the uniform application of the document with other documents required throughout the Coastal Zone; and the document's consistency with the requirements of potential participating agencies. If requested, and if provided with copies of the permit conditions, findings and the applicant's name, address and telephone number, the Commission will prepare the documents and forward copies to the City for processing.

(a) The Commission shall have 15 working days from the receipt of the documents where review is requested and 30 working days where preparation is requested, to complete the review or preparation and notify the applicant and local government of recommended revisions, if any;

(b) If the local government does not receive notification of the inadequacy of documents it has prepared within the 15 working day period, the documents are deemed approved and the permit may be issued upon proof that the documents have been recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed, in accordance with the provisions of the local government's local coastal program;

(c) Where the Commission prepares the legal documents, the local government may issue the permit after the 30 day preparation period has expired, or the applicant has signed a document that meets the standards of this section, and the document has been recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed, in accordance with the provisions of the local government's local coastal program;

(d) Where revisions are required to meet the standards of this section, the permit shall not be issued until the local government has been notified that all issues of adequacy, uniformity and consistency have been resolved and the document has been recorded free of prior liens and encumbrances, in accordance with the provisions of the certified local coastal program.

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APPENDIX B

SUGGESTED MODIFICATIONS TO CHAPTER 18.20 *

LOCAL COASTAL DEVELOPMENT PERMITS

Sections:

18.20.010	Purpose and Intent
18.20.015	Applicability
18.20.020	Definitions
18.20.025	Permit Required
18.20.030	Exemptions
18.20.035	Categorical Exclusion Areas
18.20.040	Permits for Emergency Work
18.20.045	Application Requirements
18.20.050	Determination of Jurisdiction and Review Procedure
18.20.055	Hearing Required
18.20.060	Notice Required
18.20.065	Conditions
18.20.070	Findings Required
18.20.075	Appeals and Finality of Local Government Action
18.20.080	Expiration of Coastal Development Permit
18.20.085	Permit Amendments and Extensions
18.20.090	Penalties and Enforcement

18.20.010 Purpose and Intents. The purpose and intent of adopting this ordinance is to establish the process and minimum findings necessary to ensure that all development within the City of Half Moon Bay is consistent with the City's Local Coastal Program, the California Coastal Act, and the General Plan.

18.20.015 Applicability. All properties within the City of Half Moon Bay are subject to the procedures contained in this Chapter. Where the procedures described in this Chapter for issuing coastal development permits conflict with other procedures in the zoning code, the procedures described herein shall take precedence.

18.20.020 Definitions.

A. **Appealable ~~area~~ development.** ~~The appealable area of the coastal zone is the area located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or from the mean high tide line of the sea where there is no beach, whichever is greater.~~

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* Suggested modifications adding language appear in underline; suggested modifications deleting language appear in ~~strikeout~~.

After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the California Coastal Commission for only the following types of developments:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, within 300 feet of the top of the seaward face of any coastal bluff.

(3) Any development which constitutes a major public works project or a major energy facility.

B. **Coastal zone.** The boundaries of the Coastal Zone have been established by the State Legislature. All land and water area within the City of Half Moon Bay lies within the coastal zone.

C. **Development.** "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

D. **Disaster.** "Disaster" means any situation in which the force(s) which destroyed the structure to be replaced were beyond the control of its owners.

E. **Emergency.** "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

F. **Energy facility.** "Energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

Major energy or public works facility. "Major public works" and "Major energy facilities" mean facilities that cost more than one hundred thousand dollars ($100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. Notwithstanding the criteria above, "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

G. **Public works.** "Public works" means the following: (1) All production, storage, transmission and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities; (2) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires and other related facilities; (3) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district; (4) All community college facilities.

H. **Temporary Event.** "Temporary event(s)" ~~means an activity or use that~~ constitute development as defined in Section 30106 of the Coastal Act. Temporary event(s) are ~~and is~~ an activity or function of limited duration; and involve the placement of non-permanent structures such as bleachers, vendor tents/canopies, portable toilets, stages, film sets, etc. ~~which do not involve grading or landform alteration for installation~~; and/or involve exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use.

18.20.025 Permit Required. Unless otherwise exempted, all development (as defined in Section 18.20.020.C) in the City of Half Moon Bay requires a Coastal Development Permit. The Coastal Development Permit must be approved prior to the commencement of development and shall be required in addition to any other permits or approvals required by the City. A local Coastal Development Permit may be combined with any other permit application. When not feasible to combine a Coastal Development Permit with one or more other applications, it may be processed concurrently with or prior to any other procedures required by this Title or the Municipal Code. Prior to initiating the review process for any discretionary or ministerial permits in the City, the Planning and Building Director shall determine the feasibility of concurrent or prior processing of the Coastal Development Permit.

A. **Coastal Development Permits to be Issued by the City.** Development that meets the definition contained in Section 18.20.020, including any of the following ~~conditions~~ must obtain a Coastal Development Permit from the City. The following list is provided for illustrative purposes and does not constitute an exclusive list.

1. Any development within the appealable area of the Coastal Zone, unless the Planning and Building Director has determined, based on factual evidence, that the development involves no potential for any adverse effects, either cumulatively or individually, on coastal resources and that the development will be consistent with the certified LCP and public access policies of Chapter 3 of the Coastal Act;

2. Any development in or within 100 feet of any Sensitive Habitat Area, Riparian Corridor, Bluffs and Seacliff Areas, and Wetlands or within a Wild Strawberry habitat, as designated in Chapter 18.38 or as shown on the Coastal Resource Area Maps;

3. Any development within Archaeological Resource Areas where there is substantial indication that archaeological resources exist on or within 100 feet of the project;

4. Any development which would preclude the general public from use of, or access to, a public recreational area for a significant period of time.

5. Any development within tide and submerged lands, beaches and all lands and waters subject to the public trust and lots or parcels immediately adjacent to the inland extent of any beach or of the mean high tide line of the sea where there is no beach;

6. Any development that requires a Use Permit, Planned Unit Development Plan, Specific Plan, Variance, Subdivision Map, or any other legislative, adjudicatory, or discretionary action, unless specifically exempted in Section 18.20.030 of this Chapter.

7. Traffic improvements, except traffic improvements that:

(a) Increase roadway or intersection capacity by no more than ten percent; or

(b) Involve only the placement of stop signs or signalized intersection control devices; or

(c) Do not decrease parking except by establishing a red curb next to an intersection.

8. Public works projects, including traffic improvements, with an estimated cost of $50,000 or more.

9. A temporary event which:

(a) Either individually or together with other temporary events scheduled before or after the event, precludes the general public from use of a public recreational area <u>or use of a sandy beach</u> for a *significant* period of time; or

(b) With it's associated activities or access requirements, will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, public access opportunities, visitor and recreational facilities, water-oriented activities, agricultural lands, marine or biological or archaeological or paleontological resources; or

(c) Would restrict public use of roadways or parking areas or otherwise *significantly* impact public use or access to coastal waters between Memorial Day weekend and Labor Day; or

(d) Has historically required a Coastal Development Permit to address and monitor associated impacts to coastal resources; or

(e) Involves a charge for general public admission or seating where no fee is currently charged for use of the same area.

10. Any lot line adjustment *which would result in the following:*

(a) the creation of a parcel or parcels that do not meet all of the area and dimension requirements of the zoning district in which the parcel(s) are located;

(b) a greater degree of nonconformity to a parcel, including structures therein, where a nonconformity to zoning area and dimension requirements already exists;

(c) a parcel whose only buildable area is located within areas described in Subsection A Items 2-5 of this Section;

11. Removal of riparian or other major or notable vegetation other than for agricultural purposes.

12. Construction or expansion of wells or septic systems.

B. **Commission Development Permits to be Issued by the Coastal Commission.** In addition to *the* any other required approvals by the City, all developments on tidelands, submerged lands or on public trust lands, whether filled or unfilled, shall also require a permit issued by the California Coastal Commission in accordance with procedures specified by the Coastal Commission.

18.20.030 Exemptions. *In addition to any other exemptions listed in this Chapter,* The following categories of projects are exempt from the requirement to secure approval of a Coastal Development Permit:

A. **Replacement of Structures Following Disaster.** The replacement of any structure, other than a public works facility, destroyed by disaster, provided that the replacement structure:

1. Conforms to all Zoning Code and Building Code requirements applicable at the time of replacement;

2. Is the same use as the destroyed structure; and

3. Does not exceed the floor area, height or bulk of the destroyed structure by more than 10 percent and is sited in essentially the same location on the site as the destroyed structure.

B. **Categorical Exclusion Areas.** ~~Projects located within those portions of the Coastal Zone designated as Categorical Exclusion Areas as defined in Section 18.20.035 of this Chapter and on the attached maps~~ Any category of development within a specifically defined geographic area as adopted pursuant to Sections 30610(e) and 30610.5 of the Public Resources Code after certification of the Local Coastal Program and that otherwise meet all other applicable regulations of the City of Half Moon Bay.

C. **Miscellaneous Activities and Development.** The following activities, and development projects are exempted:

1. Permits.

   (a) Sign permits.

   (b) Home occupation permits.

   (c) Permits for which no "development" is proposed, including issuance of business licenses, approval of final subdivision maps for which a Coastal Development Permit has been issued, and approval of individual utility service connections and disconnections.

   ~~(d) Lot line adjustments, as defined in Section 66412 of the California Government Code (Subdivision Map Act), between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, unless the adjustment meets the criteria of Section 18.20.025, Subsection A, Item 10, in which case a Coastal Development Permit is required.~~

2. Repair and maintenance. Repair and maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such activities, except as otherwise specified in Subchapter 7, Title 14, Section 13252 of the California ~~Administrative~~ Code of Regulations and any amendments thereafter adopted. Such activities include but are not limited to:

   (a) Repair and maintenance necessary for on-going operations of an existing facility which does not expand the footprint, floor area, height, or bulk of an existing facility, and the minor modification of existing structures required by

governmental safety and environmental regulations, where necessary to preserve existing structures which does not expand the footprint, floor area, height, or bulk of an existing structure;

(b) Interior remodeling of a building, except where such remodeling changes the nature of the use;

(c) Removal of minor vegetation for maintenance purposes. Within environmentally sensitive habitats, only non-native species may be removed as a part of any exempted activities.

3. Single family residences.

(a) New single family residences not larger than two stories, built on lots zoned for single family residences as a principal permitted use and which meet all zoning standards, unless in the appealable area where there is a risk of adverse environmental impact.

(b) Additions to existing single family residences provided that the structure, including the addition, does not exceed two stories and meets all zoning standards.

(c) Additions to existing single family residences and improvements normally associated with single-family residences such as garages, swimming pools, fences, storage sheds, and landscaping except as otherwise specified in Subchapter 7, Title 14, Section 13250 of the California Code of Regulations.

(d) Second dwelling units which meet all of the criteria as set forth in Half Moon Bay's Second Dwelling Unit Ordinance, unless in the appealable area where there is a risk of adverse environmental impact. A Use Permit and notice of a public hearing will still be required as set forth in this Title.

4. Small structures and additions.

(a) Buildings or structures, or additions thereto, (i) on existing developed sites located between the sea and the first public road paralleling the sea and having an aggregate value of $10,000 or less, or (ii) on existing developed sites located inland of the first public road paralleling the sea, or (iii) where the Planning and Building Director has determined, based on factual evidence, the proposed structure involves no potential for any adverse effects, either individually or cumulatively, on coastal resources and that will be consistent with the certified LCP and public access policies of Chapter 3 of the Coastal Act.

(b) Minor additions to existing structures except public work facilities that add less than ten percent to the gross floor area of the structure or do not create an additional story or loft or do not involve any increase in floor area where the floor area of the structure was been increased previously under Section 30610(a) of the Government Code.

(c) Fences and walls having a height of seven feet or less, except where (a) between the sea and the first public road paralleling the sea, unless on the property of existing residences, or (b) within 100 feet of a designated Coastal Resource Area, Sensitive Habitat Area, Riparian Corridor, Bluffs and Seacliff Areas, and Wetlands or within a Wild Strawberry Habitat, as designated in this Title.

Improvements to structures other than single family residences except as otherwise specified in Subchapter 7, Title 14, Section 13253 of the California Code of Regulations.

5. Public Works and Public Facilities, Reconstruction, upgrading, replacement or rehabilitation of minor public facilities including but not limited to:

(a) parking lots, (b) minor road improvements, (c) curbs, (d) sidewalks, (e) bicycle lanes, (f) water and sewer systems, (g) drainage inputs, (h) public parks, where the level or type of public use or the size of structures will not be altered, (i) minor alteration of public facilities that do not increase in capacity or are required to restore service.

However, a permit shall be required if the improvement constitutes a major public works project as defined under Section 13012 of the California Code of Regulations.

6. Utilities.

(a) Installation testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has previously been granted a Coastal Development Permit.

(b) Installation, maintenance, and repair of underground electrical facilities and the conversation of existing overhead facilities to underground facilities, provided the work is limited to public road or railroad rights-of-way or public utility easements and provided the site is restored as closely as reasonably possible to its original condition.

(c) Installation, maintenance and minor alteration of utilities that do not increase in capacity or are required to restore service or prevent service outages.

7. Irrigation//Installation of irrigation lines.

8. Grading. Grading of fifty (50) cubic yards or less.

9. Removal of non-heritage trees and vegetation.

   (a) Removal of any tree or stand of trees which are not heritage trees as defined in the Half Moon Bay Municipal Code Chapter 12.16.

   (b) Removal or harvesting of major vegetation for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan.

10. Temporary Events. Any proposed development which the Planning and Building Director finds to be a temporary event except those which meet all of the following criteria: (a) are held between Memorial Day weekend and Labor Day; and, (b) occupy all or a portion of a sandy beach area; and, (c) involve a charge for general public admission or seating where no fee is currently charged for use of teh same area (not including booth or entry fees). Which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted by the Coastal Commission.

    The Ttemporary events which meet the below are examples of temporary events which following criteria are excluded from the requirement of a Coastal Development Permit:

    (a) Commercial Promotional Events. Sidewalk sales, not lasting more than three (3) days, and flea markets, rummage sales, festivals, bazaars, or other similar temporary activities not lasting more than two (2) weeks, the primary purpose of which is to promote proposed or existing businesses, on public or private property within any Commercial District. No person or group shall undertake or establish such activities without first securing written approval from the Planning and Building Director.

    (b) Commercial Uses Outside Structures, Sidewalk sales, not including peddlers, on public or private property, not lasting more than three (3) days, and conducted in a manner sufficient to allow safe pedestrian and wheelchair passage onto or along the sidewalk where such activity is being conducted in Commercial District.

    (c) Seasonal Sales of Christmas trees and pumpkins. The sale, display, and storage of Christmas trees and accessories therefor on portions of vacant lots or other open areas that do not contain wetlands or other environmentally sensitive habitat areas for a temporary period of time between Thanksgiving and December 26 of any year, and the sales,

display, and storage of pumpkins between October 1 and November 5 of any year, subject to obtaining a temporary business license as required by Half Moon Bay Municipal Code Chapter 3.73.

(d) Event/Location//Event does not occupy all or a portion of a publicly or privately owned sandy beach area or such beach is a remote location with minimal demand for public use and there is no potential for adverse effect on sensitive coastal resources and

(e) Fees for Events///Event does not involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees) or where neither more than 75% of the provided seating capacity is available free of charge for general public use and

(f) Recurring Events///Event has previously received a coastal development permit and will be held in the same location at a similar season and for the same duration with operating and environmental conditions substantially the same as those associated with the previously approved event

11. Land divisions for public agency acquisition. Land divisions brought about in connection with the acquisition of such land by a public agency for recreational purposes.

D. **Record of Exemptions.** The Planning and Building Director shall maintain a record of all permits issued for development within the Coastal Zone that were exempted from the requirements of the Coastal Development Permit process. This record shall be available for review by members of the public and the Coastal Commission. The Record of Exemption shall include the name of the applicant, the location of the project, and a brief description of the project.

<u>18.20.035 Categorical Exclusion Areas</u>. Any development within the Categorical Exclusion Areas as identified on the Post Certification Map <u>Any category of development within a specifically defined geographic area as adopted pursuant to Sections 30610(e) and 30610.5 of the Public Resources Code after certification of the Local Coastal Program</u> shall be excluded from the requirements of a Coastal Development Permit. Categorical Exclusion Areas shall be limited to areas that are substantially developed and contain no identified Coastal Resources as defined in this Title.

<u>18.20.040 Permits for Emergency Work</u>.

A. **Emergency Permit Waiver.** Projects normally requiring a Coastal Development Permit that are undertaken as emergency measures to protect life and property from imminent danger, or to restore, repair or maintain public works, utilities or services destroyed, damaged or interrupted by natural disaster, serious accident, or in other cases of emergency are

eligible to receive an emergency waiver when immediate action is required. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars (25,000). The Planning and Building Director shall be notified of the type and location of the work within ~~seven (7)~~ three (3) days of the disaster or discovery of the danger, whichever occurs first. Within seven (7) days of taking such action, the person who notified The Planning and Building Director shall send a written statement of the reasons why the action was taken and verification that the action complied with the expenditure limits set forth in Public Resources Code Section 30611. At the next hearing following receipt of the written report, the Planning and Building Director shall summarize all emergency actions taken, that in his or her opinion do not comply with the requirements of Resources Code Section 30611 and shall recommend appropriate action.

B. **Alternate Emergency Permit Requirements.** Applications may be made by telephone or in person, if time does not allow a written application, to the Planning and Building Director. The information to be reported during the emergency, if possible, or to be reported fully in any case after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial protective, or preventive work required to deal with the emergency; and
5. The circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.

C. **Granting of Emergency Permits.** The Planning and Building Director shall verify the facts, including the existence and nature of the emergency, insofar as time allows, and shall provide public notice of the emergency action to the maximum extent practical under the circumstances. The Planning and Building Director may grant an emergency permit upon reasonable terms and conditions which shall include, at a minimum, an expiration date and the necessity for a regular permit application later, if the Planning and Building Director finds that:

1. An emergency exists and requires action more quickly than permitted by the procedures for administrative permits or for ordinary permits, and the development can and will be completed within thirty days unless otherwise specified by the terms of the permit;

2. Public comment on the proposed emergency action has been reviewed if time allows; and

3. The work proposed would be consistent with the requirements of the coastal program.

D. **Reporting of Emergency Permits and Work.** The Planning and Building Director shall prepare an informational report to the Planning Commission

describing any emergency permits applied for or issued, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the Planning Commission meeting. Notice of emergency permits shall be provided by phone or letter to the California Coastal Commission as soon as possible, but in any event within three (3) days, following issuance of the emergency permit.

E. **Compliance.** An emergency permit shall be valid for not more than sixty (60) days from the date of issuance prior to expiration of the emergency permit, the permittee must submit a coastal development permit application for the development or else remove the development undertaken pursuant to the emergency permit in its entirety and the site restored to its previous condition. Any action on the followup coastal development permit application which involves appealable development as defined in Section 18.20.020 shall be appealable to the Commission in accordance with Section 18.20.075. Failure to comply with the provisions of this section or failure to properly notice and report by the applicant any emergency actions may result in enforcement action pursuant to Section 18.20.090.

18.20.045 Application Requirements. Applications for any Coastal Development Permit shall be initiated by submitting application on a form provided by the Planning and Building Department. Application for a Coastal Development Permit shall be submitted concurrently with any other discretionary or ministerial permit required for the development, unless the Planning and Building Director determines that prior processing is required. The application shall include a fee set by Resolution of the City Council. In addition to the submittal requirements for a discretionary or ministerial permit, applications for a Coastal Development Permit shall also include a location map, proof of water and sewer capacity availability to meet the requirements of all of the proposed uses within the project, and any other information deemed necessary and appropriate by the Planning and Building Director.

A. Pursuant to Section 30601.5 of the Coastal Act as amended, where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the City shall not require the holder or owner of any superior interest in the property to join the applicant as co-applicant. All holders or owners of any other interest of record in the affected property shall be notified in writing of the permit applicant and invited to join as co-applicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

18.20.050 Determination of Jurisdiction and Review Procedure. At the time a complete application for a Coastal Development Permit is made, the Planning and Building Director shall determine the applicable review procedure as established herein.

A. **Types of Applications.** The Planning and Building Director shall first determine whether the proposed development is:

1. Requires a coastal development permit from the Coastal Commission because the proposed development is below the line of the mean high tide, submerged lands or public trust lands, whether filled or unfilled; or

2. ~~Within the appealable area of the coastal zone, or~~ Appealable to the Coastal Commission consistent with Section 18.20.020 and 18.20.075 or

3. Exempt from the Coastal Development Permit requirements as defined in Section 18.20.030 or

4. Subject to the requirement of securing a Coastal Development Permit to be issued by the City.

B. **Jurisdiction.**

1. The City's jurisdiction over coastal development permits does not include tidelands, submerged lands and public trust lands as described in Section 30519(b) of the Public Resources Code and described as areas of "Coastal Commission Permit Jurisdiction" as delineated on the Local Coastal Program Post-Certification Permit and Jurisdiction Map as amended.

2. Any proposed development within the certified area which the City preliminarily approved before effective certification of the Local Coastal Program but which has not been filed complete with the Commission for approval shall be re-submitted to the City through an application for a permit pursuant to this certified Local Coastal Program. The standard of review for such application shall be the requirements of this certified Local Coastal Program. Any application fee paid to the Commission shall be refunded to the applicant.

3. Any proposed development within the certified area which the City preliminarily approved before effective certification of the Local Coastal Program and for which an application has been filed complete with the Commission may, at the option of the applicant, remain with the Commission for completion of review. Commission review of any such application shall be based solely upon the requirements of this certified Local Coastal Program.

   Alternatively, the applicant may resubmit the proposal to the City through an application for a permit pursuant to the requirements of this certified Local Coastal Program. The standard of review for such application shall be the requirements of this certified Local Coastal Program. Any application fee paid to the Commission shall be refunded to the applicant.

4. Upon effective certification of a certified Local Coastal Program, no applications for development shall be accepted by the Coastal Commission for development within the certified area.

5. Development authorized by a Coastal Commission issued-permit remains under the jurisdiction of the Commission for the purposes of condition compliance, amendment, extension, reconsideration and revocation.

C. **Permit Review.**

1. **Coastal Commission.** The Coastal Commission shall review and act on all Coastal Development Permits for development below the mean high tide, submerged lands or public trust lands, whether filled or unfilled.

2. **Planning Commission or City Council.** The Planning Commission, or the City Council where it has the final approval of other discretionary permits for the proposed development, shall approve, conditionally approve or deny all Coastal Development Permits.

3. **Planning and Building Director.** The Planning and Building Director shall review and act on any other development requiring a Coastal Development Permit not specifically addressed in 1 and 2 above.

D. **Appeals of the Planning and Building Director's Determination of Jurisdiction.** Within five days of submitting an application for a Coastal Development Permit, the Planning and Building Director shall determine whether the application shall be considered by the Planning Commission and/or City Council, or the City and the Coastal Commission. An applicant or any other person who does not agree with the Planning and Building Director's determination may challenge the determination. Appeals of the Planning and Building Director's determination shall be made to the Planning Commission. Appeals of the Planning Commission's determination shall be made to the City Council. ~~All decisions of the City Council shall be final.~~

If the determination of the City is challenged by the applicant or interested person, or if the City wishes to have a Coastal Commission determination as to the appropriate designation, the City shall notify the Coastal Commission by telephone of the dispute and shall request an Executive Director's opinion. The executive director shall, within two working days of the City's request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable. Where, after the executive director's investigation, the executive director's determination is not in accordance with the City's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Coastal Commission shall schedule the hearing of the determination for the next Commission meeting (in the appropriate geographic region of the state) following the local government request.

18.20.055 Hearing Required.

A. **A public hearing shall be required:**

1. On all appealable ~~projects~~ development; and

2. Prior to the approval of any Coastal Development Permit where the development would require a hearing as part of action on any other required permits, review, or discretionary action.

B. Any person may submit written comments to the Planning and Building Director on an application for a Coastal Development Permit, or on an appeal of a Coastal Development Permit, at any time prior to the close of the public hearing.

C. A public hearing on a Coastal Development Permit may be held concurrently with any other public hearing on the development.

18.20.060 Notice Required. The City shall provide notice of all applications for a Coastal Development Permit as follows:

A. **Contents of Notice.** All notices shall include the following information:

1. A statement that the development is within the Coastal Zone;

2. The name and address of the applicant;

3. The file number assigned to the proposed development, and the date the application was filed;

4. A description of the proposed development, including its location;

5. The date, time and place of the public hearing on the Coastal Development Permit, if required, or where no public hearing is required, the date the application will be acted upon by the local governing body or decision-maker; the date by which comments on the proposed Coastal Development Permit must be received; and the address to which these comments should be sent;

6. A brief description of the review process for the Coastal Development Permit, including, where applicable, hearings, public comment periods, submission of public comments prior to decisions, any requirements for Coastal Resource reports, local action and appeals. Where the proposed development is located within the appealable area of the coastal zone, the notice shall state that local actions on the Coastal Development Permit are appealable to the Coastal Commission by any aggrieved person. ~~Before the close of the public hearing on the Coastal Permit.~~

B. **Provision of Notice.** The city shall give notice of its review of the Coastal Development Permit, as follows:

1. **Publication of Notice.** The City shall publish a notice for public hearings on any Coastal Development Permit for the development one time at least ten calendar days before the public hearing. The City shall publish a notice for any Coastal Development Permit not requiring a public hearing one time at least ten days before the end of the public comment period on the Coastal Development Permit. All notices required by this Section shall be published in a newspaper with general circulation in the City. If a public hearing is continued to a date and time that is not specified at the public hearing, notice of the continued public hearing shall be published and distributed in the same manner and the same time limits a for the initial notice.

2. **Mailing of Notices.** At least seven (7) calendar days prior the first public hearing or prior to the City's decision where no public hearing is required, the City shall mail a notice of the public hearing or pending decision for any Coastal Development Permit to the following:

   (a) The applicant;

   (b) The owner of the property or his or her authorized agent;

   (c) Each local agency providing water, sewage, streets, roads, schools or other essential facilities or services to the development;

   (d) The owners of all real property, as shown on the latest equalized assessment roll, within 100 feet of the site of the development for appealable developments and for non-appealable developments which do not require a public hearing, and within 300 feet of the site for non-appealable developments requiring a public hearing;

   (e) All persons who have requested, within the preceding year, notice of all actions on Coastal Development Permits within the City or on the particular site of the development or who have requested notice of all actions affecting any or all designated Coastal Resource Agency;

   (f) The Coastal Commission; and

   (g) All residents with 100 feet of the site of the development.

3. **Posting of Notices** At the time an application for coastal development permit is filed (or within 7 days), the applicant must post publish notice at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for a permit for the

proposed development has been submitted by the City. The applicant shall use a standardized form provided by the Planning and Building Director and the notice shall contain a general description of the nature of the proposed development. If the applicant fails to post and maintain the completed notice form until the permit becomes effective, the Planning and Building 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.

4. **Notice of Decision.** Within seven (7) calendar days of any decision by the City Council, or within seven (7) days of expiration of the local appeal period on decisions made by the Planning Commission or Planning and Building Director, the Planning and Building Director shall mail notice of the decision to the Coastal Commission, and to any person identified in Item 2e above, and shall include findings for approval and an conditions of project approval if approved, or any findings for denial if denied to the applicant, and procedures for appeal of the local decision to the Coastal Commission.

18.20.065 Conditions. The approving authority may apply conditions to a Coastal Development Permit as necessary to ensure conformance with, and implementation of the Local Coastal Program. Modification and resubmittal of project plans, drawings and specifications may be required to ensure conformance with the Local Coastal Program.

18.20.070 Findings Required. A Coastal Development Permit may be approved or conditionally approved only after the approving authority has made the following findings:

A. **Local Coastal Program.** The development as proposed or as modified by conditions, conforms to the Local Coastal Program;

B. **Growth Management System.** The development is consistent with the annual population limitation system established in the Land Use Plan and Zoning Ordinance;

C. **Zoning Provisions.** The development is consistent with the use limitations and property development standards of the base district as well as the other requirements of the Zoning Ordinance;

D. **Adequate Services.** Evidence has been submitted with the permit application that the proposed development ~~can~~ will be provided with adequate services and infrastructure at the time of occupancy in a manner that is consistent with the Local Coastal Program; and

E. **California Coastal Act.** Any development to be located between the sea and the first public road conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

18.20.075 Appeals and Finality of Local Government Action.
Development under an approved Coastal Development Permit shall not begin until all applicable appeal periods expire or, if appealed, until all appeals, including those to the Coastal Commission, have been exhausted. Grounds for an appeal of a Coastal Development Permit issued pursuant to this Chapter shall be limited to an allegation that the development does not conform to the standards set forth in the Certified Local Coastal Program or the Coastal Access policies of the Coastal Act.

A. Action by the Planning and Building Director to approve, conditionally approve or deny any Coastal Development Permit may be appealed to the Planning Commission on or before the tenth working day following such action.

B. Action by the Planning Commission to approve, conditionally approve or deny any Coastal Development Permit may be appealed to the City Council on or before the tenth working day following such action.

C. Action by the Planning and Building Director, Planning Commission or City Council ~~to approve or conditionally approve~~ on a Coastal Development Permit for the following types of development may be appealed to the Coastal Commission ~~in accordance with Coastal Commission procedures~~:

1. ~~Projects located within the appealable area of the City:~~

   (1) Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

2. Any project involving the development of a major public works project or a major energy facility;

3. Developments approved by the City that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

D. Except for a major public works project or an energy facility, any action by the City Council to deny a Coastal Development Permit is final. Grounds for an appeal to the Coastal Commission of a City Council approval of a Coastal Development Permit for a major public works facility or energy facility shall be limited to an allegation that the development does not conform to the standards set forth in the Certified Local Coastal Program or the Public Access Policies ~~therein~~ of the Coastal Act. The grounds for an appeal of a denial of major public works or major energy facility shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division.

E. An appeal pursuant to this chapter may be filed by the applicant for the Coastal Development Permit, any aggrieved person who has exhausted local appeals, or any two members of the Coastal Commission. Persons who do not participate on a local level will not be able to appeal at the Coastal Commission level.

F. Except for appeals to the Coastal Commission, appeals shall be filed with the Planning and Building Director on a form supplied by the Planning Department. The appeal shall be accompanied by a fee set by Resolution of the City Council and a statement of the grounds of the appeal. Appeals to the Coastal Commission shall be filed in accordance with Coastal Commission procedures <u>and Title 14, Subchapter 12 of the California Code of Regulations.</u>

G. The Planning and Building Director shall forward an appeal of an action on a Local Coastal Development Permit, together with a description of the action of the approving authority to the appropriate body specified in Paragraphs A or B above for its action.

H. Appeals of actions on Coastal Development Permits to the Planning Commission or City Council shall be considered as follows:

1. **Appeal Hearing Date.** An appeal shall be scheduled for a hearing before the appellate body within 30 days of the receipt by the Planning and Building Director of an appeal, unless both applicant and appellant consent to a later date.

2. **Notice and Public Hearing.** A hearing on an appeal shall be a public hearing if the decision being appealed required a public hearing <u>such as action on development appealable to the California Coastal Commission as provided in Sections 18.20.020 and 18.20.075</u>. Notice of public hearings shall be given as required for the decision being appealed.

3. **Plans and Materials.** At an appeal hearing, the appellate body shall consider only the same applications, plans, and related project materials that were considered in the original decision. The Planning and Building Director shall verify compliance with this provision.

4. **Hearing.** At the hearing, the appellate body shall review the record of the decision and hear testimony from the appellant, applicant and any other interested party.

5. **Decision and Notice.** After the hearing, the appellate body shall affirm, modify or reverse the original decision. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal. Decision on appeals shall be made at the appeal hearing, unless the public hearing is continued to another time and date at which the decision shall be rendered at the close of the hearing. Notice of the decision on

appeals shall be mailed within five working days of the date of decision on to the applicant, appellant and other party requesting notice.

6. ~~Failure to Act: Failure to act within the time limits specified in items 1 and 2 above shall be deemed affirmation of the original decision.~~

I. Finality of Local Government Action.

A local decision on an application for a development shall not be deemed complete until (1) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act, and (2) when all local rights of appeal have been exhausted as defined in Subsection L below.

J. Final Local Government Action - Notice.

(1) Failure to Act - Notice.

(a) Notification by Applicant: If the City has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the local government and the Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

(b) Notification by Local Government: When the City determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired, the City shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Section 18.20.060 that the application has been approved by operation of law pursuant to Government Code Section 65950-65957.1 and the application may be appealed to the Coastal Commission. (This section shall apply equally to a local government determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.)

K. Local Government Action - Effective Date.

A final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless either of the following occur:

(1) an appeal is filed in accordance with Title 24, Section 13111 of the California Code of Regulations;

(2) the notice of final local government action does not meet the requirements of Section 18.20.060.

When either of the circumstances in (1) or (2) occur, the Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended.

L. **Exhaustion of Local Appeals.**

(1) An appellant shall be deemed to have exhausted local appeals and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the local appellate body (bodies) as required by the local government appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:

(a) The appellant is required to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the Local Coastal Program.

(b) An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.

(c) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with provisions of this Article.

(d) An appeal fee for the filing or processing of appeals is charged.

(2) Where a project is appealed by any two (2) members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals.

18.20.080 Expiration of Coastal Development Permit. A Coastal Development Permit shall expire on the latest expiration date applicable to any other discretionary or ministerial permit or approval required for the development, including any extension granted for other permits or approvals. Should the development not require City permits or approvals other than a Coastal Development Permit, the Coastal Development Permit shall expire one year from its date of approval if the development has not begun during that time.

18.20.085 Permit Amendment and Extensions. Upon application by the permittee, a Coastal Development Permit may be amended or extended by the approving authority. Application for an action of an amendment shall be accomplished in the same manner specified by this chapter for the initial approval of the Coastal Development Permit. All sections of this Chapter dealing with the specific type of Coastal Development Permit shall apply to permit amendments.

18.20.090 Penalties and Enforcement.

A. **Penalties.** Any person who performs or undertakes development in violation of this division, or inconsistent with any coastal development permit previously issued, when the person intentionally and knowingly performs the development in violation of this division or inconsistent with any previously issued coastal development permit may, may be civilly liable in accordance with the provisions of Public Resources Code Division 20 (Coastal Act).

B. **Enforcement.** In addition to the enforcement provisions contained in this Chapter, the provisions of Chapter 9 of Division 20 of the Public Resources Code shall also apply with respect to violations and enforcement. The Planning and Building Director may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the appropriate authority, the development is inconsistent with the provision of the Coastal Act, and the development is causing continuing resource damage.

file: CHAP1820: February 3, 1995

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RECORD PACKET COPY

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Attachment to

Half Moon Bay LCP Implementation Program

City of Half Moon Bay
City Hall, 501 Main Street, P.O. Box 338
Half Moon Bay, CA 94019-0338

RECEIVED
SEP 15 1995
CALIFORNIA
COASTAL COMMISSION

September 13, 1995

Mr. Steve Scholl
Assistant District Director, North Coast Region
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

Subject: Submittal of Half Moon Bay Local Coastal Program Implementing Ordinances

Dear Mr. Scholl:

The City of Half Moon Bay Land Use Plan was certified by the Coastal Commission in 1985. Section III of the Land Use Plan, specifies the Zoning measures necessary to carry out the Land Use Plan. The City has been working diligently to complete the Draft Implementing Ordinances. Over one hundred public meetings and hearings were held over the years to discuss the Draft Ordinances.

In March of 1994, the City submitted the Draft L.C.P. Implementing Ordinances for your preliminary review and comment. Many of the comments provided by you and your Staff were integrated into the Draft Ordinances. The Planning Commission and City Council then held several public hearings on each of the Draft Ordinances, culminating in the preparation of a completely revised and reformatted Zoning Code that satisfies the requirements of Section III.

In April of 1994, the City Council adopted revisions to the Subdivision Code, which incorporated the applicable requirements of Section III of the Land Use Plan and updated its provisions in accordance with recent amendments to the Subdivision Map Act.

At its meeting of September 5, 1995, the City Council adopted Resolution C-74-95, accepting the Revised Zoning Code, Zoning Map, and Subdivision Code as meeting the requirements of Section III of the Land Use Plan, and directed staff to forward these documents to you as a part of the L.C.P. certification process.

The City of Half Moon Bay is pleased to submit to the Coastal Commission the following documents:

1. Revised Subdivision Code, Title 17 of the Municipal Code, and the City Council Staff Report dated March 15, 1994, outlining the pertinent revisions to the Subdivision Code that meet the requirements of Section III of the Land Use Plan as well as conforming to the recent revisions to the Subdivision Map Act.

2. Revised Zoning Code, and the City Council Staff Report dated September 5, 1995, which describes the format of the Revised Zoning Code and outlines which of the new Zoning Ordinances were required be Section III of the Land Use Plan.

3. City Council Resolution C-74-95. accepting the Revised Zoning Code, Zoning Map, and Subdivision Code as meeting the requirements of Section III of the Land Use Plan, and directing Staff to submit these documents to the Coastal Commission for certification.

As we discussed on the telephone last week, City Staff will be completing the changes to the Zoning Map in the near future. We will also be submitting a revised Land Use Plan Map. As discussed, there will be no changes to any of the Land Use Plan designations, and the Zoning Map will reflect the Zoning designations adopted to implement the underlying Land Use Plan designations. We feel it is imperative to get away from the old Land Use Plan map which is difficult to read because of the ''zip-a-tone'' laid over topographic lines. Ultimately we want to use the same base map for the Land Use Plan Map, Zoning Map, Categorical Exclusion Area Map, and all other official City maps.

As always, we will be available to meet with you and your Staff at your convenience. We hope to have any issues resolved at the Staff level before we go the Coastal Commission hearing.

Should you have any questions or need additional information, please do not hesitate to call at anytime.

Respectfully submitted:

Chris Gustin
Planning and Building Director

file:CSTLTR3

RESOLUTION NO. C- 74-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY ACCEPTING THE REVISED ZONING CODE AS MEETING THE REQUIREMENTS FOR ZONING MEASURES NECESSARY TO CARRY OUT THE LAND USE PLAN AS SET FORTH IN SECTION III OF THE CERTIFIED LAND USE PLAN, AND FORWARDING THE REVISED ZONING CODE, ZONING MAP, AND SUBDIVISION CODE TO THE COASTAL COMMISSION FOR CERTIFICATION.

WHEREAS, the City of Half Moon Bay Land Use Plan was certified by the California Coastal Commission in September of 1985; and

WHEREAS, Section III detailed the steps to be taken by the City in order to implement the Policies of the Land Use Plan; and

WHEREAS, included in the Land Use Plan was Section III, Zoning Measures to Carry Out the Land Use Plan; and

WHEREAS; Section III also requires amendments to the Subdivision Code which were adopted by the City Council on April 14, 1994; and

WHEREAS, as a part of the L.C.P. Zoning Implementation process, it became necessary to revise and update the City Zoning Code; and

WHEREAS, the L.C.P. Implementation process also necessitated revisions to the Zoning Map to ensure consistency and conformity with the Land Use Plan Map; and

WHEREAS, the procedures for amending the Zoning Code and Zoning Map as set forth in the Half Moon Bay Municipal Code and State law have been followed; and

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 Land Use Plan, and the Zoning Code; and

WHEREAS, the City Planning Commission and City Council have conducted numerous public meetings and hearings considering the Draft L.C.P. Zoning Implementing Ordinances and Zoning Map revisions; and

WHEREAS, notice containing a brief description of each of the Draft L.C.P. Implementing Ordinances and the amendments to the Zoning Map and the date, time, and place of each Planning Commission and City Council public hearing

was mailed to all persons expressing an interest in these proceedings, to all property owners within 300 feet of the site, and to all County, State, and Federal agencies with an interest in the City's General Plan/Land Use Plan: and

WHEREAS, notice containing a brief description of the each of the Draft L.C.P. Implementing Ordinances and Zoning Map amendments and the date, time, and place of the Planing Commission and City Council public hearings was published in the Half Moon Bay Review, a newspaper of general circulation in the City; and

WHEREAS, all those in attendance desiring to be heard at each of the Planning Commission and City Council public hearings were given an opportunity to speak; and

WHEREAS the Planning Commission and City Council considered all written and oral testimony presented in their consideration of the L.C.P. Zoning Implementing Ordinances and the amendments to the Zoning Map; and

WHEREAS, the Planning Commission has recommended that the City Council approve each of the Draft L.C.P. Implementing Ordinances; and

WHEREAS, the City Council has approved and adopted each of the proposed L.C.P. Implementing Ordinances; and

WHEREAS, the Planning Commission, at its meeting of August 24, 1995, reviewed the Revised Zoning Code for internal consistency and conformance with the polices of the Land Use Plan and forwarded its recommendation that the City Council accept the document and map and

WHEREAS, at its meeting of September 5, 1995, the City Council accepted the Planning Commission Resolution.

NOW THEREFORE BE IT RESOLVED that the City Council accepts the revised Zoning Code and Zoning Map as attached hereto and incorporated herein by reference as satisfying the requirements of Section III of the Land Use Plan for Zoning Measures to Carry Out the Land Use Plan and further directs Staff to forward the revised Zoning Code, Zoning Map, and Subdivision Code to the Coastal Commission for certification.

PASSED AND ADOPTED by the City Council of the City of Half Moon Bay at its meeting thereof held on the 4th day of September, 1995, by the following vote:

AYES, COUNCIL MEMBERS: RUDDOCK, PATTERSON, DONOVAN AND PASTORINO

NOES, COUNCIL MEMBERS: _____

ABSENT, COUNCIL MEMBERS: PATRIDGE

ABSTAIN, COUNCIL MEMBERS: _____

Naomi Patridge, Mayor

Attest:

Dorothy Robbins
City Clerk

file:CCCRESO:August 25, 1995

PASSED AND ADOPTED AT THE
COUNCIL MEETING OF
9-5-95

CITY CLERK

TITLE 18: ZONING CODE

GENERAL PROVISIONS:

18.01 Purpose of Title - Districts Designated
18.02 Definitions
18.03 Use Classifications
18.04 Residential Growth Ordinance
18.05 Water and Sewer Capacity Allocation and Reservation Ordinance

ZONING DISTRICT DEVELOPMENT STANDARDS

18.06 Residential Districts (R-1, R-2, R-3)
18.07 Commercial-Downtown and Commercial-Residential Districts (C-D, C-R))
18.08 Commercial-General (C-G) and Commercial-Visitor Serving (C-VS)
18.09 Public Service District (PS)
18.10 Industrial District (IND)
18.11 Reserve Districts (U-R, OS-R)
18.12 Open Space-Active, Passive, and Conservation Districts (OS-A, OS-P, OS-C)
18.13 Exclusive Floriculture District (A-1)
18.14 Agriculture and Agriculture Reserve District (A-2)
18.15 Planned Unit Development Districts (PUD)
18.16 Dykstra Ranch Planned Unit Development

ADMINISTRATION

18.20 Local Coastal Development Permit Required
18.21 Architectural Review and Site and Design Approval
18.22 Use Permits
18.23 Variances
18.24 Amendments
18.25 Nonconforming Uses
18.26 Enforcement -- Penalties

SPECIAL USE REGULATIONS:

18.30 Mobile Home Park Conversion
18.31 Trash Enclosures and Recycling
18.32 Regulation of Satellite Antennas
18.33 Second Dwelling Units
18.34 Park Facilities Development Fees
18.35 Below Market Rate Housing Ordinance
18.36 Parking
18.37 Visual Resources Protection Standards
18.38 Coastal Resource Conservation Standards
18.39 Historic Resources Preservation

CHAPTER 18.01

ZONING ORDINANCE - GENERAL PROVISIONS

Sections:

18.01.010	Intent and Purpose
18.01.015	Designation of Districts
18.01.020	Compliance Required
18.01.025	Adoption of Zoning District Map
18.01.030	District Boundaries
18.01.035	Amendments to the Zoning District Map

18.01.010 Intent and Purpose. The overall intent and purpose of this Title is to protect and promote the public health, safety and general welfare, to implement the policies of the General Plan, as provided in the California Government Code, Title 7, Chapters 3 and 4 and in the California Constitution, Chapter 11, Section 7, and to put the goals and policies of the Land Use Plan and the Coastal Act of 1976 into effect. More specifically the Zoning Ordinance is intended to:

A. Guide, control and regulate the future growth of the City;

B. Prevent excessive population densities and overcrowding of land and buildings;

C. Protect the character and social and economic stability of agricultural, residential, commercial, industrial and other public and private areas within the City;

D. Provide adequate light, air, privacy and access to property;

E. Ensure that service demands associated with new development not exceed the capacity of existing streets, utilities or other public services;

F. Conserve and enhance the City's architectural, historical, and cultural resources;

G. Conserve and enhance important visual resources within the City of Half Moon Bay, including views from Highway 1 of the Pacific Ocean and coastal beaches and bluffs, the visual character of the old downtown area, and views of the inland hillsides at the eastern edge of the City; and

H. Protect, conserve and, where possible, restore natural environmental resources within the City.

18.01.015 Designation of Districts. The districts established by this Title are as follows:

R-1 District:	Single Family Residential
R-2 District:	Two Family Residential
R-3 District:	Multiple Family Residential
C-D District:	Commercial- Downtown
C-R District:	Commercial-Residential
C-G District:	Commercial-General
C-VS District:	Commercial- Visitor Serving
PS District:	Public Service
IND District:	Industrial
U-R, District:	Urban Reserve
OS-R District:	Open Space Reserve
OS-A District:	Open Space-Active
OS-P District:	Open Space-Passive
OS-C District:	Open Space-Conservation
A-1 District:	Agriculture-Exclusive Floriculture
A-2 District:	Agriculture and Agriculture Reserve
PUD District:	Planned Unit Development

18.01.020 Compliance required. No land shall be used and no structure shall be constructed, enlarged, altered, moved, or used in any district as shown on the Zoning District Map except in conformance with the regulations established by this Title.

18.01.025 Adoption of Zoning District Map. The Zoning District Map described in this Title is on file with the City Clerk and is adopted as a part of this Title and is incorporated in this Title by reference. The designations, locations and boundaries of the districts are as set forth in the map.

18.01.030 District Boundaries. Wherever any uncertainty exists as to the boundary of a district as shown on the Zoning District Map, the following regulations shall apply:

A. Where a district boundary line is indicated as following a street or alley, it shall be construed as following the right-of-way line thereof.

B. Where a district boundary line follows or coincides approximately with a lot line or a property ownership line, it shall be construed as following the lot line or property ownership line.

C. Where a district boundary line is not indicated as following a street or alley, and does not follow or coincides approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale shown on the Zoning District Map.

D. Where further uncertainty exists, the Planning Commission, upon written application or upon its own motion, shall determine the boundary of the district in question, giving due consideration to the location indicated on the Zoning District Map, the objectives of this Title, and the purposes set forth in the District regulations.

18.01.035 Amendments to the Zoning District Map. All changes in boundaries or reclassification of territory from one district to another shall be by ordinance adopted pursuant to the provisions of this Title. Upon adoption of an ordinance amending the Zoning District Map, the Planning Director shall make the appropriate changes to the map, with a notation of the date and the number of the ordinance amending the map. The failure of any such notation of change to be placed on the map shall not effect the validity of the amendment or change.

file:CHAP1801:July 31, 1995

CHAPTER 18.02

DEFINITIONS

Sections:

18.02.010	**Purpose and Applicability**
18.02.020	**Rules for Construction and Language**
18.02.040	**Definitions**

18.02.010 Purpose and Applicability. The purpose of this article is to ensure precision in interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this Chapter shall apply throughout the zoning regulations, except where the context clearly indicates a different meaning or construction.

18.02.020 Rules for Construction of Language. In addition to the General Provisions of the Municipal Code, the following rules of construction shall apply:

A. The particular shall control the general.

B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected words or provisions shall apply.

2. "Or" indicates that the connected words or provisions may apply singly or in any combination.

3. "Either...or" indicates that the connected words or provisions shall apply singly but not in combination.

C. In case of conflict between the text and a diagram, the text shall control.

D. All references to departments, commissions, boards, or other public agencies are to those of the City of Half Moon Bay, unless otherwise indicated.

E. All references to public officials are to those of the City of Half Moon Bay, and include designated deputies of such officials, unless otherwise indicated.

F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or City holiday, it shall be extended to the next working day.

G. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope meaning or intent of any section hereof.

H. The present tense includes the future, and the future the present.

I. The singular number includes the plural and the plural the singular.

J. References in the masculine and feminine genders are interchangeable.

K. The words "activities" and "facilities" include any part thereof.

18.02.040 Definitions.

Abutting or Adjoining: Having district boundaries or lot lines in common.

Accessory Building: 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.

Accessory Dwelling Unit: See ''Second dwelling unit''.

Accessory Use: 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: A measure of land area equal to 43,560 square feet.

Acre, Net: A measure of developable land area, after excluding dedicated rights-of-way, flood control and drainage easements, and permanent dedicated open space.

Aggrieved Person: A person who:

A. 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

B. Objects to the action taken on the Local Coastal Development Permit or discretionary permit; and

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

Alley: A public way having a width of not more than 20 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: To make a change in the allocation or configuration of interior space, exterior appearance, r 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: A change in the wording, context or substance of this Title, or a change in the district boundaries on the zoning map.

Animal, Domestic: 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: 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: 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 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: Any area of the City that is:

A. Between the sea and the first public road paralleling the shoreline or within 300 feet of the inland extent of any beach or the mean high tide where there is no beach; or

B. Within 300 feet of the top of any coastal bluff or the line of mean high tide, whichever is further inland; or

C. Within 100 feet of any wetland, estuary, stream, or other designated Environmentally Sensitive Habitat or Coastal Resource.

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

Approving Authority: the final decision making person, board, commission, or council for any discretionary permit.

Balcony: 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: 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: 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: 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: 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: A "building site" shall include 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: 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: The California Coastal Act of 1976, as amended.

Coastal Development Permit: 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: 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: Buildings with a gross floor area of 225 square feet or less used for the deposit and storage of household articles or recyclables donated to a nonprofit organization.

Conditionally Permitted: Permitted subject to approval of a conditional use permit or temporary conditional use permit.

Condominium: 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: 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: 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 18 inches in height, balconies, chimneys, and breezeways are also included in lot coverage. Roof or soffit overhangs which do not extend beyond 2.5 feet from a wall, and architectural projections or window projections not providing floor area which do not extend beyond the 2.5 foot eaves above are not included in lot coverage.

Deck: A platform, either free-standing or attached to a building, that is supported by pillars or posts (see also: Balcony).

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any

structure; any mining, excavation, landfill or land disturbance; or any use of extension of the use of land. This definition includes but is not limited to:

A. Subdivision under the Subdivision Map Act (starting at Section 66410 of the Government Code);

B. Any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use;

C. Change in the intensity of use of the water, or of access to it;

D. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and

E. The removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations that are in accordance with a timber harvesting plan submitted under the Z'berg-Nejedly Forest Practice Act of 1973 (starting at Section 4511).

F. For the definition of development, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line.

Distribution Line: An electric power line bringing power from a distribution substation to consumers.

District: 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: Chickens, ducks, geese, pea fowl, pigeons, turkeys, and other fowl typically used for food or food products.

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

Dwelling, Multifamily: A building containing two or more dwelling units.

Dwelling, Single-Family: A building containing one dwelling unit.

Dwelling, Two Family: A building containing two dwelling units.

Dwelling Unit: One or more rooms with a single kitchen and sanitation facilities, designed for occupancy by one family for living and sleeping purposes.

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

Exemption, Categorical: 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: 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: 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; and basement or attic areas having a clear ceiling height of more than 7-1/2 feet, even if unimproved.

Where an open interior space extends from a finished floor to a height over fifteen feet with no interruption, at the mid-

point of this vertical area the horizontal area between surrounding walls or floor area shall be calculated. One-half of the horizontal surface area at the mid-point of the open vertical area shall be included in the calculation of "gross floor area" for purposes of establishing the total building square footage permitted.

Floor Area Ratio: 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: The wall of the building or other structure nearest the street upon which the building faces but excluding certain architectural features as specified in the Title.

Garage, Private: An accessory building or portion of a main building designed for the storage of self-propelled passenger vehicles.

Garage, Public: 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: The City of Half Moon Bay General Plan and its Elements, as amended, and the Land Use Plan.

Grade, Existing: 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: The average of the finished grade as measured from the corners of the lot or building site.

Grade, Street: The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Greenhouse, Commercial: A glasshouse or similar structure or material for the propagating ad cultivation of plants to be sold commercially.

Greenhouse, Hobby: 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: The total of all area within the property lines.

Guest House (or Accessory Living Quarters): 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: 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: 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: 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: 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: Illumination by means of light that travels directly from its source to the viewer's eye.

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

Junk yard: Premises on which more than 200 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: A room or portion of a room primarily designed, intended, or used for the preparation and or cooking of food.

Landscaping: 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: 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: 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: 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: 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: A site or parcel of land that has been legally subdivided, re-subdivided, or combined.

Lot, Corner: A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

Lot Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Double-Frontage: 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, Flag: 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: A lot other than a corner or double-frontage.

Lot or Property Line, Front: 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: A lot line not abutting a street.

Lot or Property Line, Rear: A lot line which is not a front or side lot line 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: Any lot line that is not a front lot line or rear lot line.

Lot or Property Line, Street: A lot line abutting a street.

Lot Width: The sum of the length of the front and rear lot line divided by two. In the case of an irregularly-shaped lot having four or more sides, "average lot width" shall be the sum of the length of two lines, drawn perpendicular to one side line at the widest and narrowest portions of the lot divide by two.

Manufactured Home: 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: 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: 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: 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: 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: 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: 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: 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: That portion of a development site that has been dedicated to or otherwise set aside for public access, use, or benefit.

Open Space, Total: The sum of private and public open space.

Open Space, Usable: 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 48 square feet.

Outdoor Living Area: See Open Space, Usable.

Parking Space: 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: 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: 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: 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 ownership's 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: 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: In existence prior to the effective date of this Title.

Principal Use: 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: 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.

Room, Habitable: 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: A detached or attached rental dwelling unit located on a R-1 lot which contains a single-family dwelling. Second dwelling units are governed by that Chapter of the Zoning Code titled ''Second Dwelling Units''.

Setback Line: 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.

Single Ownership: 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: 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: 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: 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 50 percent of the building perimeter, the basement shall be considered a story.

Structure: Anything constructed or erected that requires a location on the ground, including a building or a swimming pool, but not including a fence or a wall used as a fence if the height does not exceed six feet, or access drives or walks.

Swimming Pools and Hot Tubs: Water-filled enclosures having a depth of 18 inches or more used for swimming, recreation, or therapy.

Transmission Line: An electric power line brining power to receiving or distribution substation.

Unique Archaeological Resources: An archaeological artifact, object or site that meets any of the following criteria:

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

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

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

Used: This term includes the following meanings: arranged, designed, constructed, altered, rented, leased, sold, occupied, and intended to be occupied.

Visible: 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: 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: 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 U.S. Fish and Wildlife Service.

Window, Required: An exterior opening in a habitable room.

Working day: any day that City Hall is open for business.

Yard: An open space on the same site as a structure, 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: A yard between the side lot line abutting the street on a corner lot and the nearest line of building.

Yard, Front: 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

Yard, Side: 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: The Planning Director, or his or her designee.

Zoning Ordinance: The Zoning Ordinance of the City of Half Moon Bay, as may be adopted and amended from time to time.

file:CHAP1802:July 31, 1995

CHAPTER 18.03

USE CLASSIFICATIONS

Sections:

18.03.010	Purpose and Applicability
18.03.020	Uses Not Classified
18.03.030	Residential Use Classifications
18.03.040	Public, Semi-public, and Institutional Use Classifications
18.03.050	Commercial Use Classifications
18.03.060	Industrial Use Classifications
18.03.070	Accessory Use Classifications
18.03.080	Temporary Use Classifications

18.03.010 Purpose and Applicability. Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Planning Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in Title 18. The Planning Director may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The Planning Director's decision may be appealed to the Planning Commission.

18.03.020 Uses Not Classified. Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Zoning Ordinance text amendment as provided in this Title.

18.03.030 Residential Use Classifications.

A. **Accessory or Second Dwelling Unit.** An attached or detached residential dwelling unit as defined in this Title.

B. **Day Care, Large Family.** Non-medical care and supervision of seven to 12 persons, inclusive, on a less than 24-hour basis. This classification

includes nursery schools, preschools, and day-care centers for children and adults licensed by the State of California.

C. **Day Care, Limited.** Non-medical care and supervision of six or fewer persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day-care centers for children and adults licensed by the State of California.

D. **Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boarding houses and private residential clubs, but excludes residential hotels or motels.

E. **Multifamily Residential.** Two or more dwelling units on a site. This classification includes manufactured homes.

F. **Residential Care, Limited.** Twenty-four hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.

G. **Single-Family Residential.** Buildings containing one dwelling unit located on a single lot. This classification includes manufactured homes.

H. **Temporary Use.** Any use or activity proposed to be open, operated, established, or otherwise in existence for less than 30 consecutive days.

18.03.040 Public, Semi-public, and Industrial Uses.

A. **Clubs and Lodges.** Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.

B. **Convalescent Facilities.** Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

C. **Cultural Institutions.** Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences or presenting musical, theatrical or literacy performances. This classification includes libraries, museums, art galleries, and community theaters.

D. **Day Care, General.** Provision of non-medical care for seven or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day-care centers for children or adults.

E. **Emergency Health Care.** Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.

F. **Government Offices.** Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

G. **Maintenance and Service Facilities.** Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas for public or quasi-public entities. This classification includes corporation yards, equipment service centers, and similar facilities for public or quasi-public entities.

H. **Park and Recreation Facilities.** Non-commercial parks, playgrounds, recreation facilities and open spaces.

I. **Public Safety Facilities.** Facilities for public safety and emergency services, including police and fire protection.

J. **Religious Assembly.** Facilities for religious worship and incidental religious education, but not

including private schools as defined in this section.

K. **Residential Care, General.** Twenty-four hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.

L. **Schools, Public or Private.** Educational institutions having a curriculum comparable to that required in the public schools of the State of California.

M. **Temporary Use.** Any use or activity proposed to be open, operated, established, or otherwise in existence for less than 30 consecutive days.

N. **Utilities, Major.** Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, transfer, recycling or disposal facilities, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

O. **Utilities, Minor.** Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act.

18.03.050 Commercial Use Classifications.

A. **Adult Businesses.** Establishments based primarily on materials or performances that depict, describe, or relate to "specified sexual activities" and

"defined anatomical areas", as defined in the Municipal Code.

B. **Ambulance Services.** Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

C. **Animal Sales and Services.**

1. Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.

2. Animal Grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.

3. Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming an temporary (maximum 30 days) boarding of animals is included, if incidental to the hospital use.

4. Animals: Retail Sales. Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours.

D. **Artist's Studios.** Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. This classification includes instruction in the art or craft, the artist or artists are engaged in where instruction is limited to no more than 10 students at one time.

E. **Banks and Savings and Loans.** Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities.

1. With Drive-up Service. Institutions providing services accessible to persons who remain in their automobiles.

F. **Building Materials and Services.** Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services, including vehicle towing services.

G. **Catering Services.** Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also Eating and Drinking Establishments.)

H. **Communications Facilities.** Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms,, but excluding Major Utilities. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

I. **Eating and Drinking Establishments.** Businesses serving prepared food or beverages for consumption on or off the premises. This classification includes cabarets with live entertainment serving food or drink.

1. With Fast-food or Take-Out Service. Establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption.

a. Drive-through. Service from a building to persons in vehicles through an outdoor service window.

b. Limited. Establishments that do not serve persons in vehicles.

2. Bar or Tavern. An establishment in which the sales of alcoholic beverages at retail for consumption on the premises is the primary business and from which minors are excluded by law. This definition includes the incidental sale of food for consumption on the premises.

J. **Equestrian Centers.** Facilities for the care and feeding of horses and related activities, and establishments offering instruction in horseback riding, including rings, stables and exercise areas.

K. **Filming, Commercial.** Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year.

L. **Food and Beverage Sales.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent of more of the transactions are sales or 20 percent of floor area is devoted to sales of prepared food for on-site or take-out consumption shall be classified as Eating and Drinking Establishments.

M. **Funeral and Interment Services.** Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries.

N. **Gardening Services.** Any activity related to the installation and or maintenance of landscaping, trees, or other vegetation.

O. **Laboratories.** Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry.

P. **Maintenance and Repair Services.** Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats; see Vehicle/Equipment Repair.

Q. **Nurseries.** Establishments offering plants or gardening materials for sale, whether wholesale or retail.

R. **Offices, Business and Professional.** Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, city planning, engineering, graphic design, landscape design, interior design, real estate, insurance, investment, legal, veterinary, public surveying, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

S. **Outdoor Use:** Any use or activity operated or established in a non-fixed place of business, or in a temporary structure such as a tent, awning, or ramada, or where the majority of the goods for sale, rental, or use are displayed or otherwise stored or located outside of a structure.

T. **Personal Improvement Services.** Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, and fitness studios.

U. **Personal Services.** Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning businesses

(excluding large-scale plants), photo-copying, and self-service laundries.

V. **Recreation and Entertainment, Commercial.** Provision of participant or spectator recreation or entertainment. This classification includes theaters, bowling alleys, dance halls, ice or roller skating rinks, golf courses, miniature golf courses, tennis or racquetball courts, health or fitness clubs, electronic games centers having more than three coin-operated game machines, and card rooms.

1. Limited. Indoor movie theaters, game centers and performing arts theaters.

2. Extensive Outdoor. Golf courses, ball fields, tennis courts and other outdoor facilities.

W. **Retail Sales.** The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, drug stores, clothing stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, hand-crafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies bicycles, and automotive parts and accessories (excluding auto service, repair, installation or dismantling). This classification includes outdoor sales on the site of an existing retail use.

1. Visitor-Oriented. Sale of arts and crafts, antiques, jewelry, clothing, books, toys, gifts, flowers, and recreational equipment. This classification includes arts and craft studios, galleries and shops.

X. **Secondhand Appliances and Clothing Sales.** The retail sale of used appliances and clothing, by secondhand dealers. This classification excludes

antique shops primarily engaged in the sale of used furniture and accessories other than appliances.

Y. **Temporary Use.** Any use or activity proposed to be open, operated, established, or otherwise in existence for less than 30 consecutive days.

Z. **Travel Services.** Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.

AA. **Vehicle/Equipment Sales and Services.**

1. Automobile Rentals. Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts and major repairs.

2. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

3. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles, recreational vehicles, and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.

4. Vehicle or Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.

5. Vehicle or Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural

equipment, manufactured homes, boats, and similar equipment, including storage and incidental maintenance.

6. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling or junkyards.

BB. Visitor Serving Accommodations.

1. Hotels, Motels and Time-Share Facilities. Establishments offering lodging on a less than weekly basis, and having kitchens in no more than 60 percent of guest units. This classification includes eating, drinking, and banquet service associated with the facility.

2. Bed and Breakfast Inn. An owner-occupied dwelling unit where lodging, with or without meals, is provided for compensation.

3. Campgrounds. An area on which accommodations for the temporary occupancy by the general public, primarily for recreational, educational or vacation purposes, may be placed, including tents, cabins, and recreational vehicles.

CC. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This classification includes facilities with a maximum of 5,000 square feet of gross floor area, but excludes Wholesale, Distribution and Storage, and Vehicle Storage.

18.03.060 Industrial Use Classifications.

A. Industry, Custom. Establishments primarily engaged in on-site production of goods by hand

manufacturing involving the use of hand tools and small-scale equipment.

B. **Industry, General.** Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, food processing and packaging, laundry and dry cleaning plants, auto dismantling within an enclosed building, stonework and concrete products manufacture (excluding concrete ready-mix plants), small animal production and processing within an enclosed building, and power generation.

C. **Industry Limited.** Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials and Vehicle or Equipment Services, but does allow food processing for human consumption.

1. Small-Scale. Limited to a maximum gross floor area of 5,000 square feet.

D. **Outdoor Use:** Any use or activity operated or established in a non-fixed place of business, or in a temporary structure such as a tent, awning, or ramada, or where the majority of the goods for sale, rental, or use are displayed or otherwise stored or located outside of a structure.

E. **Temporary Use.** Any use or activity proposed to be open, operated, established, or otherwise in existence for less than 30 consecutive days.

F. **Wholesaling, Distribution and Storage.** Storage and distribution facilities without direct public access.

18.03.070 Accessory Use Classifications.

A. **Accessory Uses and Structures.** Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes detached or attached garages, guest houses, caretaker's quarters and home occupations and excludes accessory dwelling units.

B. **Accessory Dwelling Unit.** An attached or detached dwelling unit as defined in Section 18.50.

18.03.080 Temporary Use Classifications.

A. **Animal Shows.** Exhibitions of domestic or large animals for a maximum of seven days.

B. **Seasonal Agricultural and Forestry Sales.** Seasonal retail sales of agricultural produce, Christmas trees, and flowers.

C. **Circuses and Carnivals.** Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.

D. **Commercial Filming, Limited.** Commercial motion picture or video photography at the same location six or fewer days per quarter of a calendar year.

E. **Real Estate Sales.** An office for the marketing, sales, or rental of residential, commercial, or industrial development.

F. **Retail Sales, Outdoor.** Retail sales of new merchandise on the site of a legally established retail business, or on a vacant site within a Zoning District where retail sales are permitted.

G. **Street Fair.** Provision of games, eating and drinking facilities, live entertainment, or similar

activities not requiring the use of roofed structures.

file:CHAP1803:July 31, 1995

CHAPTER 18.04

RESIDENTIAL GROWTH LIMITATIONS

(A) The number of new dwelling units authorized by the City to be built annually may not exceed the number of units necessary for an annual population growth rate not greater that three percent (3%). In setting the maximum number of new dwelling units permitted each year, the City shall use the most recent U.S. Census for determining the average number of persons per household.

(B) To the extent feasible, new residential development must provide dwelling units for low and moderate income persons.

(C) The following developments are exempt from the limitation in subsection 18.04 (A):

(1) Replacement of units on a one-for-one basis;

(2) Density bonuses for the provision of low and moderate income dwelling units as required by state law.

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CHAPTER 18.05

WATER AND SEWER CAPACITY ALLOCATION AND RESERVATION ORDINANCE

Sections:

18.05.010 Intent and Purpose
18.05.020 Priority Uses Defined
18.05.030 Water Capacity Reserved for Priority Uses
18.05.040 Sewer Capacity Reserved for Priority Uses

18.05.010 Intent and Purpose. The intent and purpose of this Water and Sewer Capacity Allocation and Reservation Ordinance is to ensure that the City of Half Moon Bay shall reserve water supplies and sewage treatment capacity for land uses given priority by the Land Use Plan.

In order to assure that sewer and water capacity is not consumed by other development permitted in the City, the City will monitor annually the number of priority and non-priority water and sewer connections committed and available.

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, play grounds, 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.

18.05.030 Water Capacity Reserved for Priority Uses. The City Council will support and require the reservation of water supplies for each priority land use in the Land Use Plan. The Planning and Building Department shall monitor the number of building permits issued annually by use category to ensure that the Coastside County Water District reserves sufficient capacity to serve priority uses as defined herein. Transfers of water reserved for priority uses to non-priority uses shall be prohibited unless the City Council determines that sufficient priority capacity is held in reservation to support the amount of priority uses provided for in the Land Use Plan.

18.05.040 Sewer Capacity Reserved for Priority Uses. The City shall reserve at least 60,000 gallons per day of average dry weather flows (gpd/adwf) of its share of capacity in the existing Sewer Authority Mid-Coastside treatment plant for priority uses as defined herein and in the Land Use Plan. The amount of sewage treatment capacity to be reserved for priority uses in the sewage treatment plant expansion shall be the same percentage of capacity for priority uses as that needed at build out. The City Planning and Building Department shall monitor the number of building permits issued annually by use category to ensure that sewage treatment capacity for other uses does not encroach upon the capacity reserved for priority uses in the sewage treatment plant.

file:CHAP1805:July 31, 1995

CHAPTER 18.06

RESIDENTIAL DISTRICTS

Sections:

18.06.010 Purpose and Intent.
18.06.020 Permitted Uses and Use Regulations.
18.06.030 Residential Development Standards.
18.06.040 Specific Development Standards.
18.06.050 Exceptions to Development Standards.
18.06.060 Manufactured Housing
18.06.070 Nonconforming Structures
18.06.080 Required Permits and Plan Review.

18.06.010 Purpose and Intent.

A. Purpose. The purpose of these residential district regulations is to:

1. Provide appropriately located areas for residential development that are consistent with the Local Coastal Program Land Use Plan and General Plan and with standards of public health and safety established by the Municipal Code;

2. Ensure adequate light, air, privacy, and open space for each dwelling by establishing reasonable development standards for the mass, scale, and location on a building site for all new residential construction;

3. Achieve a high standard of site and building design, and design compatibility with surrounding neighborhoods;

4. Provide for a range of permitted uses and activities within the various Residential Districts; and

5. Provide sites for public and semi-public land uses needed to complement residential development or requiring location in a residential environment.

B. **Intent.** The intent of this Chapter is to establish the following Residential Districts and to guide the orderly development within each District:

1. R-1 District, Single Family Residential District.

2. R-2 District, Two Family Residential District.

3. R-3 District, Multi-Family Residential.

18.06.020 Permitted Uses and Use Regulations.

A. Schedule of Uses Permitted within Residential Districts. Table A of this Chapter establishes 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 B herein. Any use not expressly permitted is expressly prohibited.

TABLE A. Schedule of Uses within Residential Districts

Use	Permitted	Use Permit	Additional Regulations
Residential			
Single Family	R-1, R-2		
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
Commercial			
Home Occupations	All R		6
Agriculture/ Horticulture	All R		5
Parking for adj. business	All R		7
Swimming Schools	R-1, R-2		8
Public/Semi-Public/ Institutional			
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		
Accessory Uses			
Second Dwelling Units		R-1	

TABLE A. Schedule of Uses within Residential Districts (continued)

Use	Permitted	Use Permit	Additional Regulations
Temporary Uses			
Commercial Filming	All R		9
Construction Trailer	All R		11
Personal Property/ Garage Sales	All R		10
New Subdivision Home Sales Office	All R		

TABLE B. R-1 Districts Development Standards

	R-1	R-1-B-1	R-1-B2
Minimum Building Site Area: (in square feet)	5,000	6,000	7,500
Minimum Building Site Average Width:	50'	60'	75'
Minimum Building Setbacks:			
Front:	20'	25'	25'
Sides, minimum:	5'	5'	6'
Side, street corner:	10'	10'	13'
Sides, combined*:	10'	20%	20%
Rear:	20'	20'	20'
* combined side yards equal or exceed 20% of avg. width of the site, with required minimum.			
Maximum Structure Height:			
Single story:	16'	16'	16'
Multiple story:	28'	28'	28'
Maximum Site Coverage:			
Single story:	50%	50%	50%
Multiple story:	35%	35%	35%
Floor Area Ratio:	.5:1	.5:1	.5:1

TABLE B. R-1 Districts Development Standards (continued)

	R-1	R-1-B-1	R-1-B-2
Parking:			
Garage spaces	2	2	2
Usable Open Space/Unit:	N/A	N/A	N/A

TABLE C. R-2 and R-3 District Development Standards

Zoning District: Dwelling Type	R-2 Single DU	R-2 Two DU's	R-3 Multi-DU's
Min. Site Area/Unit:	5,000 sq.ft.	2,700 sq.ft.	1,500 sq.ft.
Minimum Site Area:	5,000 sq.ft.	5,000 sq.ft.	7,500 sq.ft.
Maximum Site Area:	N/A	N/A	N/A
Min. Avg. Site Width:	28.5'	50'	75'
Minimum Bldg. Setbacks:			
Front:	20'	20'	20'
Sides, minimum:	5'	5'	5'
Sides, combined:	10'	10'	10'
Side, street corner:	10'	10'	10'
Rear:	20'	20'	20'
Maximum Structure Height:			
Single story:	16'	16'	16'
Multiple story:	28'	28'	40'
Maximum Site Coverage:			
Single story:	50%	50%	50%
Multiple story:	35%	35%	45%
Floor Area Ratio:	0.5:1	0.5:1	N/A
Parking:			
Garage spaces/unit:	2	2	1
Other space/unit:	N/A	N/A	1
Guest parking/unit:	N/A	N/A	.25/unit, minimum one space req'd.
Usable Open Space/Unit:	N/A	15%	15%

B. **Use Regulations.** Additional regulations for permitted uses in each Residential District shall be met for the following uses:

1. **Animals**. In addition to the definitions and classifications of this section, all animals are subject to Use Regulation B.2., Animal Maintenance Regulations. Animals which are not in compliance with animal maintenance regulations may be kept only upon such terms and conditions and for such time as may be prescribed by the Planning Commission in conjunction with the approval of a Use Permit.

   (a) Animal, Exotic: Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

   (b) Animal, Large: An animal larger than the largest breed of dogs. This terms includes boars, cows, goats, horses, llamas, mules, domestic pigs, sheep, and other animals customarily kept in corrals or stables.

   (c) Animal, Small: Small domestic animals of the type customarily kept as household pets, including birds other than domestic fowl, cats, chinchillas, dogs, miniature pigs, small reptiles, rodents, and other similar animals no larger than the largest breed of dogs. No more than three small animals may be kept outside on any site in a Residential District with less than 5,000 square feet. A maximum of four small animals may be kept at any site in any Residential District with a minimum of 5,000 square feet. Five or more small animals may be permitted in the R-1 and R-2 Districts upon securing a Use Permit in each case.

   (d) Domestic Fowl: Chickens, ducks, geese, pea fowl, pigeons, turkeys and other fowl typically used for food or food products, which may create a disturbance to the peace within residential districts. A maximum of two domestic fowl may be permitted in the R-1 and

R-2 Districts at any one time. Three or more domestic fowl are permitted in an R-1 District upon securing a Use Permit in each case. Domestic fowl are prohibited in the R-3 District.

(e) Animals, young: Any animal under the age of four months.

(f) Roosters: Roosters are strictly prohibited in all Residential Districts.

2. **Animal Maintenance Regulations.** In addition to the Additional Regulations set forth in Section B.1. above, the maintenance of permitted animals and pets shall be in compliance with the following regulations:

(a) Except as may be approved as a part of a Use Permit, or in conjunction with a recognized agriculture or animal husbandry educational program, including any similar program such as those for police dogs or guide dogs for the blind or hearing impaired, no animal other than small animals such as household pets shall be caged or housed within a residence, or within 20 feet of the residence or adjacent residences, or within 20 feet of a required front yard or within 60 feet of the front lot line. No animal housing or caging shall be maintained closer than ten feet to any adjoining property line, nor should any such housing or cage be visible from adjacent public or private property.

(b) The maximum number of animals permitted on a property shall be determined by the amount of open space area on the lot. For purposes of this Section, open space shall be defined as the sum total of the site less any coverage for the main and accessory buildings. Calculation of the total open space required shall be cumulative, based upon the number of animals. Young animals can be excluded when determining the open space requirements, if the number of such animals is not three times the number of permitted animals at any one

time. The minimum amount of open space devoted to the keeping of animals other than small animals such as household pets shall be 5,000 square feet. The following additional open space area requirements shall apply:

For each additional small animal or domestic fowl: 500 sq.ft.

For each large animal: 2,000 sq.ft.

For each exotic animal: Determined by Use Permit

(c) Housing or caging of animals shall be adequate and sanitary, and all animals shall be kept in a manner approved by the county health officer.

(d) All animal food stored outside, except hay and straw, shall be stored in rodent-proof containers.

(e) The slaughter of small animals raised on the site, such as poultry and rabbits, is permitted only where intended for consumption by the resident family.

(f) A Large Animal as defined herein may be maintained in an R-1 District without the requirement for a Use Permit under the following circumstances:

1. Participation in a recognized agriculture or animal husbandry educational program, including similar programs such as those for police dogs or guide dogs for the blind or hearing impaired is required;

2. A maximum of one Large Animal shall be permitted and only during the time of active participation in the program. In the event more than one large animal is proposed per resident, a Use Permit shall be required;

3. That in the event complaints are received from adjoining or nearby residents, the participant(s) shall make every attempt to resolve the conflict resulting in the complaint;

4. In the event the issue cannot be resolved to the satisfaction of the complaining party, either the animal(s) shall be removed or the matter shall be referred to the Planning Commission for resolution on a "no fee" basis. Prior to consideration by the Planning Commission, the Planning Director shall notify the complaining party and the animal owner(s) of the time, date, and place of the Planning Commission meeting at which the issue will be discussed. The decision of the Planning Commission shall be final unless appealed to the City Council.

3. **Day Care, Limited, and Residential Care, Limited.**

(a) As defined in this Title, these uses are limited to non-medical care for six or fewer persons.

4. **Convalescence Facilities and Day Care, General.**

(a) A Use Permit shall be required prior to the establishment of any new or expanded Convalescence Facility or General Day Care business in the R-2 and R-3 Districts.

(b) Plans shall be reviewed, and/or facilities inspected by the Half Moon Bay Fire Protection District prior to review by the City of Half Moon Bay.

(c) All required, city, county, or state permits or licenses must be obtained by the applicant prior to the issuance of permits to establish the use.

(d) Plans shall include controls for vehicle circulation, drop-off and pick up, and

employee parking to ensure compatibility with the residential environment.

(e) Use Permits for Convalescence and Facilities and General Day Care may be granted for an initial period of two years. The Planning Commission may grant one two year administrative extension upon finding that the permittee remains in compliance with the terms and conditions of this section. All Use Permits for these uses shall be reconsidered at a duly noticed public hearing if deemed appropriate by the Planning Commission prior to the expiration of the initial two year period, or prior to the expiration of the two year administrative extension.

5. **Agriculture/Horticulture.** Commercial agriculture shall be limited to any site within any residential district with five acres or more of land; retail sales shall be allowed only if specifically addressed as a part of an approved Use Permit. Nurseries and greenhouses shall be used only for propagating and cultivating of plants and cut flowers; provided, that no retail sales shall be allowed, and the site shall be a minimum of one acre.

6. **Home Occupations.** Home Occupations are permitted in all Residential Districts and shall comply with the following:

(a) No one other than a resident of the dwelling shall be employed on site or report to work at the site of a Home Occupation. This prohibition also applies to independent contractors.

(b) There shall be no interior or exterior activity related to the Home Occupation inconsistent with or interfering with residential use of the property or detrimental to property in the vicinity.

(c) A Home Occupation shall be conducted entirely within a building, either the main residence

or an accessory building, and shall occupy no more than 500 square feet of floor area. No outdoor storage of materials or supplies shall be permitted in conjunction with the Home Occupation.

(d) The existence of a Home Occupation shall not be apparent beyond the boundaries of the site, and no Home Occupation shall involve the use of a sign, nor the display of products visible from the street.

(e) The Home Occupation shall not involve on-site retail business, interior or exterior alterations, nor construction features not normally found in dwellings.

(f) A Home Occupation shall not create pedestrian, automobile, or truck traffic detrimental to property in the vicinity.

(g) Prior to the issuance of a Business License for a Home Occupation, the applicant shall submit to the Planning Director a written description of the operational characteristics of the proposed Home Occupation. The Planning Director shall determine that the proposed Home Occupation complies with the requirements of this section. Decisions of the Planning Director may be appealed to the Planning Commission by the applicant or by any interested party.

(h) In the event a complaint is received regarding a Home Occupation, the Planning Director shall refer the issue to the Planning Commission to review the operational characteristics of the use. Both the complaining party and the operator of the Home Occupation shall be notified of the time, place, and date of the Planning Commission meeting. In the event it is determined that the Home Occupation is detrimental to the neighborhood, the Planning Commission may impose any conditions necessary to maintain consistency with the provisions of this Chapter.

7. **Parking Areas**. Surfaced parking areas to support commercial uses adjacent to Residential Districts may be approved by Use Permit. Any such support parking area shall be subject to review by the Architectural Review Committee prior to consideration by the Planning Commission of a Use Permit application.

8. **Swimming Schools**. Swimming schools may be approved by Use Permit in R-1 and R-2 Districts on sites having a minimum of 6,000 square feet.

9. **Commercial Filming.** Commercial filming is permitted in all Residential Districts upon securing all necessary permits and licenses required by the Municipal Code.

10. **Personal Property Sales.** Personal property sales such as garage sales are limited to a maximum of three weekends per calendar year for each site in the R-1 Districts and per dwelling unit in the R-2 and R-3 Districts.

11. **Construction Trailer.** For purposes of this Section, a construction trailer is defined as a mobile or temporary office facility for the use of the contractor during the construction of a residential structure or structures. The construction trailer shall be removed from the site within ten days of issuance of a Certificate of Occupancy or the final building inspection, whichever occurs first. The construction trailer may be converted to a sales office upon approval of a Use Permit in each case.

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.

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 15 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 herein 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 20 percent.

2. **Private Open Space:** 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, balconies. Patios at grade level must have a minimum area of 120 square feet, and balconies must have a minimum area of 60 square feet with no dimension less than six feet, in order to meet a portion of the open space requirement.

3. **Common Open Space:** Open space used commonly by residents of a building, having a minimum dimension of 15 feet in any direction and a minimum area of 300 square feet. Common Open Space includes terraces, courts, non-street side yards, rear yards, open patios and decks, rooftops surrounded by parapet wall or similar structure having a minimum height of 4 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. All planting areas, plant materials, and irrigation shall conform with guidelines in the City's current water-efficient landscaping program.

2. A Landscaping Plan is required for all new Multi-Family Residences, and shall be in conformance with design criteria contained in Chapter 18.36 and the City's current water-efficient landscaping program.

3. 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. 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.

   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 15 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.

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

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

(a) 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) 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) 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 50 percent of the added area (such as lath trellis or rails).

(d) 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 (6) 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, Size:

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 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'

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.

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 90 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, 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 50 feet or at the nearest property line intersection with the street property line, whichever is less.

Semi-Circular Driveways are permitted on lots with widths of 75 feet or more, if no more than 50 percent of the front setback area is to be paved, and if visible landscaping is to be installed between the driveway and the sidewalk.

On building sites in the R-1 District and R-2 District, driveways leading to two car garages shall have a minimum width of 18 feet for two car garages and nine feet for single car garages, and a minimum depth of 18 feet for roll-up doors and 20 feet for pull-up doors. Driveways located in side yards leading to a detached garage in the rear yard shall have a minimum width of 10 feet.

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 on the site, shall be installed underground within the site unless such installation is deemed unfeasible.

18.06.050 Exceptions to Development Standards.

A. **Exceptions to Height Standard.**

1. Chimneys may only exceed the maximum height limit of each Residential District to the extent required by the Uniform Building Code.

2. Towers, spires, cupolas, elevator penthouses, or similar architectural features, and mechanical appurtenances shall conform with the maximum height limit of each Residential District.

3. 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. 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. The following additional findings of approval shall be made:

(a) 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) 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) 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) The structures shall have no more floor area than could have been achieved without the Exception.

4. Where the maximum height of an existing single story structure exceeds the permitted maximum height of 16 feet, 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 16 feet, which ever is greater.

B. <u>Exceptions to Maximum Floor Area Ratio Standard.</u> 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. That 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. That the proposed structure is compatible with the physical characteristics of the site.

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

4. 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 30 inches above the ground, uncovered decks 30 inches or less above the ground, and eaves projecting 30 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 structures not exceeding two hundred fifty square feet in floor area 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 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.

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 20 percent of the buildable width of the lot along a rear building wall, and 20 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** attached to the first floor of a residence may extend into the rear yard setback across 20 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 30 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.

   (c) **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.

(d) **Eaves, cornices, chimneys, canopies, awnings, and mechanical equipment.** These features may project a maximum of 30 inches into the required yards, provided that a minimum clearance of three feet remains. Only one exception for a chimney encroachment shall be permitted per residential site.

(e) **Planter boxes and other decorative features.** Decorative features attached to the walls of a structure may encroach a maximum of 12 inches into any required setback area.

(f) **Bay Windows.**

(1) 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.

(2) Bay windows having a minimum of 18 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 18 inches of clear space above grade may encroach a maximum of 30 inches into required front and rear yard setbacks and a maximum of 12 inches into any required side yard setback.

3. **Exceptions for Development on Substandard or Severely Substandard Lots that do not meet the requirements for Lot Width of the Underlying Zoning District.** Notwithstanding the provisions of this Title, in any case where less than a five foot side yard setback area is proposed on any lot or building site, Attached Structures and Features as

defined and described in this Chapter shall not encroach into any side yard setback area five feet or less in width.

E. **Exceptions to Minimum Lot Area and Width Standards.**

1. Subject to the Findings set forth in this Section, the Planning Director may approve an Administrative Variance for construction of a single family residence in any R-1 District on a building site that provides at least 85% of the minimum width or area required.

2. An Administrative Variance may only be approved if the following findings are made in each case:

   a. All other development standards such as set backs, lot coverage, floor area ratio, parking, and building height are met; and

   b. The Architectural Review Committee has reviewed the project.

3. Planning Commission approval of a Use Permit is required for development on any lot or building site in any Residential District that does not meet the requirements for an Administrative Variance as provided for herein, or provides less than 85% and more than 50% of the minimum lot area or width required by the underlying Zoning District and for development that conforms to all other provisions and Residential Development Standards of the Zoning Code. Where development is proposed on a lot or building site that provides less than 85% and more than 50% of the minimum lot area or width and relief is requested from any provisions of the Residential Development Standards of the Zoning Code, approval of a Variance is required.

   a. The Architectural Review Committee shall review the project and forward its recommendation to the Planning Commission

prior to consideration of either a Use Permit or a Variance.

4. Planning Commission approval of a Use Permit is required for any development on a severely substandard lot which is defined as any building site that provides 50% or less of the minimum lot area or width required by the underlying Zoning District. The following development standards shall apply to all residential development on a severely substandard lot that provides 50% or less of the minimum lot area or width required by the underlying Zoning District:

Lot coverage:

Single Story:	50% of total land area
Two Story:	35% of total land area:
Floor Area Ratio:	50% of total land area, including covered parking
Parking Required:	At least two spaces, 9'x 19' each; at least one must be an enclosed garage and one may be a covered carport

Setbacks:

Front:	Consistent with underlying Zoning District
Rear:	Consistent with underlying Zoning District
Sides:	
R-1:	3 feet or 10% of total site width on each side, whichever is greater.

R-1-B-1:	4 feet or 10% of total site width on each side, whichever is greater.
R-1-B-2:	5 feet or 10% of total site width on each side, whichever is greater.
Corner Lot:	Front and street side yard set backs on any street side of a corner lot shall be established through the Use Permit or Variance process and shall be based upon the recommendations of the City Engineer for site distance and other traffic safety criteria.
Building Height:	Single Story 16 feet Two Story 28 feet''

In any case where a proposed project does not meet the development standards defined herein, Planning Commission approval of a Variance shall be required.

F. 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.

18.06.060 Manufactured Homes.

A. Intent. It is the intent of the City to provide opportunities for the placement of manufactured homes in Single Family Residential districts, consistent with state law and to ensure that such manufactured homes are designed and located so as to be harmonious within the context of the surrounding houses and neighborhood.

B. **Approval.** Approval by the Architectural Review Committee and the Planning Director is required prior to the issuance of Building Permits for individual manufactured homes on a site in any R-1 District, subject to the provisions of this Section. The Architectural Review Committee and Planning Director shall review each proposed manufactured home to determine compatibility in design and appearance with residential structures in the vicinity, based upon design and development criteria set forth in this Section.

C. **Location.** Manufactured homes may be located in any Residential District where a single family detached dwelling is permitted, subject to the same restrictions on density and to the same property development regulations. Manufactured homes may be located on building sites with an average slope of less than or equal to 10 percent.

D. **Design and Development.** The design and development criteria set forth herein is intended to protect neighborhood integrity, provide for harmonious relationships between manufactured homes and surrounding uses, and minimize problems that could occur as a result of locating manufactured homes on building sites designated for single family residential uses. Each manufactured home:

1. Shall be at least 18 feet wide, as measured at its narrowest point;

2. Shall be built on a permanent foundation approved by the Building Official;

3. Shall have been manufactured after June 15, 1976, and shall be certified under the National Manufactured Home Construction and Safety Act of 1974, and shall be installed in accordance with the provisions of the most recent Edition of the Uniform Building Code adopted by the City of Half Moon Bay;

4. Shall provide skirting of exterior finish materials extending to the finished grade;

5. Shall provide exterior siding material compatible with adjacent residential structures; shiny or metallic finishes are prohibited;

6. Shall have a roof with a pitch of not fewer than 3 inches vertical rise per 12 inches horizontal distance;

7. Shall have roofing material of concrete or asphalt tile, shakes, or shingles complying with the most recent Editions of the Uniform Building Code adopted by the City of Half Moon Bay;

8. Shall provide eaves or roof overhangs of not less than one foot as measured from the vertical side of the unit;

9. Shall maintain a finished floor elevation no higher than 20 inches above the exterior finished grade; and

10. Shall maintain required covered parking in accordance with the provisions of this Chapter. The exterior materials and roofing proposed for any garage shall be the same as those materials used on the main structure.

E. Cancellation of State Registration. Whenever a manufactured home is installed on a permanent foundation, any registration of said manufactured home with the State of California shall be canceled, pursuant to state laws and regulations. Before any occupancy certificate may be issued for use of such a manufactured home, the owner shall provide to the Building Official satisfactory evidence showing that the state registration of the manufactured home has been or will, with certainty, be canceled; if the manufactured home is new and has never been registered with the state, the owner shall provide the Building Official with a statement to that effect from the dealer selling the home.

18.06.070 Nonconforming Structures. Any existing residential structure legally constructed in accordance with the Zoning Code prior to the effective date of this Ordinance that is damaged by catastrophe such as fire, flood,

explosion, wind, earthquake, war, riot, or other calamity may be replaced, restored, rebuilt, or repaired and used as before such event occurred provided that all of the following conditions are satisfied:

A. That any nonconforming lot coverage, height, floor area ratio, or setback encroachments of the structure will not be increased beyond that in existence prior to the damage occurring unless a Variance is approved subject to the provisions of this Title;

B. That an application for a Building Permit to replace or repair a damaged or destroyed building shall be filed within twenty-four months after the event;

C. That all applicable provisions of the Uniform Building Code adopted by the City at the time Building Permits are requested for the repair or reconstruction shall be incorporated into the plans.

18.06.080 Permits and Plan Review.

A. Building Permits are required for any new construction, remodeling, or additions, except for fences which do not exceed seven feet in height, and decks less than 18 inches in height.

B. Except as may be otherwise provided for in this Chapter, a Variance shall be required for any project in any Residential District which does not meet the Development Standards and Regulations of this Chapter, or for projects which include proposals to extend existing non-conforming conditions on the site.

C. The provisions of this Title addressing Architectural and Site Plan Review shall be followed prior to the issuance of any Building Permits for which Design Review is required.

file:CHAP1806:July 31, 1995

CHAPTER 18.07

COMMERCIAL-DOWNTOWN (C-D) AND COMMERCIAL-RESIDENTIAL (C-R) DISTRICTS

Sections:

18.07.010 Purpose
18.07.015 Commercial Downtown (C-D) and Commercial Residential (C-R) Districts Established
18.07.020 Permitted Uses
18.07.025 Use Regulations
18.07.030 General Development Standards
18.07.035 Commercial-Residential(C-R) District Development Standards
18.07.040 Commercial-Downtown (C-D) District Development Standards
18.07.045 Exceptions to Development Standards
18.07.050 Nonconforming Structures
18.07.055 Historic Downtown Area, Structures, and Uses
19.07.060 Permits and Plan Review

18.07.010 Purpose. The purpose of establishing these Commercial - Downtown and Commercial - Residential Districts and adopting development standards and use regulations is to:

1. To guide the orderly development of lands designated on the Land Use Plan Map for General Commercial uses;

2. Implement the Policies of the Downtown Historic District Specific Plan encouraging a range of uses to serve the local residents and visitors to the area;

3. Provide appropriately located areas consistent with the Policies for the Half Moon Bay Downtown Specific Plan, the Land Use Plan, and the General Plan for a full range of office, retail commercial, service commercial, and visitor serving uses needed by residents of the City of Half Moon Bay, and visitors to the Historic Downtown area;

4. Strengthen and expand the city's economic base, by providing for visitor serving needs while protecting the small businesses that currently serve city residents in the Historic Downtown area on a daily basis;

5. Minimize the impact of commercial development on adjoining residential areas by providing a transition area of lower intensity commercial uses;

6. Encourage new commercial development and adaptive reuse of existing Historic buildings and sites compatible with surrounding development and consistent with site limitations;

7. Maintain the existing character of the Historic Downtown area and discourage the development of new incompatible commercial structures and uses;

8. Ensure the provision of adequate on-site parking, loading and circulation while maintaining the economic vitality of the area;

9. Ensure that the size, scale, character, and design of any new buildings are consistent with other structures in the immediate vicinity;

10. Allow public and semi-public uses in commercial areas that are compatible with or supportive of commercial development;

11. Providing for the continued economic use of Historic buildings and sites so as to ensure their restoration and preservation.

18.07.015 Commercial Downtown and Commercial Residential Districts Established. The intent of this Chapter is to establish the following commercial districts and to guide the orderly development within each District as follows:

1. **C-D District, Commercial-Downtown.** The intent of establishing this Zoning District is to implement the provisions of the Downtown Specific Plan calling for the establishment of development standards and a range of uses that would maintain and be consistent with the historic patterns and pedestrian scale of development within the Historic Downtown area. Of special importance is the visual quality of the Historic Downtown area.

   This district is intended to provide for visitor serving commercial uses such as restaurants and art galleries, certain public uses, and other retail and service commercial uses and professional offices that serve the local residents on a daily basis.

   Retail and visitor serving commercial uses are encouraged on the ground or first floor, with

professional offices on the upper floors. This policy is not intended to be used to preclude professional offices on the ground floor, particularly in single story buildings.

2. **C-R District, Commercial-Residential.** The intent of establishing this Zoning District is to provide a transition zone between the active commercial districts and single family residential areas. In this transition zone between residential neighborhoods and the more intensive commercial areas, development is limited to residential uses, low intensity professional offices, and semi-public uses.

   It is intended that commercial and professional uses be limited to those with low noise levels, minimal vehicular traffic from patrons, deliveries or pick ups, and hours of operation that would not adversely impact residents.

18.07.020 Permitted Uses. Table A of this Chapter establishes the uses permitted in the Commercial-Downtown and Commercial-Residential Districts.

The uses listed in Table A are numbered and categorized into types of uses. Definitions of each type of use are located within this Title in the chapter entitled, ''Use Classifications''. Uses that are not listed are prohibited within the Commercial-Downtown and Commercial-Residential Districts.

Use classifications followed by the letter ''P'' are permitted, whereas use classification followed by the letter ''U'' require approval of a Use Permit. A use classification followed by a dashed line means that the use is not permitted. In the event the Planning Director determines that a proposed use is not permitted, an applicant may appeal the determination to the Planning Commission. The letters "P/U" mean that some or all uses in the use classification are permitted in most cases, but that approval of a Use Permit is required in certain cases.

Further description of the circumstances related to the ''P/U'' listings in Table A, and other specific regulations for certain uses listed in Table A can be found in Section 18.07.025. The letters and numbers in Section 18.07.025 correspond to the use categories and specific uses listed in Table A.

TABLE A: SCHEDULE OF USES WITHIN COMMERCIAL-DOWNTOWN & COMMERCIAL RESIDENTIAL DISTRICTS

P = Permitted Use
- = Use Not Permitted

U = Use Permit Required
P/U Use Permit Req'd Under Certain Circumstances

#	Use	District C-R	District D-C
A.	**Commercial Uses**		
1.	Adult Businesses	-	-
2.	Ambulance Services	-	P/U
3.	Animal Sales & Services:		
	a. Animal Boarding	-	P/U
	b. Grooming Services	-	P
	c. Animal Hospitals	-	P
	d. Animals, Retail Sales	-	P
4.	Art Galleries	U	P
5.	Artist's Studios	P/U	P
6.	Banks and Savings & Loans:		
	a. Full Service Facilities	-	P
	b. Automatic Teller Machines only	-	P
	c. With Drive-Up Service	-	P
7.	Building Material Sales/Services	-	P
8.	Catering Services	-	P
9.	Circuses, Carnivals and Exhibitions	-	P
10.	Commercial Filming	P	P
11.	Commercial Recreation/Entertainment:		
	a. Limited	-	P/U
	b. Extensive Outdoor	-	P/U
12.	Communications Facilities	-	P
13.	Eating & Drinking Establishments:		
	a. Cafes, Diners, Restaurants	-	P
	b. Fast Food or Takeout	-	P
	c. Drive-through service	-	-
	d. Bar and Tavern	-	P
14.	Equestrian Centers	-	-
15.	Food & Beverage Sales	-	P
16.	Funeral & Internment Services	-	P
17.	Gardening Services	-	P
18.	Laboratories	-	P
19.	Maintenance and Repair Service	-	P
20.	Nurseries, Commercial	-	P
21.	Offices:		
	a. Business & Professional	P	P
	b. Health Services	P	P
	c. Travel Services	-	P
22.	Personal Improvement Services	U	P
23.	Personal Services	-	P

TABLE A: SCHEDULE OF USES WITHIN COMMERCIAL-DOWNTOWN & COMMERCIAL-RESIDENTIAL DISTRICTS, continued:

#	Use	District C-R	District C-D
24.	Printing/ Publications Facilities	-	P
25.	Real Estate Sales Offices	-	P
26.	Research & Development Services	-	-
27.	Retail Sales:		
	a. Indoor	U	P
	b. Outdoor	-	P
	c. Visitor-Oriented	-	P
28.	Seasonal Agricultural Sales	-	P
29.	Secondhand Merchandise Sales, Pawn Shops	-	P
30.	Vehicle/ Equipment Sales and Services:		
	a. Automobile Rentals	-	P
	b. Automobile Washing	-	U
	c. Service Stations	-	P
	d. Vehicle/ Equipment Repair	-	U
	e. Vehicle/ Equipment Sales	-	P
	f. Vehicle Storage	-	-
31.	Visitor Accommodations:		
	a. Hotels, Motels and Time Shares	-	P
	b. Bed & Breakfast Inns	U	P
	c. Campgrounds/R.V. Parks	-	-
	d. Spa Resorts	-	P
32.	Warehousing & Storage	-	P
B.	**Industrial Uses**		
1.	Industry, Custom	-	P/U
2.	Industry, General	-	-
3.	Industry, Limited	-	-
4.	Wholesaling, Distribution & Storage	-	U
C.	**Public and Semi Public**		
1.	Clubs and Lodges	U	P
2.	Convalescent Facilities	U	U
3.	Cultural Institutions	U	P
4.	Day Care, General	U	U
5.	Government Offices	P	P
6.	Health Care: a. Hospitals/Clinics	U	U
	b. Emergency Health Care	U	U
7.	Park & Recreation Facilities	P	P
8.	Public Safety Facilities	P	P
9.	Religious Assembly	U	U
10.	Residential Care, General	U	U
11.	Schools, Public or Private	U	U
12.	Utilities: a. Major	-	-
	b. Minor	P	P

TABLE A: SCHEDULE OF USES WITHIN COMMERCIAL-DOWNTOWN & COMMERCIAL-RESIDENTIAL DISTRICTS, continued:

#	Use	District C-R	District C-D
D.	**Residential Uses**		
1.	Single Family Residences	P	U
2.	Multiple-Family Residences	P/U	U
3.	Day Care, Large Family	U	U
4.	Day Care, Limited	U	U
5.	Group Residential	U	U
6.	Residential Care, Limited	U	U
E.	**Accessory Uses**		
1.	Accessory Uses & Structures	P	P
2.	Accessory Dwelling Unit	U	U
2.	Mixed Commercial/Residential	U	U

18.07.025 Use Regulations. The following use categories and any additional regulations associated with an identified use are to be taken together with the permit requirements listed for each use classification in Table A. These regulations shall apply to both permitted uses and for uses which are only allowed upon approval of a Use Permit by the Planning Commission.

A. Commercial Uses.

Ambulance Services (2): A Use Permit is required only where a proposed ambulance service would be located within 1,000 feet of an R-District or 50 feet of a site occupied by a public or private school or a park or recreation facility.

Animal Sales and Services (3):

Animal Boarding (a): A Use Permit is required when a proposed boarding facility would be located within 200 feet of a Residential District to ensure that potential noise impacts are adequately addressed.

Animals, Retail Sales (d): The sale of domestic animals is allowed as an incidental use to any permitted use in the C-D District.

Artist's Studios (5): Studios where the artist works, displays, and sells artwork are permitted. A Use Permit is required in the C-R District only when the artist also lives on the premises and/or maintains an active sales operation.

Building Materials and Services (7): Activities shall be conducted and materials shall be stored within a building or shall be enclosed by a fence, wall or permanent planting at least six feet in height. Milling or planing of lumber or other wood products is prohibited unless incidental to a retail use or contractor's yard.

Catering Services (8): Catering businesses may be permitted in conjunction with a residential use subject to approval by the San Mateo County Environmental Health Department.

Circuses, Carnivals and Exhibitions (9): Such uses, including street fairs and markets on city streets are permitted upon approval of Special Events Permit. The event may be in one location no longer than two weekend days over two consecutive weekends, unless otherwise permitted by the City Council in conjunction with the Special Events Permit. Signs advertising the event shall be approved by the City Council in conjunction with the approval of the Special Events Permit.

Commercial Filming (10):Commercial filming is permitted upon securing all necessary permits and licenses required by the Municipal Code.

Commercial Recreation and Entertainment (11):

Indoor (a): Small-scale billiards/pool halls and movie theaters are permitted in the C-D District by Use Permit only. Electronic game centers shall not be located within 300 feet of a school site or the boundary of a residential district, or within 500 feet of a liquor store, cocktail lounge or bar. At least one adult manager shall be on the premises during the time a game center is open to the public. No game center owner, manager or employee shall allow a minor under 18 years of age to play game machines during the hours the public schools are open, or after 9 p.m. on nights preceding school days. The Planning Commission may impose restrictions on the design, location, and operation of a game center in order to minimize the effects of noise, congregation, parking, and other nuisance factors that may be detrimental to the community. Bowling alleys, indoor skating rinks and tennis courts and the like are not permitted in the C-D and C-R Districts.

Outdoor (b): Small-scale outdoor commercial recreation uses and activities such as bocce courts and seasonal events such as live music may be permitted. Golf courses and driving ranges, outdoor skating rinks and skateboard parks and tennis courts are not permitted in the C-D and C-R Districts. A Use Permit shall be required for any extensive outdoor uses not listed.

Eating and Drinking Establishments (13):

Fast Food or Take-Out (b): Identifiable containers and napkins shall be used for all carry-out food, and all litter resulting shall be promptly removed.

Nurseries (20): Outdoor storage and display is limited to plants and garden features such as statues, fountains and benches. All merchandise must be kept in an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

Offices (21):

Business and Professional (a): In the C-D District, business and professional offices are encouraged on the upper floors of multiple story structures. This does not preclude the establishment of business and professional offices on the ground floor. In the C-R District, business and professional offices shall be limited to small scale, low intensity uses.

Health Services (b): In the C-R District, Health Services offices shall be limited to small scale, low intensity uses.

Retail Sales (27):

Indoor Sales (a): Display of products usually sold inside a building on a commercial site may be permitted outside the building on a temporary or occasional basis, subject to approval by the Planning Director. Retail Sales within the C-R District may only be permitted by Use Permit if ancillary to a permitted use.

Outdoor Sales (b): Outdoor display of merchandise on a temporary basis shall be subject to approval by the Planning Director. Permanent outdoor sales operations, such as flower and produce stands, hot dog carts, coffee/pastry stands, T-shirts, outdoor furniture gardens, are permitted on an ongoing basis only if located on private property and not on City or State right-of-way, and only after (1) receiving a determination by the Planning Commission that the proposed use and operational characteristics are consistent with the underlying zoning designation and development standards, and (2) securing approval of a business license in accordance with the provisions of the Municipal Code.

Seasonal Agricultural Sales (28): Fruit, Vegetable and Christmas tree sales are permitted for a period of 45 days, and shall be subject to the requirements of the Municipal Code. The Planning Director shall impose reasonable

conditions upon the establishment to ensure adequate parking, safe and convenient traffic circulation, and that minimum health and safety standards are met.

Vehicle/ Equipment Sales and Services (30):

Service Stations (c): All auto, truck, and equipment repair and service facilities shall be appropriately landscaped and maintained. Inoperative vehicle storage on the premises is prohibited. Operative vehicles and/or equipment stored on the premises shall be screened from public view. Display racks for automobile products no more than four feet wide may be maintained at each pump island of a service station, or within three feet of the main building, and shall be limited to one per street frontage.

Vehicle/Equipment Repair (d): Repair shops such as auto body and painting, fender work, upholstery and detailing, and major auto repairs shall be appropriately landscaped and maintained. Conditions of approval of a Use Permit may require buffering, screening, planting areas or limits on the hours of operation to avoid adverse impacts on properties in the surrounding area. Inoperative vehicle storage on the premises is prohibited, and operative vehicles and/or equipment stored on the premises shall be screened from public view.

Vehicle Storage (f): All vehicle storage facilities shall be enclosed by a six foot high fence and all vehicles shall be screened from view.

Visitor Accommodations (31):

Hotel, motel, and time shares (a): Within the C-D District, hotel, motel, time shares, and bed and breakfast inns are permitted only if the number of bedrooms does not exceed 36 per net acre of the building site area. Living rooms in suites shall be considered bedrooms for purposes of this calculation.

Bed and Breakfast Inns (b): In the C-R District, a maximum of three guest rooms on any one site may be permitted upon approval of a Use Permit in each case.

Campgrounds (c): Landscaping at recreational vehicle parks shall be fully matured within five years of development to assure full screening from public roads, vista points, public recreation areas, and residential areas.

Warehousing and Storage (32): Only warehousing/storage area having 2,500 square feet or less that is incidental to a commercial use is permitted within an enclosed building.

Mini-storage or self-storage facilities may be permitted in the C-D District only by approval of a Use Permit and Site and Design Permit.

B. Industrial Uses.

Industry, Custom (1): Small scale custom industries such as ceramic studios, candle-making shops and custom jewelry manufacturing which may also sell goods produced on-site directly to customers are permitted in the C-D District.

C. Public and Semi-Public:

Convalescent Facilities (2): City, county, and state permits or licenses must be obtained prior to establishing the use. The Half Moon Bay Fire Protection District shall review and approve all aspects of the use prior to the issuance of Building Permits.

Day Care (4): All required city, county, and state permits or licenses must be obtained prior to establishing the use. The Half Moon Bay Fire Protection District shall review and approve all aspects of the use prior to the issuance of Building Permits.

Utilities (12):

Major (a): All public utility substations shall be enclosed by a solid fence or wall a minimum of six feet in height. The Planning Commission may approve alternative screening such as a hedge or other plant materials, where appropriate to the design and location in relationship to other properties.

D. Residential Uses

Multiple Family Residences (2): Two family residences are permitted, and plans must be approved by the Architectural Review Committee prior to receiving a Building Permit. Structures providing three or more residential units require Planning Commission approval of a Use Permit as well as Architectural Review Committee approval.

E. Accessory Uses and Mixed Uses

Accessory Uses & Structures (1): Accessory uses and structures are permitted when they are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. Accessory uses to a residential use would include home occupations and garage sales. Accessory uses for retail or office uses would include storage incidental to a permitted use. Accessory structures such as garages or storage and maintenance sheds are permitted.

18.07.030 General Development Standards.

A. **Residential Development.** Separate dwelling units shall be subject to the standards for minimum setbacks, height limits, floor area ratios, lot coverages, landscaping, fences, and useable open space as specified in this Title for the proposed dwelling. Single Family residences shall meet all of the Development Standards for the R-1 District; two-family residences shall meet the requirements for the R-2 District; and structures with three or more units shall meet the R-3 District standards. For mixed use projects, residential development standards may be modified by the Planning Commission as a part of any Use Permit.

B. **Minimum Site Area and Width.** The standards for minimum site area and width are established for each commercial district in this Chapter. Existing legal parcels created before the effective date of this Chapter are not subject to these minimum area and width requirements. Only new subdivisions of existing parcels shall be subject to the minimum site and area requirements.

C. **Site Coverage.** Commercial buildings are not limited to a percentage coverage of commercially zoned sites, however, for any new construction, parking and any setback requirements shall dictate the area available for building. For Residential uses in a commercial district, one-family and two-family residential structures are limited to 35 percent site coverage for multiple stories, and 50 percent site coverage for a single story. A maximum site coverage of 35% shall be permitted for multiple-family residential structures. These standards are not applicable to mixed-use projects.

D. **Exterior Noise Limit.** Sound levels measured at the property line of the lot where the lot borders an R, OS, UR or OSR District, may not exceed the following levels:

Maximum Noise Level (in dBA) by Time Period

Time of Day	More than 30 minutes/hour	More than 5 minutes/hour	At any Time
7 am to 10 PM	60	70	80
10 PM to 7 am	55	65	75

E. **Off-Street Parking Plans.** A parking plan which meets the off-street parking requirements contained in this Title shall be submitted with each project for new development or addition of floor area, or whenever plans are submitted for a use conversion which will result in an

intensification of use. The plan will be reviewed for conformance with standards for parking spaces and aisles, location, units of measurement, and other standards as may be applicable.

F. **Landscaping.** A Landscaping Plan is required for all new construction or extensive remodel projects, and shall be in conformance with design criteria contained in this Title and with the City's current water-efficient landscaping program.

1. All planting areas, plant materials, and irrigation shall conform with the guidelines in the City's current water efficient landscaping program.

2. 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 adequate, clear site distance for traffic safety on public or private sidewalks, streets, roads, or rights-of-way.

3. Parking lots shall have perimeter landscaping areas and interior landscaping areas distributed throughout the parking lot. The landscaped areas shall have a minimum width of two feet, separated from the parking lot paving by a six inch curb. A minimum of one tree for every six parking spaces shall be distributed throughout the parking lot.

G. **Signs.** Each project shall comply with the sign regulations contained in Titles 15 and 18 of the Half Moon Bay Municipal Code. All new signs shall be reviewed and approved by the Planning Department and the Architectural Review Committee when deemed appropriate prior to installation.

H. **Fences.** The height of a fence, wall or hedge shall be measured vertically from the natural or finished existing grade, whichever is lower, from the base to the top of the fence, wall or hedge above that grade. The following specific criteria shall apply:

1. Along rear or side property lines, a maximum fence height of eight feet is permitted.

2. Where the side or rear property line adjoins a residential property, a fence having a minimum height of six feet shall be installed along that property line, unless one exists.

3. A solid wall or fence within 15 feet of a street property line shall not exceed three feet in height. The Planning Director may approve and increased fence height to four feet if the fence materials have openings comprising at least 50 percent. In no case may a fence in this area exceed four feet in height.

   A lower fence height limit may be imposed by the Planning Director if it is determined that the fence would: (a) obstruct visibility thereby negatively impacting traffic safety, or (b) obscure an approved sign advertising a business on an adjoining property.

4. A solid masonry or concrete wall at least six feet in height shall be installed along any property line shared by a non-residential site and the site of an existing ground-floor residential use, unless there is a 10 foot landscaped buffer area on the commercial site. If a non-residential building has a zero setback and has no openings along the adjoining property lines, no wall needs to be installed along the length of the building.

I. **Refuse Storage Areas.** For all non-residential and multi-family residential projects, recyclable materials and refuse storage area shall be provided prior to occupancy, either inside a building or within a trash enclosure, as specified in this Title.

J. **Second Dwelling Units.** All second dwelling units in these Commercial Districts must comply with the regulations contained in this Title and State law.

K. **Satellite Antennas.** All satellite antennas shall meet the standards and regulations contained in this Title.

L. **Underground Utilities.** All new electrical, telephone and similar distribution lines providing direct service to a commercial site, and any existing services on the site shall be installed underground within the site unless such installation is deemed to be not feasible by the Planning Commission.

M. **Screening.** All outdoor storage and display areas shall be screened from view by a solid fence or wall, unless otherwise approved by the Planning Director or Planning Commission. Mechanical equipment and utility meters shall be screened from view from public rights-of-way. Screening materials may have evenly distributed openings or perforations averaging 50% of the surface area, as long as the mechanical equipment is screened so that it is not visible from a street or adjoining lot.

N. **Performance Standards.** No activity on a commercial site may produce vibration, dust, odors, heat and humidity, electromagnetic interference which are perceptible without instruments by a reasonable person at the property lines of a site. Mirrors or highly reflective glass shall not cover more than 20% of a building surface visible from a street, unless an applicant submits information demonstrating that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles. Combustibles, explosives, radioactive materials and hazardous materials shall comply with HMBFPD Fire Prevention Codes, California Hazardous Materials Regulations, and/or any other applicable laws.

O. **Coastal Resource Conservation Standards.** The standards and regulations contained in this Title for habitat conservation, archaeological resource conservation, coastal access, scenic corridors, and community visual resources shall be met for each project.

P. **Architectural and Site and Design Review.** The standards and review process contained in this Title shall be met for each project.

Q. **Coastal Development Permit.** The requirements contained in this Title for a Coastal Development Permit shall be met for each project which is subject to those requirements.

18.07.035 Commercial-Residential (C-R) District Development Standards.

A. **Minimum Lot Size and Width.** The Minimum Lot Size shall be 5,000 square feet with a minimum width of 50 feet.

B. **Minimum Setbacks.** The front yard setback shall be a minimum of 20 feet, the rear and side yard setbacks shall be a minimum of five feet each. Where a parcel borders an R-District, a solid six foot high wall or fence shall be installed along the adjoining rear and/or side property line.

C. **Maximum Height.** The maximum building height permitted shall be 28 feet.

D. **Minimum Landscaping.** A total of 25% of any site used for commercial purposes shall be landscaped.

E. **Lot Coverage.** Single story structures shall not exceed 50% coverage of the site, and multi-story structures shall not exceed 35% coverage of the site.

F. **Floor Area Ratio.** The maximum floor area ratio for exclusive residential uses is 50%.

G. **Parking.** Two enclosed garage spaces are required for each dwelling unit.

18.07.040 Commercial-Downtown (C-D) District Development Standards.

A. **Minimum Lot Size and Width.** The Minimum Lot Size for any new parcels shall be 5,000 square feet with a minimum width of 50 feet.

B. **Minimum Setbacks.** There are no setbacks required within the C-D District. However, where a parcel borders an R-District, a minimum setback of five feet is required from the property line adjoining any residential parcel.

For all new commercial structures and for remodels or additions to existing buildings fronting on Main Street between Pilarcitos Creek and Correas Street, a zero front setback shall be encouraged to create a continuous line of building frontages.

C. **Maximum Height.** The maximum height permitted shall be 36 feet and three stories.

D. **Minimum Landscaping.** Landscaping shall be required within parking areas and elsewhere on the site as may be feasible and in keeping with landscaping on the surrounding properties, and shall be reviewed by the Architectural Review Committee for all projects involving new construction or conversions.

E. **Residential Development.** For mixed commercial and residential projects, dwellings shall be on the upper floors, and two garage spaces shall be provided for each new dwelling unit, unless otherwise approved by the Planning Commission.

F. **Off-site Parking.** Notwithstanding the provisions of this Title, parking at an off-site location is encouraged at a distance no greater than 300 feet from the development site.

In reviewing development proposals with an off-site parking area, the Planning Commission may approve an Exception to allow a greater distance between the development site and parking area, if it is determined

that it is not feasible to meet the suggested distance standard to comply with off-street parking requirements.

In approving an off-site parking location to support a proposed development, the Planning Commission shall require the recordation of a Deed Restriction, Restrictive Covenant, or other instrument to the satisfaction of the City Attorney, ensuring that the parking area will remain available to serve the parking needs of the proposed development or use for as long as the development or use exists.

Any off-site parking area created pursuant to the provisions herein shall be landscaped and a solid fence or wall installed along adjoining property lines to the satisfaction of the Architectural Review Committee and Planning Commission. Any lighting shall be directed away from adjoining properties.

18.07.045 Exceptions to Development Standards.

A. **Legal Non-Conforming Parcels.** Any parcel legally subdivided prior to the effective date of this Chapter within any Commercial District which does not meet the standards for minimum site area and width may nevertheless be developed without the need for a Variance or Exception, subject to compliance with the other development standards and regulations in this Chapter.

B. **New Parcels.** The Planning Commission and or City Council may approve an Exception to Development Standards established in the sections above for each commercial district, in conjunction with the review of a Lot Line Adjustment or Subdivision, as may be applicable.

C. **Development on Lots divided by District Boundaries.** The regulations applicable to each district shall be applied to the area within that district; however, parking provisions serving a principle use on the site may be located in a district in which a parking lot is not permitted, or is a conditional use.

D. **Exceptions to Maximum Height.** Chimneys may exceed the maximum permitted building height in the district only as may be needed to comply with the Uniform Building Code.

E. **Parking Exceptions.** For all new construction, the requirements for off-street parking shall be met. For

any additions to existing buildings, off-street parking spaces shall be provided as required for the new area, at a minimum, unless a Parking Exception is approved by the Planning Commission. For conversions of existing buildings to a more intensive use, the Planning Commission shall ensure that the applicant has made every reasonable effort to provide the required off-street parking spaces designated for the use as specified in this Title.

When granting a Parking Exception in either the Downtown Commercial or Commercial Residential Districts, the Planning Commission shall make the following findings:

1. The applicant has made every reasonable effort to provide the required number of parking spaces;

2. The applicant has submitted evidence to the Planning Commission that approval of a Parking Exception is necessary to ensure the economic viability of the project; or

3. The Planning Commission finds that approval of the Parking Exception will ensure that an Historic Resource is retained or otherwise preserved or protected; and

4. The Planning Commission has found that the proposed number, size, configuration, and or location of the parking spaces is as nearly in conformance with the standards contained in Title 15 as are reasonably possible, and the granting of the Parking Exception is not contrary to the Policies of the Downtown Specific Plan.

18.07.050 Nonconforming Structures.

Any existing structure legally constructed in accordance with the Zoning Code prior to the effective date of this Ordinance that is damaged by catastrophe such as fire, flood, explosion, wind earthquake, war, riot, or other calamity may be replaced, restored, rebuilt, or repaired and used as before such event occurred provided that all of the following conditions are satisfied:

A. Any nonconforming height, setback encroachments or other nonconformity shall not be increased beyond that in existence prior to the damage occurring, unless a

Variance or Exception is approved subject to the provisions of this Title.

B. An application for a Building Permit to replace or repair a damaged or destroyed building shall be filed within twenty-four months after the event;

C. All applicable provisions of the Historic Building Code or Uniform Building Code adopted by the City at the time Building Permits are requested for the repair or reconstruction shall be incorporated into the plans.

18.07.055 Historic Downtown Area, Structures, and Uses.

A. Historic Downtown Area. The Historic Downtown area possesses character, interest and value as part of the heritage of the City. Preservation of those structures which exemplify historical architectural styles or which contribute to the historical fabric of the community within this area is essential to the integrity of the district.

Municipal Code Chapter 2.48 contains review criteria for the designation of a landmark or historic district. Any development within the Historic Downtown area shall also be in accordance with the Policies for the Half Moon Bay Historic Downtown Plan as well as the Historic Resources Ordinance.

B. Historic Structures. Any proposal for alteration to a designated landmark shall be subject to the provisions below and the Historic Resources Ordinance.

1. Changes to Existing Structures. Within the historic downtown area, alterations to existing structures and proposed demolition shall be subject to review by the Architectural Review Committee and Planning Commission, in order to protect the architectural and historical character of the area.

2. Maintenance of Structures and Premises. All property owners in the historic downtown area shall have the obligation to maintain structures and premises in good repair. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises. Maintenance does not include a change in design, material or external appearance of a structure.

3. Change of Use Within a Historic Structure. Whenever a change of use is proposed within an historic structure, such as a conversion from residential use to commercial use, exceptions to the development standards in this

Chapter may be granted where applicable and necessary to maintain the historic integrity of the structure. The State Historical Building Code may be used in some cases, however, intensification of use may require safety measures to conform to the requirements of current Uniform Building Code.

C. **New Development.** New construction within the historic downtown area shall be reviewed for compliance with the following criteria:

1. The scale and style shall be similar to that of the predominant older structures.

2. There shall be continuity in building lines maintained along Main Street.

18.07.060 Required Permits and Plan Review.

A. Building Permits are required for any new construction, remodeling, or additions, except for fences which do not exceed the eight foot height limit.

B. Except as may be otherwise provided for in this Chapter, a Variance or Exception shall be required for any project in any Commercial District which does not meet the Development Standards and Regulations of this Chapter, or for projects which include proposals to extend existing non-conforming structures or conditions on the site.

C. The provisions of this Title pertaining to Architectural and Site and Design review shall be followed prior to the issuance of any Building Permits for which Design Review is required.

_file:Chap1807:May 29, 1995

CHAPTER 18.08

COMMERCIAL - VISITOR SERVING (C-VS) and COMMERCIAL - GENERAL DISTRICTS

Sections:

18.08.010	Purpose
18.08.015	General Commercial and Visitor Serving Commercial Districts Established
18.08.020	Permitted Uses
18.08.025	Use Regulations
18.08.030	General Development Standards
18.08.035	C-VS (Commercial-Visitor Serving) District Standards
18.08.040	C-G (Commercial-General) District Standards
18.08.045	Exceptions to Development Standards
18.08.050	Nonconforming Structures
18.08.055	Historic Structures
18.08.060	Permits and Plan Review

18.08.010 Purpose. The purpose of establishing adopting these Visitor Serving Commercial and General Commercial Districts and adopting development standards and use regulations is to:

1. To guide the orderly development of lands designated on the Land Use Plan Map for General Commercial and Visitor Serving Commercial uses;

2. Provide appropriately located areas consistent with the Land Use Plan and General Plan for a full range of office, retail commercial, service commercial, and visitor serving uses needed by residents of, and visitors to, the city and region;

3. Strengthen and expand the city's economic base, while protecting the small businesses that currently serve city residents;

4. Minimize the impact of commercial development on adjoining residential areas;

5. Encourage new commercial development compatible with surrounding development and consistent with site limitations;

6. Ensure the provision of adequate on-site parking, loading and circulation; and

7. Allow public and semi-public uses in commercial areas that are compatible with or supportive of commercial development.

18.08.015 Visitor Serving Commercial and General Commercial Districts Established. The intent of this Chapter is to establish the following commercial districts and to guide the orderly development within each District as follows:

1. **C-VS District, Commercial - Visitor Serving.** Recreational Commercial areas that serve the needs of visitors attracted to coastal recreational opportunities, emphasizing ease of movement and attractiveness for the pedestrian while allowing safe and efficient movement of vehicles, having a consistent design theme, and protecting coastal resources. The intensity and nature of Visitor Serving Commercial uses shall be subordinate to the character of the recreational setting and existing neighborhood character.

2. **C-G District, Commercial - General.** General Commercial areas designated for the development of a full range of retail, service, commercial, and professional office businesses serving both residents and visitors to the City.

18.08.020 Permitted Uses. Table A of this Chapter establishes the uses permitted in the Visitor Serving Commercial and General Commercial Districts.

The uses listed in Table A are numbered and categorized into types of uses. Definitions of each type of use are located within this Title in the chapter entitled, ''Use Classifications''. Uses that are not listed are prohibited within Visitor Serving Commercial and General Commercial Districts.

Use classifications followed be the letter ''P'' are permitted, whereas use classification followed by letter ''U'' require approval of a Use Permit. A use classification followed by a dashed line means that the use is not permitted. In the event the Planning Director determines that a proposed use is not permitted, an applicant may appeal the determination to the Planning Commission. The letters "P/U" mean that some or all uses in the use classification are permitted in most cases, but that approval of a Use Permit is required in certain cases.

Further description of the circumstances related to the ''P/U'' listings in Table A, and other specific regulations for certain uses listed in Table A can be found in Section 18.08.025. The

letters and numbers in Section 18.08.025 correspond to the use categories and specific uses listed in Table A.

TABLE A. SCHEDULE OF USES WITHIN COMMERCIAL DISTRICTS

P = Permitted Use
- = Use Not Permitted
U = Use Permit Required
P/U = Permitted/Use Permit

#	Use	District C-VS	District C-G
A.	**Commercial Uses**		
1.	Adult Businesses	-	U
2.	Ambulance Services	-	P/U
3.	Animal Sales & Services:		
	a. Animal Boarding	-	U
	b. Grooming Services	-	P
	c. Animal Hospitals	-	P
	d. Animals, Retail Sales	-	P
4.	Art Galleries	P	P
5.	Artist's Studios	P/U	P/U
6.	Banks and Savings & Loans:		
	a. Full Service Facilities	-	P
	b. Automatic Teller Machines only	P	P
	c. With Drive-Up Service	-	P
7.	Building Material and Services	-	P
8.	Catering Services	-	P
9.	Circuses, Carnivals, and Exhibitions	P	P
10.	Commercial Filming	P	P
11.	Commercial Recreation and Entertainment:		
	a. Limited	-	P
	b. Outdoor	P/U	P/U
12.	Communications Facilities	-	P
13.	Eating & Drinking Establishments:		
	a. Cafes, Diners, Restaurants	U	P
	b. Fast Food or Takeout	U	P
	c. Drive-through service	U	P
	d. Bar and Tavern	U	P
14.	Equestrian Centers	U	-
15.	Food & Beverage Sales	P	P
16.	Funeral & Interment Services	-	P
17.	Gardening Services	-	P
18.	Laboratories	-	P
19.	Maintenance and Repair Services	-	P
20.	Nurseries	-	P

TABLE A: SCHEDULE OF USES WITHIN COMMERCIAL-VISITOR SERVING AND COMMERCIAL-GENERAL DISTRICTS, continued:

#	Use	District C-VS	District C-G
21.	Offices:		
	a. Business & Professional	-	P
	b. Health Services	-	P
	c. Travel Services	P	P
22.	Personal Improvement Services	-	P
23.	Personal Services	U	P
24.	Printing and Publications Services	-	P
25.	Real Estate Sales Offices	-	P
26.	Research & Development Services	U	P
27.	Retail Sales:		
	a. Indoor	P	P
	b. Outdoor	P	P
	c. Visitor-Oriented	P	P
28.	Seasonal Agricultural Sales	P	P
29.	Secondhand Merchandise Sales and Pawn Shops	-	P
30.	Vehicle/ Equipment Sales and Services:		
	a. Automobile Rentals	-	P
	b. Automobile Washing	-	P/U
	c. Service Stations	-	P
	d. Vehicle or Equipment Repair	U	P
	e. Vehicle or Equipment Sales and Rentals	U	P
	f. Vehicle Storage	U	P
31.	Visitor Accommodations:		
	a. Hotels, Motels and Time Shares	P	P
	b. Bed & Breakfast Inns	P	P
	c. Campgrounds/R.V. Parks	U	U
	d. Spa Resorts	P	P
32.	Warehousing & Storage, limited	-	U
B.	**Industrial Uses**		
1.	Industry, Custom	-	P
2.	Industry, General	-	-
3.	Industry, Limited	-	U
4.	Wholesaling, Distribution and Storage	-	U
C.	**Public and Semi Public**		
1.	Clubs and Lodges	U	P
2.	Convalescent Facilities	-	P
3.	Cultural Institutions	P	P
4.	Day Care, General	-	U
5.	Government Offices	P	P
6.	Health Care: a. Hospitals/Clinics	-	U
	b. Emergency Health Care	-	P
7.	Park & Recreation Facilities	P	P

TABLE A: SCHEDULE OF USES WITHIN COMMERCIAL-VISITOR SERVING AND COMMERCIAL-GENERAL DISTRICTS, continued:

#	Use	District C-VS	District C-G
8.	Public Safety Facilities	P	P
9.	Religious Assembly	-	U
10.	Residential Care, General	-	U
11.	Schools, Public or Private	-	U
12.	Utilities: a. Major	-	U
	b. Minor	P	P
D.	**Residential Uses**		
1.	Single Family Residences	U	U
2.	Multiple-Family Residences	-	U
3.	Day Care, Large Family	-	P
4.	Day Care, Limited	-	P
5.	Group Residential	-	P
6.	Residential Care, Limited	-	P
E.	**Accessory Uses**		
1.	Accessory Uses & Structures	P	P
2.	Mixed Commercial/Residential	U	U

18.08.025 Use Regulations. The following use categories and any additional regulations associated with an identified use are to be taken together with the permit requirements listed for each use classification in Table A. These regulations shall apply to both permitted uses and for uses which are only allowed upon approval of a Use Permit by the Planning Commission.

A. Commercial Uses.

Adult Businesses (1): No adult business may be located within 1,000 feet of another adult business, or within 500 feet of any R-District, any public or private school or day care facility for children, or any park or recreation facility.

Ambulance Services (2): A Use Permit is required only where a proposed ambulance service would be located within 1,000 feet of an R-District or 50 feet of a site occupied by a public or private school or a park or recreation facility.

Animal Sales and Services (3):

Animal Boarding (a): All kennels shall be maintained in accordance with the San Mateo County Humane Society regulations, and shall comply with all conditions of the Use

Permit. If the facility is not in compliance with the Humane Society regulations or Use Permit conditions at any time, the Use Permit may be revoked. The boarding of horses shall be subject to the Use Regulations contained in this Section under ''Equestrian Centers''.

Animals, Retail Sales (d): The sale of domestic animals is allowed as an incidental use to any permitted use.

Artist's Studios (5): Studios where the artist works, displays, and sells artwork are permitted. In those cases where the artist lives on the premises and maintains an active studio or sales operation, a Use Permit is required.

Banks and Savings and Loans (6):

Automatic Teller Machines Only (b): In the C-VS District, automatic teller machines are permitted only as an incidental use to a permitted use.

Building Materials and Services (7): Activities shall be conducted and materials shall be stored within a building or shall be enclosed by a fence, wall or permanent planting at least six feet in height. Milling or planing of lumber or other wood products is prohibited unless incidental to a retail use or contractor's yard.

Catering Services (8): Catering businesses may be permitted in conjunction with a residential use subject to approval by the San Mateo County Environmental Health Department.

Circuses, Carnivals and Exhibitions (9): Such uses, including street fairs and markets on city streets are permitted upon approval of Special Events Permit. The event may be in one location no longer than two weekend days over two consecutive weekends, unless otherwise permitted by the City Council in conjunction with the Special Events Permit. Signs advertising the event shall be approved by the City Council in conjunction with the approval of the Special Events Permit.

Commercial Filming (10):Commercial filming is permitted upon securing all necessary permits and licenses required by the Municipal Code.

Commercial Recreation and Entertainment (11):

Indoor (a): In the C-G District, electronic game centers shall not be located within 300 feet of a school site or the boundary of a residential district, or within 500 feet of a liquor store, cocktail lounge or bar. At least one adult

manager shall be on the premises during the time a game center is open to the public. No game center owner, manager or employee shall allow a minor under 18 years of age to play game machines during the hours the public schools are open, or after 9 p.m. on nights preceding school days. The Planning Commission may impose restrictions on the design, location, and operation of a game center in order to minimize the effects of noise, congregation, parking, and other nuisance factors that may be detrimental to the community.

Outdoor (b): In the C-G District, the establishment of a golf course requires approval of a Use Permit.

Eating and Drinking Establishments (13):

Cafes, Diners, Restaurants (a): In C-VS Districts, sidewalk cafes and outdoor food service requires approval of a Site and Design Permit. A Use Permit is required for cabarets with live entertainment within the C-VS Districts.

Fast Food or Take-Out (b): Identifiable containers and napkins shall be used for all carry-out food, and all litter resulting shall be promptly removed.

Equestrian Centers (14): Grooming and incidental sales of horses and equestrian supplies are permitted. Animal shows are permitted by Use Permit. New equestrian facilities shall be located near proposed County trail systems in upland areas east of Highway One or on sites where the coastal terrace is broad enough to accommodate such use without conflicts with public recreation. All stables shall be maintained in accordance with the San Mateo County Humane Society regulations, and shall comply with all conditions of the Use Permit. If the facility is not in compliance with the Humane Society regulations or Use Permit conditions at any time, the Use Permit may be revoked.

Food and Beverage Sales (15): In C-VS Districts, food and beverage sales must be ancillary to approved recreational uses.

Laboratories (18): In C-VS Districts, laboratories shall be limited to research related to oceanographics, fisheries, and/or coastal resource management.

Nurseries (20): Outdoor storage and display is limited to plants and garden features such as statues, fountains and benches. All merchandise must be kept in an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

Offices (21): In C-VS Districts, only those office uses which are auxiliary functions of visitor-serving establishments are permitted.

Business and Professional (a): In the C-G District, professional and other business offices providing the following services are permitted: accountancy, architectural, construction and/or contracting, design, engineering, and legal services, insurance and travel agencies, investment services other than banks, savings and loans, such as mortgage, stocks and commodities brokerages, and similar consulting or business services.

Health Services (b): In the C-G District, health service offices or clinics offering medical or dental services, including laboratories incidental to these uses, and therapeutic services such as massage, chiropractic and psychiatric therapy are permitted.

Travel Services (c): In the C-VS District, travel services are permitted only where incidental to a permitted use.

Personal Services (23): In the C-VS District, personal services may be permitted only where they are an auxiliary function of a visitor serving establishment.

Research and Development Services (26): In the C-VS District, only research related to oceanographic, fisheries, and/or coastal resource management is permitted.

Retail Sales (27):

Indoor Sales (a): Display of products usually sold inside a building on a commercial site may be permitted outside the building on a temporary or occasional basis, subject to approval by the Planning Director. In the C-VS District, indoor sales shall be limited to visitor-oriented sales.

Outdoor Sales (b): Outdoor display of merchandise on a temporary basis shall be subject to approval by the Planning Director. Permanent outdoor sales operations, such as flower and produce stands, hot dog carts, coffee/pastry stands, T-shirts, outdoor furniture gardens, are permitted on an ongoing basis only if located on private property and not on City or State right-of-way, and only after (1) receiving a determination by the Planning Commission that the proposed use and operational characteristics are consistent with the underlying zoning designation and development standards, and (2) securing approval of a business license in accordance with the provisions of the Municipal Code. In the C-VS District, outdoor sales shall be limited to visitor oriented sales.

Visitor Oriented Sales (c): In C-VS Districts, this category is limited to retail sales directly related to visitors attracted to the City's coastal recreational opportunities such as boating and fishing supplies, equestrian supply stores, surf shops, the incidental sale of merchandise at recreational vehicle campsites and golf courses, and related uses.

Seasonal Agricultural Sales (28): Fruit, Vegetable and Christmas tree sales are permitted for a period of 45 days, and shall be subject to the requirements of Municipal Code Chapter 3.73. The Planning Director shall impose reasonable conditions upon the establishment to ensure adequate parking, safe and convenient traffic circulation, and that minimum health and safety standards are met.

Vehicle/ Equipment Sales and Services (30):

Automobile Washing (b): New self-service operations may be established in the C-G District by securing a Site and Design Permit. A Use Permit is also required in order to establish full-service operations.

Service Stations (c): All auto, truck, and equipment repair and service facilities shall be appropriately landscaped and maintained. Inoperative vehicle storage on the premises is prohibited. Operative vehicles and/or equipment stored on the premises shall be screened from public view. Display racks for automobile products no more than four feet wide may be maintained at each pump island of a service station, or within three feet of the main building, and shall be limited to one per street frontage. These uses are not permitted in C-VS Districts.

Vehicle/Equipment Repair (d): Repair shops such as auto body and painting, fender work, upholstery and detailing, and major auto repairs shall be appropriately landscaped and maintained. Conditions of approval of a Use Permit may require buffering, screening, planting areas or limits on the hours of operation to avoid adverse impacts on properties in the surrounding area. Inoperative vehicle storage on the premises is prohibited, and operative vehicles and/or equipment stored on the premises shall be screened from public view.

Vehicle/ Equipment Sales & Rentals (e): In the C-VS District, sales shall be limited to marine equipment and parts used for recreational vehicles other than motor homes such as boats, jet skis, and vehicles used to transport horses or which are designed to be transported by horses. Marine vehicles may be rented in the C-VS District. Outdoor

storage and display shall be limited to vehicles, boats, or equipment offered for sale or rent only.

Vehicle Storage (f): In the C-VS District, vehicular storage shall be limited to the storage of recreational vehicles and water-oriented vehicles. All vehicle storage facilities shall be enclosed by a six foot high fence and all vehicles shall be screened from view.

Visitor Accommodations (31):

Hotel, motel, and time shares (a): Within the C-VS District, hotel, motel, and time shares are permitted only if the number of bedrooms does not exceed 36 per net acre of the building site area. Living rooms in suites shall be considered bedrooms for purposes of this calculation.

Campgrounds (c): Landscaping at recreational vehicle parks shall be fully matured within five years of development to assure full screening from public roads, vista points, public recreation areas, and residential areas.

Warehousing and Storage (32): Only warehousing/storage area having 2,500 square feet or less, that is incidental to commercial use is permitted within an enclosed building. Mini-storage or self-storage facilities may be permitted in the C-G District only by approval of a Use Permit and Site and Design Permit.

B. Industrial Uses.

Industry, Custom (1): Small scale custom industries such as ceramic studios, candle-making shops and custom jewelry manufacturing which may also sell goods produced on-site directly to customers are permitted in the C-G District.

C. Public and Semi-Public:

Clubs and Lodges (1): In the C-VS District, only yacht clubs or clubs catering to visitor-serving commercial uses shall be permitted.

Convalescent Facilities (2): City, county, and state permits or licenses must be obtained prior to establishing the use. The Half Moon Bay Fire Protection District shall review and approve all aspects of the use prior to the issuance of Building Permits.

Day Care (4): All required city, county, and state permits or licenses must be obtained prior to establishing the use. The Half Moon Bay Fire Protection District shall review and approve all aspects of the use prior to the issuance of Building Permits.

Government Offices (5): In C-VS Districts, these uses shall be limited to those that, as determined by the Planning Director, involve the regulation or study of natural or oceanographic processes, private or recreational fishing, aquaculture, or shoreline recreation.

Park and Recreation Facilities (7): In the C-VS District, this use includes public parking for shoreline access and recreation, public restrooms, parks, and visitor information centers. Development unrelated to on-site recreational activities shall not be permitted in publicly owned recreational areas, with the exception of the State Park administrative and maintenance operations located at Half Moon Bay State Beach. 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 designed to minimize visibility from the beach.

Utilities (12):

Major (a): All public utility substations shall be enclosed by a solid fence or wall a minimum of six feet in height. The Planning Commission may approve alternative screening such as a hedge or other plant materials, where appropriate to the design and location in relationship to other properties.

D. Residential Uses

Single Family Residences (1): No residential uses are permitted in the C-VS District unless ancillary to a permitted use and upon the approval of a Use Permit in each case.

E. Accessory Uses and Mixed Uses

Accessory Uses & Structures (1): Accessory uses and structures are permitted when they are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. Accessory uses to a residential use would include home occupations and garage sales. Accessory uses for retail or office uses would include storage incidental to a permitted use. Accessory structures such as garages or storage and maintenance sheds are permitted.

18.08.030 General Development Standards.

A. Residential Development.

1. **As primary use of property.** When a C-G or C-VS zoned site is developed primarily for residential use, the

dwelling unit(s) shall be subject to the standards for tenant and guest parking spaces, minimum setbacks, floor area ratio, lot coverage, maximum height limits, landscaping, fences, and usable open space as specified in this Title (Residential Districts Ordinance) for the proposed residential dwelling type.

2. **As secondary use of property.** When a C-G or C-VS zoned site is developed with non-residential use(s) and residential use is proposed, or when a mixed residential/non-residential project is proposed, the setbacks, floor area ratio, lot coverage and maximum height limits required within the Residential Districts shall not be imposed. However, such development shall be subject to the requirements for parking spaces, landscaping, fences, and usable open space for the proposed type of dwelling as specified in this Title (Residential Districts Ordinance).

B. **Minimum Site Area and Width.** The standards for minimum site area and width are established for each commercial district in this Chapter. Existing legal parcels created before the effective date of this Chapter are not subject to these minimum area and width requirements. Only new subdivisions of existing parcels shall be subject to the minimum site and area requirements.

C. **Site Coverage.** Commercial buildings and mixed use buildings are not limited to a percentage coverage of commercially zoned sites, however, for any new construction, parking requirements shall dictate the area available for building. For residential uses in a commercial district, one-family and two-family residential structures are limited to 35 percent site coverage for multiple stories, and 50 percent site coverage for a single story. A maximum site coverage of 35% shall be permitted for multiple-family (three or more units) residential structures. These standards are not applicable to mixed-use projects.

D. **Exterior Noise Limit.** Sound levels measured at the property line of the lot where the lot borders on R, OS, UR or OSR District, or along any property boundary in the C-VS District, may not exceed the following levels:

Maximum Noise Level (in dBA) by Time Period

Time of Day	More than 30 minutes/hour	More than 5 minutes/hour	At any time
7 am to 10 PM	60	70	80
10 PM to 7 am	55	65	75

E. **Off-Street Parking Plans.** A parking plan which meets the Development Standards for off-street parking requirements contained in this Title shall be submitted with each project for new development or addition of floor area, or whenever plans are submitted for a use conversion which will result in an intensification of use. The plan will be reviewed for conformance with standards for parking spaces and aisles, location, units of measurement, and other standards as may be applicable.

F. **Landscaping.** A Landscaping Plan is required for all new construction or extensive remodel projects within the Commercial Districts, and shall be in conformance with design criteria contained in this Title and the City's current water-efficient landscaping program.

1. All planting areas, plant materials, and irrigation shall conform with the guidelines in the City's current water efficient landscaping program.

2. 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 adequate, clear site distance for traffic safety on public or private sidewalks, street, road, or rights-of-way.

3. Parking lots shall have perimeter landscaping areas and interior landscaping areas distributed throughout the parking lot. The landscaped areas shall have a minimum width of two feet, separated from the parking lot paving by a six inch curb. A minimum of one tree for every six spaces shall be distributed throughout the parking lot.

G. **Signs.** Each project shall comply with the sign regulations contained in Titles 15 and 18 of the Half Moon Bay Municipal Code. Prior to installation, all new signs shall be reviewed and approved by the Planning Department and, when deemed appropriate, the Architectural Review Committee.

H. **Fences.** The height of a fence, wall or hedge shall be measured vertically from the natural or finished existing grade, whichever is lower, from the base to the top of the fence, wall or hedge above that grade. The following specific criteria shall apply:

1. Along rear or side property lines, a maximum fence height of eight feet is permitted.

2. Where the side or rear property line adjoins a residential property, a fence having a minimum height of six feet shall be installed along that property line.

3. A solid wall or fence within 15 feet of a street property line shall not exceed three feet in height. The Planning Director may approve an increased fence height to four feet if the fence materials have openings comprising at least 50 percent. In no case may a fence in this area exceed four feet in height.

   A lower fence height limit may be imposed by the Planning Director, if it is determined that the fence would: (a) obstruct visibility thereby negatively impacting traffic safety, or (b) obscure an approved sign advertising a business on an adjoining property.

4. A solid masonry or concrete wall at least six feet in height shall be installed along any property line shared by a non-residential site and the site of an existing ground-floor residential use, unless there is a 10 foot landscaped buffer area on the commercial site. If a non-residential building has a zero setback and has no openings along the adjoining property lines, no wall needs to be installed along the length of the building.

I. **Refuse Storage Areas.** For all non-residential and multi-family residential projects, recyclable materials and refuse storage area shall be provided prior to occupancy, either inside a building or within a trash enclosure, as specified in this Title.

J. **Second Dwelling Units.** All second dwelling units in these Commercial Districts must comply with the regulations contained in this Title and State Law.

K. **Satellite Antennas.** All satellite antennas shall meet the standards and regulations contained in this Title.

L. **Underground Utilities.** All new electrical, telephone and similar distribution lines providing direct service to a commercial site, and any existing services on the site shall be installed underground within the site unless such installation is deemed to be not feasible by the Planning Commission.

M. **Screening.** All outdoor storage and display areas shall be screened from view by a solid fence or wall, unless otherwise approved by the Planning Director or Planning Commission. Mechanical equipment and utility meters shall

be screened from view from public rights-of-way. Screening materials may have evenly distributed openings or perforations averaging 50% of the surface area, as long as the mechanical equipment is screened so that it is not visible from a street or adjoining lot.

N. **Performance Standards.** No activity on a commercial site may produce vibration, dust, odors, heat and humidity, electromagnetic interference which are perceptible without instruments by a reasonable person at the property lines of a site. Mirrors or highly reflective glass shall not cover more than 20% of a building surface visible from a street, unless an applicant submits information demonstrating that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles. Combustibles, Explosives, Radioactive materials and hazardous materials shall comply with H.M.B.F.P.D. Fire Prevention Codes, California Hazardous Materials Regulations, and/or any other applicable laws.

O. **Coastal Resource Conservation Standards.** The standards and regulations contained in this Title for habitat conservation, archaeological resource conservation, coastal access, scenic corridors, and community visual resources shall be met for each project.

P. **Architectural and Site and Design Review.** The standards and review process contained in this Title shall be met for each project.

Q. **Coastal Development Permit.** The requirements contained in this Title for a Coastal Development Permit shall be met for each project which is subject to those requirements.

18.08.035 C-VS (Commercial-Visitor Serving) District Standards.

A. **Minimum Lot Size and Width.** The Minimum Lot Size shall be 10,000 square feet with a minimum width of 100 feet.

B. **Minimum Setbacks.** The front yard setback shall be a minimum of 20 feet, the rear and side yard setbacks shall be a minimum of 10 feet each. Where a parcel borders an R-District, a minimum setback of 20 feet is required from the property line adjoining any residential parcel. Within this setback, the ten foot width nearest the residential parcel shall be landscaped.

C. **Maximum Height.** The maximum building height permitted shall be 36 feet and three stories.

D. **Minimum Landscaping.** A total of 15% of the site shall be landscaped.

E. **Residential Development.** For mixed commercial/residential projects, dwellings shall be on the upper floors and two garage spaces shall be provided for each new dwelling unit, unless otherwise approved by the Planning Commission.

18.08.040 C-G (Commercial-General) District Standards.

A. **Minimum Lot Size and Width.** The Minimum Lot Size shall be 10,000 square feet with a minimum width of 100 feet.

B. **Minimum Setbacks.** The front yard setback shall be a minimum of 25 feet, the rear and side yard setbacks shall be a minimum of 10 feet each. Where a parcel borders an R-District, the five foot width nearest the residential parcel shall be landscaped. A solid masonry wall of at least six feet in height shall be installed adjacent to any R District.

C. **Maximum Height.** The maximum building height permitted shall be 36 feet and three stories.

D. **Minimum Landscaping.** A total of 10% of the site shall be landscaped. Landscaping shall be in keeping with landscaping on the surrounding properties, and shall be reviewed by the Architectural Review Committee for all projects involving new construction or conversions.

E. **Residential Development.** For mixed commercial/residential projects, dwellings shall be on the upper floors and two garage spaces shall be provided for each new dwelling unit, unless otherwise approved by the Planning Commission.

F. **Off-site Parking.** Parking may be located on an off-site location, at a distance no greater than 300 feet from the development site.

In reviewing development proposals with an off-site parking area, the Planning Commission may approve an Exception to allow a greater distance between the development site and parking area, if it is determined that it is not feasible to meet the maximum distance requirement, to comply with off-street parking requirements.

In approving an off-site parking location to support a proposed development, the Planning Commission shall require the recordation of a Deed Restriction, Restrictive Covenant,

or other instrument to the satisfaction of the City Attorney, ensuring that the parking area will remain available to serve the parking needs of the proposed development or use for as long as the development or use exists.

Any off-site parking area created pursuant to the provisions herein shall be landscaped and a solid fence or wall installed along adjoining property lines to the satisfaction of the Architectural Review Committee and Planning Commission. Any lighting shall be directed away from adjoining properties.

18.08.045 Exceptions to Development Standards.

A. **Legal Non-Conforming Parcels.** Any parcel legally subdivided prior to the effective date of this Chapter within any Commercial District which does not meet the standards for minimum site area and width may nevertheless be developed without the need for a Variance, subject to compliance with the other development standards and regulations in this Chapter.

B. **New Parcels.** The Planning Commission and or City Council may approve an Exception to Development Standards established in the sections above for each commercial district, in conjunction with the review of a Lot Line Adjustment or Subdivision, or Variance as may be applicable.

C. **Development on Lots divided by District Boundaries.** The regulations applicable to each district shall be applied to the area within that district; however, parking provisions serving a principle use on the site may be located in a district in which a parking lot is not permitted, or is a conditional use.

D. **Exceptions to Maximum Height.** Chimneys may exceed the maximum permitted building height in the district only as may be needed to comply with the Uniform Building Code.

E. **Parking Exceptions.** For all new construction, the requirements for off-street parking shall be met. For any additions to existing buildings, off-street parking spaces shall be provided as required for the new area, at a minimum, unless a Parking Exception is approved by the Planning Commission. For conversions of existing buildings to a more intensive use, the Planning Commission shall ensure that the applicant has made every reasonable effort

to provide the required off-street parking spaces designated for the use as specified in this Title.

When granting a Parking Exception in either the General Commercial or Visitor Serving Commercial Districts, the Planning Commission shall make the following findings:

1. The applicant has made every reasonable effort to provide the required number of parking spaces;

2. The applicant has submitted evidence to the Planning Commission that approval of a Parking Exception is necessary to ensure the economic viability of the project; or

3. The Planning Commission finds that approval of the Parking Exception will ensure that an Historic Resource is retained or otherwise preserved or protected; and

4. The Planning Commission has found that the proposed number, size, configuration, and or location of the parking spaces is as nearly in conformance with the standards contained in Title 15 as are reasonably possible.

18.08.050 Nonconforming Structures.

Any existing structure legally constructed in accordance with the Zoning Code prior to the effective date of this Ordinance that is damaged by catastrophe such as fire, flood, explosion, wind earthquake, war, riot, or other calamity may be replaced, restored, rebuilt, or repaired and used as before such event occurred provided that all of the following conditions are satisfied:

A. Any nonconforming height, setback encroachments or other nonconformity shall not be increased beyond that in existence prior to the damage occurring, unless a Variance is approved subject to the provisions of this Title.

B. An application for a Building Permit to replace or repair a damaged or destroyed building shall be filed within twenty-four months after the event;

C. All applicable provisions of the Uniform Building Code adopted by the City at the time Building Permits are requested for the repair or reconstruction shall be incorporated into the plans.

18.08.055 Historic Structures. Any proposal for alteration to a designated landmark shall be subject to the provisions below and the Historic Resources Ordinance.

1. Changes to Existing Structures. Alterations to existing historic structures and proposed demolitions shall be subject to review by the Architectural Review Committee and Planning Commission design approval, in order to protect the architectural and historical character.

2. Maintenance of Structures and Premises. All property owners of historic structures shall have the obligation to maintain structures and premises in good repair. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises. Maintenance does not include a change in design, material or external appearance of a structure.

3. Change of Use Within a Historic Structure. Whenever a change of use is proposed within an historic structure, such as a conversion from residential use to commercial use, exceptions to the development standards in this Chapter may be granted where applicable. The State Historical Building Code may be used in some cases, however, intensification of use may require safety measures to conform to the requirements of current Uniform Building Code.

18.08.060 Required Permits and Plan Review.

A. Building Permits are required for any new construction, remodeling, or additions, except for fences which do not exceed the height limit.

B. Except as may be otherwise provided for in this Chapter, a Variance or Exception shall be required for any project in any Commercial District which does not meet the Development Standards and Regulations of this Chapter, or for projects which include proposals to extend existing non-conforming structures or conditions on the site.

C. The provisions of this Title pertaining to Architectural and Site and Design Review shall be followed prior to the issuance of any Building Permits for which Design Review is required.

CHAPTER 18.09

P-S DISTRICT--PUBLIC SERVICE

Sections:

18.09.010 Applicability
18.09.020 Permitted uses.
18.09.030 Building height limits.
18.09.040 Minimum area of lot or building site.
18.09.050 Front yard.
18.09.060 Side yard
18.09.070 Rear yard.

18.09.010 Applicability. The following regulations, as designated in this chapter, shall apply in all P-S districts.

18.09.020 Permitted uses. Uses permitted in a P-S district include the following:

1. Fire stations;
2. Schools;
3. Libraries;
4. Churches;
5. Civic centers;
6. Airports;
7. Hospitals;
8. Cemeteries;
9. Parks.

18.09.030 Building height limits. The building height limit in a P-S district shall be four stories but not exceeding fifty feet.

18.09.040 Minimum area of lot or building site. The required minimum area of a lot or building site in a P-S district shall be an area having an average width of not less than five thousand square feet.

18.09.050 Front yard. The required front yard in a P-S district shall be not less than twenty feet.

18.09.060 Side yard. There is no required side yard in a P-S district, except that there shall be a side yard five feet wide along the side of every lot in a P-S district which side is bordering on property in any R district.

18.09.070 Rear yard. There is no required rear yard in a P-S district, except that there shall be a rear yard five feet deep on the rear of every lot in a P-S district which rear is bordering on property in any R district.

file:CHAP1809:December 10, 1993

CHAPTER 18.10

INDUSTRIAL (IND) DISTRICT

Sections:

18.10.010 Permitted uses.
18.10.020 Conditionally permitted uses
18.10.030 Building height limit.
18.10.040 Minimum building site.
18.10.050 Front yard.
18.10.060 Side yard.
18.10.070 Rear yard.
18.10.080 Noise.
18.10.090 Maximum Floor Area, Retail Uses
18.10.100 Screening of Outdoor Storage Facilities

18.10.010 Permitted uses. The following uses are permitted in the IND District; provided, that no use shall be carried on in a manner that is, in the opinion of the Planning Commission, objectionable from the standpoint of odor, dust, smoke, gas, noise or vibration, and any emission shall not be damaging or have a tendency to damage sensitive vegetation:

A. Provided the Planning Commission has had a review of the industry applying for possible location in Half Moon Bay by the Bay Area Air Pollution Control District to assist the Planning Commission in its decisions, and provided that, when required by the standards in this Title, the project has been reviewed by the City's Architectural Review Committee and a Site and Design Permit has been approved by the Planning Commission:

1. Acetylene. The storage of oxygen and acetylene in tanks if oxygen is stored in a room separate from acetylene, and such rooms are separated by a not less than one-hour fire resistant wall,
2. Aircraft assembly plants,
3. Animal experimental research institute,
4. Animal hospitals,
5. Automobile assembly plants,

5a. Auto, truck and heavy equipment service and repair including tire repair, sales and service,

6. Bags and boxes, papers, manufacture of,
7. Barrels, storage of empty barrels,
8. Baseball park,
9. Batteries, the manufacture and rebuilding of batteries,
10. Billboards, the manufacture and storage of,
11. Blacksmith shops,
12. Boat building,
13. Bone products, the manufacture of bone products,

14. Book bindery,
15. Bottling plant,
16. Breweries,
17. Brushes, the manufacture of,
18. Cabinet making and carpentry shop,
19. Candles, the manufacture of,
20. Canvas products, the manufacture of,
21. Car barns for busses and streetcars,
22. Carnivals, commercial or otherwise,
23. Carpet cleaning,
24. Cellophane, the manufacture of cellophane products,
25. Ceramics, the manufacture of ceramics,
26. Cesspool pumping, cleaning and draining,
27. Cigars, the manufacture of cigarettes and cigars,
28. Circus,
29. Clay products, the manufacture and storage of,
30. Cleaning and dyeing establishments, wholesale,
31. Clothing, the manufacture of cloth products, including clothing of all kinds but not tannings,
32. Coffee roasting,
33. Coffins, the manufacture of,
34. Contractor's equipment yard, including farm equipment and all equipment used in building trades,
35. Cork, the manufacture of cork products,
36. Cosmetics, the packaging and distribution of pharmaceutical and cosmetic items,
37. Cotton storage,
38. Curtain cleaning plants,
39. Dairy products depot and manufacture of dairy products,
40. Distributing plants, including bulk petroleum plants,
41. Draying yard or terminal,
42. Drugs, the manufacture of and sale at wholesale of drugs,
43. Drygoods, the manufacture and storage of and wholesale of drygoods,
44. Electrical appliance assembly,
45. Electrical parts, the manufacture of, the sale at wholesale of, or the storage of small electrical parts,
46. Electronics industry,
47. Engines, the manufacture of steam engines. This paragraph does not permit a foundry,
48. Engraving. Machine metal engraving,
49. Fabricating, other than snap riveting or any process used in bending or shaping which produces any annoying or disagreeable noises,
50. Fiber products, the manufacture of,
51. Fixtures, the manufacture of gas or electrical fixtures, or both,
52. Frozen food process plants,

53. Fruit packaging plants,
54. Fuel yard,
55. Fur products, the manufacture and storage of,
56. Furniture, the manufacture of,
57. Glass, the production by hand of crystal glass art novelties within a closed building of fire resistant construction,
58. Gloves, the manufacture of,
59. Heating equipment, the manufacture of,
60. Hemp storage,
61. Humane societies,
62. Incinerators, the manufacture of,
63. Ink, the manufacture of,
64. Iron. Ornamental iron works but not including a foundry,
65. Jewelry, the manufacture of,
66. Leather products, the manufacture of, but not including tanning,
67. Light bulbs, the manufacture of,
68. Linen and towel supply,
69. Lubricating oil. The canning and packaging of lubricating oil if not more than one hundred barrels are stored above ground at any one time,
70. Lumber yards,
71. Machine shops and storage yard and repair,
72. Malt products, the manufacture of,
73. Marine oil service station,
74. Mattresses, the manufacture and renovation of,
75. Medicines, the manufacture of,
76. Metals:
    a. Manufacture of products of precious metals
    b. Manufacture of metal, steel and brass stamp,including hand and machine engraving
    c. Metal fabrication, spinning and storage
77. Moving van storage or operating yard,
78. Musical instruments, the manufacture of,
79. Novelties, the manufacture of,
80. Oil, the manufacture of vegetable oil,
81. Optical goods, the manufacture of,
82. Paint mixing, except the mixing of lacquers and synthetic enamels,
83. Paper products, the manufacture of, but not including the manufacture of paper itself,
84. Perfume, the manufacture of,
85. Pest control service, including residential termite control,
86. Pharmaceuticals, the manufacture and packaging of,
87. Phonographs, the assembly of,
88. Planing mill,
89. Plaster, the storage of,
90. Poultry and rabbits, the wholesale and retail sale of poultry and rabbits, including slaughtering and dressing within a building,

91. Presses, hydraulic presses for the molding of plastics,
92. Public utility substations and service groups,
93. Produce yard or terminal,
94. Radios, the assembly of,
95. Refrigeration plants,
96. Roofing contractor's establishment,
97. Rugs, the manufacture of,
98. Sand, the washing of sand to be used in sandblasting,
99. Sash and door manufacturing,
100. Shell products,
101. Shoes, the manufacture of,
102. Shooting gallery,
103. Signs, the manufacture of,
104. Skating rinks,
105. Soft drinks, the manufacture and bottling of,
106. Stables,
107. Starch, the mixing and bottling of starch,
108. Statuary, the manufacture of clay, paper mache and stone statuary and monuments,
109. Stencils, the manufacture of,
110. Stone, marble and granite, grinding, dressing and cutting,
111. Storage and rental of plows, tractors, busses, contractor's equipment and cement mixers, not within a building,
112. Tire repair, sales and service,
113. Tools, the manufacture of,
114. Toys, the manufacture of,
115. Trailers, the manufacture of,
116. Truck storage or rental,
117. Ventilating ducts, the manufacture of,
118. Veterinary, the consulting office and hospital of a veterinary,
119. Vitamin tablets, the manufacture of,
120. Warehouse, storage warehouse,
121. Wine storage and manufacture,
122. Wood, the manufacture of wood products,
123. Wood yard,
124. Yarn, the dyeing and manufacture of yarn products,
125. Outdoor advertising structures or sign as defined in Sections 5202 and 5203 of the Business and Professions Code of the state,
126. Extraction of chemicals from sea water by natural evaporation,
127. Other uses which in the opinion of the Planning Commission are of the same general character as those enumerated in this subsection;

18.10.020 Conditionally Permitted Uses. The following uses are permitted subject to Planning Commission approval of a conditional use permit in each case, provided the

project plans and characteristics of the proposed industry or business have been reviewed by the Planning Director and the Architectural Review Committee in accordance with the requirements contained in this Title:

A. Dog kennels, commercial dog raising establishments and dog training schools, provided, that no such use shall be permitted within five hundred feet of an R District, and the planning commission shall require as a condition of any use permit adequate provision for surfaced floors and runs, drainage, fencing and other facilities to assure sanitary maintenance.

B. Retail Uses within those buildings located on the front portion of parcels fronting Highway 92 or Main Street. The Planning Commission review of the Use Permit request shall include, at a minimum, a review of the following:

(1) the percentage of the building or site to be used for retail businesses,
(2) plans for construction or conversion,
(3) parking and landscaping plans,
(4) site ingress and egress,
(5) use characteristics, and
(6) signage plans.

18.10.030 Building height limit. The maximum building height in a IND District shall be forty feet.

18.10.040 Minimum building site. The minimum building site in an IND District shall be ten thousand square feet.

18.10.050 Front yard. There is no required front yard in an IND District.

18.10.060 Side yard. The required side yard in an IND District shall be five feet, except that a lot bordering on an R District shall have a minimum side yard of twenty feet.

18.10.070 Rear yard. There is no required rear yard in an IND District, except that any lot which borders on an R District shall have minimum rear yard of twenty feet.

18.10.080 Noise. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association, Inc., New York, N.Y. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed; provided, that such noises shall be capable of being

accurately measured with such equipment. Noises incapable of being so measured, such as those of an irregular and intermittent natures, shall be controlled so as not to become a nuisance to adjacent uses.

At no point, either on the boundary of an R District or a Commercial District or at one hundred twenty-five feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of an individual operation or plant (other than the operation of motor vehicles and other transportation facilities) exceed the decibel levels at the designated octave bands shown hereafter for the district indicated.

Octave Band Cycles Per Second	Sound Level *Residence	Sound Level **Commercial
0 to 75	67	73
75 to 150	62	68
150 to 300	58	64
300 to 600	54	60
600 to 1200	49	55
1200 to 2400	45	51
2400 to 4800	41	47
above 4800	37	43

* Maximum permitted sound level in decibels along R Dstrict boundaries or one hundred twenty-five feet from plant or operation property line.

** Maximum permitted sound level in decibels along C District boundaries or one hundred twenty-five feet from plant or operation property line.

18.10.090 Maximum Floor Area, Retail Uses. The maximum building floor area permitted for retail uses on any parcel having frontage on a major thoroughfare shall be determined by the Planning Commission as a part of the Use Permit review process.

18.10.100 Screening of Outdoor Storage Facilities. All outdoor storage facilities on parcels fronting main thoroughfares shall be screened from public view by fencing and/or landscaping in accordance with the Visual Resources Ordinance and all other applicable sections of the Zoning Code.

file:CHAP1810:August 1, 1995

CHAPTER 18.11

OPEN SPACE RESERVE (OS-R) AND URBAN RESERVE (U-R) DISTRICTS

Sections:

18.11.010	Purpose and Intent
18.11.015	Permitted Uses in Open Space Reserve and Urban Reserve Districts
18.11.020	Open Space Reserve and Urban Reserve District Use Regulations
18.11.025	Open Space Reserve and Urban Reserve District Development Standards
18.11.030	Conversion of Urban Reserve District Lands to Other Districts or Uses
18.11.035	Conversion of Open Space Reserve District Lands to Other Districts or Uses
18.11.040	Non-Conforming Structures and Uses

18.11.010 Purpose and Intent.

A. Purpose. The purpose of the Open Space Reserve and Urban Reserve District regulations are to:

1. Reserve land within the City to meet the future needs for urban development, consistent with the Local Coastal Program Land Use Plan and the General Plan and its Elements.

2. Allow for the continued use of lands designated Urban Reserve and Open Space Reserve for agriculture, horticulture and floriculture as well as very low density residential uses until those areas are needed for urban development. For purposes of this Chapter, "open field agriculture", "agriculture", and "horticulture" are synonymous, and includes the growing of row crops, farm produce, vegetables, fruits, flowers, trees, ornamental flowers, and shrubs.

3. Protect continuing agriculture, horticulture, and floriculture uses from intrusion of incompatible uses and activities.

4. Prevent premature development of areas designated for future urban development before necessary public services would be available to those areas.

5. Encourage the orderly conversion of parcels within the Open Space Reserve and Urban Reserve Districts to urban development through the use of Planned Unit Development Plans and similar planning tools. When consistent with the Local Coastal Program Land Use Plan and the General Plan and its Elements, and when adequate public facilities are or can be made available, land in the Open Space Reserve and Urban Reserve Districts may be rezoned to the Planned Development District, subject to the established procedures for amending the Land Use Plan Map and Zoning District Map, and subject to the development limitations set forth in the Land Use Plan and General Plan and its Elements.

B. Intent. The intent of this Chapter is to establish the following Reserve Districts, and to provide for the orderly development of land within each district:

1. **UR, Urban Reserve District.** To reserve areas of open land for continuing agricultural, floricultural, and horticultural uses until such uses are no longer economically feasible; to provide for the reservation of these lands until other areas in Half Moon Bay designated in the Local Coastal Program Land Use Plan and Map and General Plan for the expansion of urban uses have been substantially developed; and to reserve these lands until adequate public facilities are available to serve the ultimate use of the property.

2. **OSR, Open Space Reserve District.** To reserve areas of open space along the inland edge of the City for agricultural, horticultural, floricultural, timber, or open space use until needed to meet demands for urban use. Lands in this district are intended only for low-density urban development or recreational use and only after all other areas designated for

urban development in the Local Coastal Program and General Plan have been substantially developed.

18.11.015 Permitted Uses in Reserve Districts. Table A of this Chapter establishes the uses permitted within each Reserve District with any Additional Regulations identified. Additional Regulations are specified in Section 18.11.020. Any uses that are not specifically listed In Table A or described in Section 18.11.020 are prohibited within the Reserve Districts.

Table A: Schedule of Uses within Reserve Districts

Use	Permitted	Use Permit Required	Additional Regulations
Agriculture			
Open Field Agriculture	UR, OSR		
Retail Sales	UR, OSR		A.1.
Livestock	OSR		A.2.
Residential			
Single-Family Residence		UR	B.3.
		OSR	B.4.
Employee Housing		UR	B.5.
Public and Semi-Public			
Public Park/ Recreation	UR		C.6.
Campgrounds		UR	C.7.
Utilities, Minor	UR, OSR		C.8.
Equestrian Centers		UR	C.9.
Temporary Uses			
Animal Shows/Rodeos		UR	D.11.

18.11.020 Reserve Districts Use Regulations. Additional regulations for permitted uses in each Reserve District shall be met for the following uses:

A. Agriculture Uses:

1. Retail sales on sites within the Urban Reserve and Open Space Reserve Districts shall be limited to products produced on the premises. The installation of a temporary or permanent stand for display or sale of products is permitted only if located adjacent to or on the farm producing the products to be sold, and no stand shall be installed where the farm is less than five acres in size. Any agricultural sales stand shall provide sufficient off-street parking facilities to accommodate its peak period of customer service, and shall be inspected by the San Mateo County health officer.

2. Livestock is not permitted in the Urban Reserve District. In the Open Space District, no livestock shall be grazed, housed or concentrated in an enclosure located closer than one hundred feet from any adjoining dwelling. No livestock shall be housed or concentrated in an enclosure located within 1,000 feet of any R District or within 150 feet of any adjoining dwelling, except under the following conditions:

   a. On parcels having less than three acres, not more than five such animals per acre shall be kept or maintained,

   b. On parcels having more than five but less than ten acres not more than ten animals per acre shall be kept or maintained.

   c. On parcels having ten acres or more, not more than twenty such animals per acre shall be kept or maintained

B. Residential Uses:

3. In the Urban Reserve District, one dwelling unit is permitted for the owner, manager, or operator of the premises, subject to the approval of a Use Permit in each case.

4. In the Open Space Reserve District, one dwelling is permitted on each 50 acres of land, subject to the approval of a Use Permit in each case.

5. In the Urban Reserve District residential structures are permitted as housing for those persons employed on the premises, subject to the approval of a Use Permit in each case.

C. Public and Semi-Public Uses

6. Park and Recreation Facilities. Open recreation activities such as public parks, pedestrian and bicycle trails, and horseback riding are permitted. Public parking for public recreation activities, amenities such as public restrooms, and visitor information centers are also permitted.

7. Campgrounds are permitted in the Urban Reserve District, subject to the approval of a Use Permit in each case.

8. Utilities, Minor. Utility facilities involving minor structures such as electrical distribution lines, underground water and sewer lines are permitted.

9. Equestrian Centers are permitted in the Urban Reserve District on sites with a minimum of 50 acres, subject to the approval of a Use Permit in each case.

D. Temporary Uses:

10. Subject to the approval of a Use Permit, rodeos or other exhibitions of domestic or large animal are limited to a maximum of seven consecutive days or two consecutive weekends including nights and days.

18.11.025 Reserve District Development Standards. Table B of this Chapter provides a schedule of Development Standards for both Reserve Districts. These standards are to be observed in conjunction with all development within Reserve Districts.

Table B. Reserve District Development Standards

		District UR	District OSR
1.	Minimum Lot Area for new Subdivisions (acres):	50	50
2.	Minimum Lot Area per Dwelling Unit (acres):	15	50
3.	Minimum Setbacks for any Structure (feet):		
	a. Front Yard	25	25
	b. Side Yard	25	25
	c. Rear Yard	25	25
	d. From a Residential District	50	50
4.	Maximum Building Heights (feet):		
	a. Single story	16	16

b. Two story 28 28

5. Minimum Parking Requirements (both Districts):

a. For Single Family Residential Units: 2 (garage)
b. For Each Employee Housing Unit: 2 covered spaces
c. For any commercial or recreational activity permitted in the OSR and UR Districts, parking requirements shall be determined as a part of the Use Permit review process.

18.11.030 Conversion of Urban Reserve District Lands to the Planned Unit Development District. Lands designated Urban Reserve on the Land Use Plan Map and Zoning District Map shall not be eligible for conversion to the Planned Unit Development District or any other development approval and shall not receive a permit for any development, other than for uses permitted under the designation Urban Reserve, except under of one of the following conditions:

(a) In the case of land which is within an agricultural preserve and subject to a Williamson Act contract as of July 1, 1980, expiration of the Williamson Act contract.

(b) In the case of land which is not subject to a Williamson Act contract, the expiration of 10 years from the effective date of the Land Use Plan (Certified by the California Coastal Commission in September, 1985).

(c) Regardless of the expiration of a Williamson Act contract or the passage of the ten year period, lands designated Urban Reserve will not be permitted to convert to urban uses until substantial development has occurred in areas designated for development on the Land Use Plan Map.

18.11.035 Conversion of Open Space Reserve District Lands to the Planned Unit Development District. Lands designated Open Space Reserve on the Land Use Plan Map and Zoning District Map shall not be eligible for conversion to the Planned Unit Development District or for any other development approval and shall not receive a permit for development, other than for uses permitted under the Open Space Reserve designation until all other land in the City

suitable for development has been developed or committed to other uses. No division of such lands shall be permitted until development approval is obtained pursuant to this provision.

18.11.040 Non-Conforming Structures and Uses. Existing Non-Conforming residential structures and uses within lands designated Open Space Reserve and Urban Reserve may be maintained, repaired, and/or remodeled in accordance with all applicable Development Standards such as minimum lot size and width, set backs, building height, lot coverage, and floor area ratio set forth in this Title for the R-1 District. The procedures specified therein for Use Permits, Exceptions, and Variances shall be followed as appropriate.

file:CHAP1811:AUgust 1, 1995

CHAPTER 18.12

OPEN SPACE - ACTIVE (OS-A), PASSIVE (OS-P), AND CONSERVATION (OS-C) DISTRICTS

Section:

18.12.010	Purpose and Intent
18.12.015	Permitted Uses in Open Space - Active, Passive, and Conservation Districts
18.12.020	Open Space - Active, Passive, and Conservation Districts Use Regulations
18.12.025	Specific Development Standards
18.12.030	Coastal Resource Conservation Standards
18.12.035	Non-Conforming Structures and Uses
18.12.040	New or Additional Dwelling Units Prohibited

18.12.010 Purpose and Intent.

A. Purpose. The purpose for adoption and implementation of these Open Space and Conservation District regulations is to:

1. Identify and preserve the major coastal recreational resource areas within the City for public use, including the beaches, bluffs and associated upland areas, to meet the recreational needs of both visitors and residents, and implement the Regional Public Recreation designation of the Land Use Plan;

2. Encourage improved access to the beaches and bluffs along the coast as part of the establishment and development of recreational areas, both public and private, in the City;

3. Preserve and protect sensitive habitat areas, and ensure that any development within the Open Space Active, Passive, and Conservation Districts will be compatible with sensitive habitat areas.

4. Preserve and protect the existing riparian corridors within the City that are associated with the two perennial streams - Frenchman's Creek and Pilarcitos Creek, including the Arroyo Leon tributary, and one intermittent stream, Arroyo Canada Verde.

5. Preserve and protect park and playground areas within the City;

6. Allow commercial recreation uses requiring large open sites to enhance and improve recreational opportunities within the City for visitors and residents.

B. Intent. The intent of this Chapter is to establish the Open Space - Active, Passive, and Conservation Districts as described herein, and to guide the use of land and orderly development within each District in a manner consistent with this Title, the Local Coastal Program, and the General Plan:

1. **OS-A, Open Space - Active District.** Establish areas for the preservation of active recreational opportunities within the City such as the public beaches, parks, play grounds, outdoor sports and athletic facilities, recreational vehicle parks, and parking lots supporting recreational activities.

2. **OS-P, Open Space - Passive District.** Establish areas for public hiking, biking, and equestrian trails, and public parking lots to support access to the trail system. Amenities shall be limited to restrooms, benches and picnic tables, drinking fountains, and trash receptacles.

3. **OS-C, Open Space - Conservation.** Establish areas for the preservation of important riparian and wildlife habitat areas within the City. Activities are limited to pedestrian trails only with amenities limited to trash receptacles and benches.

18.12.015 Permitted Uses in Open Space, Active, Passive, and Conservation Districts. Table A of this Chapter is intended to provide a reference to the range of permitted uses in the Open Space - Active, Passive, and Conservation Districts. Approval of a Use Permit is required for any use in any of the OS Districts. All uses are subject to the specific regulations set forth in this Title. Any use not expressly permitted is prohibited.

18.12.020 Open Space - Active, Passive, and Conservation Districts Use Regulations. Table A of this Chapter includes references to Additional Regulations for the permitted uses in each Open Space and Conservation District. The following Additional Regulations shall be met for those uses:

TABLE A. SCHEDULE OF USES - OPEN SPACE AND CONSERVATION DISTRICTS

Use Classifications	Where Permitted	Add'l Regs
Public and Semi-Public		
Coastal Dependent Uses	OS-A	A.1.
Cultural Institutions	OS-A	A.2.
Government Offices	OS-A	A.3.
Maintenance & Service Facilities	OS-A	A.4.
Public Park & Recreation Facilities	OS-A	A.5.
Public Safety Facilities	OS-A	A.6.
Sports Facilities, Municipal	OS-A	A.7.
Utilities, Minor	OS-A	A.8.
Public Trails	OS-A,P,C	A.9.
Commercial Uses		
Eating & Drinking Establishments	OS-A	B.1.
Food & Beverage Retail Sales	OS-A	B.2.
Equestrian Centers	OS-A	B.3.
Retail Sales, Visitor-Oriented	OS-A	B.4.
Visitor Accommodations		
Campgrounds	OS-A	B.5.a.
R.V. Parks	OS-A	B.5.b.
Temporary Uses		
Animal Shows	OS-A	D.1.
Commercial Filming, Limited	OS-A,P	D.2.

A. Public and Semi-Public Uses:

1. **Coastal Dependent Uses.** In the Open Space - Active District, priority is given to coastal dependent and related recreational activities and support facilities within a zone extending two hundred (200) feet inland from the mean high tide line that are not within any coastal resource or conservation area as defined in this Title. As defined in the Coastal Act, "coastal dependent" uses are those that require a site on or adjacent to the sea to be able to function at all. Uses include marinas, yacht clubs, charter fishing boats, and surfboard and boat rentals.

2. **Cultural Institutions.** Only interpretive centers or museums displaying or preserving objects relating to the natural processes or the human history of the coastal area are permitted.

3. **Government Offices.** Within the OS-A District, only Government Offices which are ancillary to the primary open space use of the site are permitted.

4. **Maintenance and Service Facilities.** Maintenance and Service Facilities are allowed within the OS-A District only as an accessory use directly related to a permitted park and recreation facility. Maintenance and Service facilities shall be enclosed by a solid fence or wall and screened from view with landscaping in the manner specified by the Planning Commission.

5. **Public Park and Recreation Facilities.** Permitted uses include public parks and beaches, day visitor parking for shoreline access and recreation, public restrooms, visitor information centers, interpretive centers, access ways such as bicycle, equestrian and pedestrian trails, picnic areas and trash enclosures. Recreational uses that do not require extensive alteration of the natural environment shall be given priority on ocean front lands so long as they do not preclude or otherwise conflict with the priority for coastal dependent uses identified in Item A.1. of this Section. Off-road vehicles are not permitted under any circumstances within any OS District.

6. **Public Safety Facilities.** Facilities for public safety and emergency services, including lifeguard, police and fire protection.

7. **Sports Facilities, Municipal.** Public play fields, swimming pools, driving ranges and golf courses, tennis courts, etc., are permitted within the OS-A District.

8. **Utilities, Minor.** Minor installations such as underground electrical distribution lines, underground water and sewer lines, and utility vaults.

9. **Public Trails.** In the OS-A and OS-P Districts, nature walks and interpretive displays, and hiking, biking, and equestrian trails with ancillary parking lots, restrooms, benches, drinking fountains, and trash receptacles, are permitted, subject to conformance with the provisions of the resource conservation standards of the Land Use Plan and this Title.

B. **Commercial Uses.**

1. **Eating and Drinking Establishments.** Eating and drinking establishments are permitted in the OS-A District only as an accessory use to a permitted park or recreation facility or a permitted commercial recreation use. Establishments that serve alcoholic beverages as the primary product and that do not offer a full service meal menu are not permitted. Facilities shall not exceed 500 square feet in floor area and shall be no closer than 2,000 linear feet from similar facilities within the Open Space Active, Passive, and Conservation District. These facilities are limited to areas either within or immediately adjacent to the existing parking lot areas and recreational vehicle park areas; no additional impervious surfaces will be permitted except for that required for the building itself.

2. **Food and Beverage Retail Sales.** Retail food and beverage sales are permitted in the OS-A District only as an accessory use to a permitted park or recreation facility or a permitted commercial recreation use. Facilities shall not exceed 500 square feet in floor area and shall be no closer than 2,000 linear feet from similar facilities within the Open Space Active, Passive, and Conservation District. These facilities are limited to areas either within or immediately adjacent to the existing parking lot areas and recreational vehicle park areas; no additional impervious surfaces will be permitted except for that required for the building itself.

3. **Equestrian Centers.** In the OS-A District, horse rental services, commercial stables, and riding academies must comply with the Stable Ordinance of the County of San Mateo, any similar ordinances that may be adopted by the City of Half Moon Bay, and receive a Stable Permit from the County.

4. **Retail Sales, Visitor Oriented.** In the OS-A District, limited visitor serving sales will be permitted only if ancillary to a permitted park or recreation facility or a permitted commercial recreation use. Facilities shall not exceed 500 square feet in floor area, and shall be no closer than 2,000 linear feet from similar facilities within the Open Space Active, Passive, and Conservation District. These facilities are limited to areas either within or immediately adjacent to the existing parking lot areas and

recreational vehicle park areas; no additional impervious surfaces will be permitted except for that required for the building itself.

5. **Visitor Accommodations.**

a. **Campgrounds.** Campgrounds offering accommodations and areas for tent camping for temporary occupancy by the general public, are permitted in the OS-A District only.

b. **Recreational Vehicle Parks.** Recreational Vehicle Parks for temporary occupancy by Recreational Vehicles are permitted within the OS-A District only.

C. **Temporary Uses.**

1. **Animal Shows.** Rodeos or other exhibitions of domestic or large animals are limited to a maximum of seven consecutive days or two consecutive weekends including nights and days.

2. **Commercial Filming, Limited.** Commercial motion picture or video photography locations may be established for a maximum of seven consecutive days within both the OS-A and OS-P Districts.

18.12.025 Specific Development Standards. All new development shall conform to the following:

A. **Minimum Setbacks.** In all Cases, the required setbacks shall be measured from boundary and/or property lines or from Coastal Resources as defined in this Title, which ever is the more restrictive applicable standard. In conjunction with the review and consideration of a Use Permit, the Planning Commission may require setback distances greater than the established standards in order to minimize adverse visual impacts and conflicts between development and public access. In any case, informational signs may be placed within the required setbacks, subject to the restrictions of this Chapter.

1. All new structures, parking lots and other improvements shall be set back at least one hundred (100) feet from any adjacent Residential District.

2. All new development shall comply with the provisions of this Title for setbacks and buffers from any Coastal Resource or Environmentally

Sensitive Habitat Area as defined in this Title, the Local Coastal Plan, and the General Plan.

3. Camping facilities shall be set back a minimum of one hundred (100) feet from the beach, bluffs, and near-shore areas reserved for day use activities.

4. Recreational Vehicle sites shall be shall be set back a minimum of two hundred (200) feet from the beach, bluffs, and near-shore areas reserved for day use activities and shall be located so as to minimize visibility from the beach, any public rights-of-way, and R Districts.

5. Hiking and Biking Trails and lateral and vertical access ways may be established anywhere within the boundaries of the District so long as there is no conflict with the standards of protection for Coastal Resources and Environmentally Sensitive Habitat Areas as defined in this Title, the Local Coastal Plan, and the General Plan.

6. Equestrian Trails may be located no closer than 50 from any R District and no closer to any Coastal Resource than the standards for their protection as defined in this Title.

7. All new construction in any Zoning District adjacent to the boundary of public shoreline recreation ownership shall maintain a minimum

B. Maximum Structure Height.

1. The maximum height for any structure other than those provided for in Item 2 below shall be 16 feet, as measured from the highest point of the building to established grade directly below that highest point.

2. The Planning Commission may grant an exception to the height limitation established in Item 1 above for only public safety facilities such as police or fire buildings, public park and recreation facilities such as backstops for baseball diamonds, or maintenance and service facilities for publicly owned or operated park and recreation uses. Exceptions to the height limitation shall not be granted for any other structure or use.

C. **Additional Standards.**

1. **Landscaping and Screening.** Landscaping or other forms of screening shall be required for parking areas visible within established scenic corridors or other natural or undisturbed state or an agricultural use. Landscaping or other screening shall be installed and maintained so that parking and structures are reasonably blocked from view within five years of project completion.

2. **Parking.** Adequate on-site parking facilities shall be required in accordance with the provisions of this Title.

3. **Signs.** Off-site signs are prohibited in the Open Space and Conservation Districts. Regulations for establishment of on site signs are as follows:

   a. Except as provided herein, all new signs shall be reviewed by the Architectural Review Committee, and approved by the Planning Commission as a part of the required Use Permit.

   b. One identification sign not to exceed twenty (20) square feet on each face shall be permitted for any public or commercial recreation use permitted by this Chapter. The height shall not exceed fifteen (15) feet.

   c. Exterior advertising for on-site uses shall be reviewed and approved by the Architectural Review Committee and shall be approved as a part of the required Use Permit.

18.12.030 Coastal Resource Conservation Standards. All development occurring in or adjacent to Coastal Resource Areas and Environmentally Sensitive Habitat Areas as defined in this Title, the Local Coastal Plan, and the General Plan shall adhere to the applicable standards set forth therein. Where a conflict occurs between the standards of this Chapter and those applicable to Coastal Resources and Environmentally Sensitive Habitat Areas, the more restrictive shall apply.

18.12.035 Non-Conforming Structures and Uses. Existing non-conforming uses such as the State Parks employee residences or structures that exceed the maximum height of 16 feet may be repaired and maintained as necessary without the need for securing a Use Permit provided no structural alterations resulting in an increase in floor area or the

number of units are proposed. Structural alterations shall be limited to maintenance and repair activities.

18.12.040 New or Additional Dwelling Units Prohibited. No new or additional dwelling units, including State Parks employee housing, shall be permitted within any of the Open Space Districts governed by this Title.

file:CHAP1812:August 1, 1995

CHAPTER 18.13

A-1 DISTRICT - AGRICULTURE
(EXCLUSIVE FLORICULTURE)

Section:

18.13.010	Applicability.
18.13.020	Permitted Uses.
18.13.030	Building Height Limit.
18.13.040	Minimum Area of Lot or Building Site
18.13.050	Front Yard.
18.13.060	Side Yard.
18.13.070	Rear Yard.
18.13.080	Distance Between Dwellings.

18.13.010 Applicability. The following regulations, as designated in this chapter, shall apply in all A-1 districts.

18.13.020 Permitted Uses. Uses permitted in the A-1 district include the following:

A. Nurseries, greenhouses and field flowers for the propagating and cultivating of plants and cut flowers; provided that no retail sales shall be allowed;

B. Single-family dwellings which are accessory to the permitted uses, including buildings for help employed on the premises.

18.13.030 Building Height Limit. The building height limit in the A-1 district shall be two and one-half stories, but not exceeding thirty-five feet; provided, however, that well derricks, windmills and tank houses may be constructed to a height of not to exceed sixty feet.

18.13.040 Minimum Area of Lot or Building Site. Each single-family dwelling, together with its accessory buildings, hereafter erected as incidental to the operation of any use permitted in this Chapter shall be located on a building site having an area of not less than one-half acre and an average width of one hundred feet; provided, that

there may be two dwellings constructed on a parcel where the ownership is at least five acres, and for each additional three acres of ownership an additional dwelling may be constructed. In no instance shall there by more than four dwellings allowed on a single parcel zoned for floriculture.

18.13.050 Front Yard. In the A-1 district, each lot shall have a front yard not less than fifty feet in depth.

18.13.060 Side Yard. In the A-1 district, each lot shall have side yards not less than twenty feet in width.

18.13.070 Rear Yard. In the A-1 district, each lot shall have a rear yard not less than twenty-five feet in depth.

18.13.080 Distance Between Buildings. No dwelling shall be located closer than twenty-five feet to any other dwelling on the same parcel.

file:CHAP1813:August 1, 1995

CHAPTER 18.14

A-2 DISTRICT - AGRICULTURE AND AGRICULTURE RESERVE

Sections:

18.14.010	Applicability.
18.14.020	Permitted Uses.
18.14.030	Building Height Limit.
18.14.040	Minimum Area of Lot or Building Site.
18.14.050	Front Yard.
18.14.060	Side Yard.
18.14.070	Rear Yard.
18.14.080	Distance Between Dwellings.

18.14.010. The following regulations, as designated in this chapter, shall apply in all A-2 districts.

18.14.020. Uses permitted in the A-2 district include the following:

A. All agricultural uses, with the exception of hog ranches; provided, however, that livestock shall be kept in accordance with the following regulations:

1. No small livestock shall be housed or concentrated in an enclosure located closer than one-hundred feet from any adjoining dwelling,

2. No livestock, other than small livestock as defined in this Title, shall be housed or concentrated in an enclosure located within one thousand feet of any R district boundary or within one hundred fifty feet of any adjoining dwelling; except on the following conditions:

   a. On parcels of less than three acres, not more than five such animals per acre shall be kept or maintained,

   b. On parcels more than five but less than ten acres, not more than ten animals per acre shall be kept or maintained,

c. On parcels ten acres or more, not more than twenty such animals per acre shall be kept or maintained,

d. For raising of sheep or goats, the permissable number of animals per acre shall be multiplied by three;

B. The sale of the products of any permitted use produced upon the premises. This may include the erection of a temporary or permanent stand for display or sale of products (except livestock). Said stand shall provide sufficient off-street parking facilities to accomodate its peak shopping period. Temporary or permanent roadside stands are permitted only adjacent to the farm producing the products to be sold and no stand shall be erected where said farm is less than five acres in size; provided, that any such stand, shall be inspected and approved by the county health officer;

C. Accessory building customarily incidental to the permitted use, including residential structures accessory to the primary agricultural uses.

D. Dog kennels, commercial dog raising establishments and dog training schools, subject to securing a use permit to each case; provided, that no such use shall be permitted within five hundred feet of a residential district. The planning comission shall require as a condition of any use permit adequate provisions for surfaced floors and runs, drainage, fencing and other facilities to assure sanitary maintenance.

18.14.030 Building Height Limit. The building height limit in the A-2 district shall be two and one-half stories, but not exceeding thirty-five feet; provided, however, that well derricks, windmills and tank houses may be constructed to a height of not to exceed sixty feet.

18.14.040 Minimum Area of Lot or Building Site. Each single-family dwelling, together with its accessory buildings, hereafter erected as incidental to the operation

of any use permitted in this chapter shall be located on a building site having an area of not less than one acre and an acreage width of one hundred fifty feet; provided, that, only in conjunction with the agricultural use of the land as a farm residence or a farm labor residence, there may be two dwellings constructed on a parcel where the ownership is at least three acres, and for each additional three acres of ownership an additional dwelling may be constructed.

18.14.050 Front Yard. In an A-2 district, each lot shall have a front yard not less than fifty feet in depth.

18.14.060 Side Yard. In an A-2 district, each lot shall have side yards not less than twenty feet in width.

18.14.070 Rear Yard. In an A-2 district, each lot shall have a rear yard not less than twenty-five feet in depth.

18.14.080 Distance Between Dwellings. No dwelling shall be located closer than twenty-five feet to any other dwelling on the same parcel.

file:CHAP1814:August 1, 1995

CHAPTER 18.15

PLANNED UNIT DEVELOPMENT DISTRICT

Sections:

18.15.010	Intent and Purpose
18.15.015	Applicability and Zoning Designation
18.15.020	Rezoning to Planned Unit Development District
18.15.025	Permitted Uses
18.15.030	Review of Planned Unit Development Plans
18.15.035	Required Contents of a Planned Unit Development Plan
18.15.040	Required Findings
18.15.045	Adoption of Planned Unit Development Plans
18.15.050	Amendment of Planned Unit Development Plans
18.15.065	Status of Previously Adopted Planned Unit Development Plans

18.15.010 Intent and Purpose. The intent of establishing the Planned Unit Development District is to:

A. Implement the plans and policies of the adopted City of Half Moon Bay Land Use Plan, or General Plan, and the Land Use Plan Map;

B. Establish regulations and procedures for the preparation, review, and approval of Planned Unit Development Plans to guide the orderly development of land within this District;

C. Establish a procedure for the administration of Specific Plans and Precise Plans, prepared in accordance with the State Government Code and consistent with the Half Moon Bay Land Use Plan;

D. Provide for the classification and development of parcels of land as coordinated, comprehensive projects so as to take advantage of the superior environment that can result from requiring that an entire area be planned as a unit and developed under a single plan;

E. Encourage the assembly of properties that might otherwise be developed in unrelated increments to

the detriment of surrounding properties, neighborhoods, and the City;

F. Avoid piecemeal development and provide for the replatting of old subdivisions for development under a comprehensive planning document;

G. Avoid monotony by allowing greater flexibility in the design and development of land within this District;

H. To ensure that a minimum of 20% of the site area in any Planned Unit Development is provided in public and/or private open space;

I. Encourage variety and diversification of land uses; and

J. Provide flexibility required for achievement of coastal access goals. protection of coastal resources, provision of open space and recreation areas, and avoidance of siting structures in hazardous areas.

This District is intended to provide for a variety of land uses, such as attached and detached single-family residential development, multiple-family housing development, professional and administrative areas, commercial and industrial uses, institutional uses, and public and private open space and recreation opportunities through the adoption of a comprehensive development plan as set forth in the City of Half Moon Bay General Plan and this Chapter.

18.15.015 Applicability and Zoning Designation.

A. The Planned Unit Development District may be applied to areas within the City that are designated for planned development by the City of Half Moon Bay General Plan - whether for a Planned Unit Development, Specific Plan, Precise Plan or other similar development plan - and to other areas within the City subject to the approval of a Planned Unit Development Plan. The provisions of this Chapter shall apply to the preparation, review and adoption of Specific Plans developed consistent with the City of Half Moon Bay General Plan and State Government Code Sections 65450 through 65456.

B. A PUD District shall be indicated on the zoning map by the designation "PUD".

C. The minimum site area for a Planned Unit Development District or Planned Unit Development Plan shall be one acre.

18.15.020 Rezoning to Planned Unit Development District. Reclassification of land from any District to the Planned Unit Development District shall be in accordance with the procedures specified herein and in this Title. A rezoning amendment to a Planned Unit Development District may be initiated in one of two ways:

A. **Initiated by Property Owner(s).** An application for a Rezoning from any District to the Planned Unit Development District may be filed by a property owner or authorized agent. As part of an application for a Rezoning to the Planned Unit Development District, a Planned Unit Development Plan meeting the criteria of this Title shall be filed concurrently. If a site is under multiple ownership's, all owners shall be notified of the filing of the application and the time, place, and date of the public hearing, and a brief description of the proposed Planned Unit Development Plan.

B. **Initiated by Planning Commission or City Council.** The Planning Commission or the City Council may initiate a rezoning amendment to reclassify property to the Planned Unit Development District as necessary to implement the goals and policies of the City of Half Moon Bay General Plan.

18.15.025 Permitted 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 90 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 90 days. Prior to 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 Planning Commission 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.

2. Temporary Uses and Structures in Excess of 90 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 90 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.

18.15.030 Review of Planned Unit Development Plans. Planned Unit Development Plans shall be reviewed in accordance with the process established in this Title, including, but not limited to, required plans and materials, public notice, and public hearings, subject to the following additional requirements:

A. At least 30 days prior to submitting an application for a Planned Unit Development Plan, or an amendment to a previously approved and adopted Planned Unit Development Plan, the applicant shall consult with the Planning Director to ensure that any proposal submitted will be consistent with the provisions of this Chapter and the General Plan, and to begin the early consultation process for any required environmental documentation and conformance with the Residential Dwelling Unit Building Permit Allocation System Ordinance.

B. At such time as the Planning Director determines that an application meets the requirements of this Title in a form acceptable to the Planning Director, it may be accepted as complete.

18.15.035 Required Contents of a Planned Unit Development Plan. Applications for Planned Unit Development Plans shall be submitted in a format approved by the Planning Director. In addition to any other information required by this Chapter and any information and materials required for a zoning amendment under this Title, any application for adoption of or an amendment to a previously approved Planned Unit Development Plan shall, at a minimum, include the following information and materials:

A. A detailed description of the proposed uses and their densities and intensities;

B. A map showing the district boundaries and the relationship of the uses and densities and intensities proposed with any existing uses within a 300-foot radius of the site;

C. A map or maps showing all of the following on the site and within a 300-foot radius from the boundaries of the proposed Planned Unit Development:

1. topographic data at contour intervals of not less than 10 feet;

2. the type location, and condition of any trees, riparian habitats and vegetation, wetlands, and environmentally sensitive habitat areas;

3. the nature and extent of any coastal resources such as dunes, or bluffs;

4. the nature and extend of any known or potential areas of cultural, archaeological, or paleontological significance;

D. The proposed pattern of land use with the acreage and densities or intensities of each use proposed;

E. A detailed description of the proposed development standards, including but not limited to proposed minimum site requirements, setbacks, parking requirements, building heights, and any other criteria related to the physical development of the site;

F. The proposed street and lot pattern;

G. All on-site and off-site roadway improvements necessary to support the proposed development or to mitigate impacts to the local circulation system.

H. Typical building elevations;

I. The location and total acreage of all open space areas to ensure that the a minimum of 20% of the gross site area is provided in public and/or private open space, and the nature and extent of any developer funded improvements to these areas;

J. A preliminary landscape plan;

K. Preliminary grading plans;

L. An Initial Study prepared consistent with the California Environmental Quality Act, the State CEQA Guidelines and City policy;

M. Any improvements necessary to achieve enhanced public access to coastal resources;

N. A schedule of anticipated development, including the anticipated commencement of construction and occupancy and the timing of any subsequent phases;

O. A completed subdivision application that meets the requirements of Title 17 where the proposed Planned Unit Development Plan includes the subdivision of land;

P. A description of any proposed management organization, such as a homeowners association, that will be responsible for the perpetual maintenance of any common areas; and

Q. Any other plans or information determined to be necessary by the Planning Director.

18.15.040 Required Findings. The Planning Commission shall not forward its recommendation, and the City Council shall not approve a Planned Unit Development Plan unless the following required findings for approval are made and incorporated into the adopted Planned Unit Development Plan:

A. That the Planned Unit Development Plan is consistent with the adopted General Plan, this Chapter, and all other applicable policies and Ordinances of the City;

B. That the Planned Unit Development Plan is compatible with surrounding land uses;

C. That the adoption and implementation of the Planned Unit Development Plan will result in superior design and development of the site;

D. That the Planned Unit Development Plan meets the requirements of any annual dwelling unit allocation system adopted by the City;

E. That adoption and implementation of the Planned Unit Development Plan will not exceed the capacity

of existing or planned infrastructure systems, including but not limited to sewer, water, natural gas, electricity, police and fire protection;

F. That, if adequate utilities, infrastructure, and public services are not available to serve all of the proposed development possible under the Planned Unit Development Plan, the plan contains phasing controls or requirements for utility improvements that ensure that demands from proposed development does not exceed utility capacity;

G. That the applicant, or Planning Commission and City Council, have incorporated all appropriate measures and conditions in the Planned Unit Development Plan necessary to mitigate any potential adverse impacts identified during the public review process.

18.15.045 Implementation of Planned Unit Development Plans.

A. **Use Permit Required.** Approval of a Use Permit is required in conjunction with all Planned Unit Developments to ensure that development is in conformance with the provisions of the adopted Plan. For Planned Unit Developments that will be phased, the Planning Commission shall review the Use Permit and Planned Unit Development Plan for conformity prior to the issuance of any permits for subsequent phases. The Planning Department and Public Works Department shall ensure that all activities within a Planned Unit Development District are undertaken and completed in conformance with the provisions and conditions of the Planned Unit Development Plan and Use Permit.

B. **Effective Date.** A Planned Unit Development Plan shall be effective 30 days after final adoption by the City Council.

C. **Expiration of the Planned Unit Development Plan.** Unless otherwise approved by the City council, a Planned Unit Development Plan shall expire two years after its effective date unless a building permit has been issued, construction diligently pursued, and substantial funds invested.

D. **Renewal or Extension of a Planned Unit Development Plan.** The City Council may, upon the recommendation of the Planning Commission, extend the Planned Unit Development Plan a maximum of one year beyond the initial two year period if, at a duly noticed public hearing, it determines that the applicant has diligently pursued implementation of the Planned Unit Development Plan but was delayed as a result of factors and forces beyond the applicant's immediate control.

18.15.050 Amendment of Planned Unit Development Plans. Amendments to an adopted Planned Unit Development Plan shall follow the procedures for application, review and adoption of a Planned Unit Development Plan established in this Chapter.

18.15.065 Status of Previously Adopted Planned Unit Development Plans. Amendments to a Planned Unit Development Plan adopted prior to the effective date of this Chapter shall follow the procedures specified in this Chapter.

file:CHAP1815:August 1, 1995

CHAPTER 18.16

DYKSTRA RANCH PLANNED UNIT DEVELOPMENT PLAN

Sections:

18.16.005	Purpose
18.16.010	Intent
18.16.015	Phasing of Development
18.16.020	Amendment Required
18.16.025	Permitted Uses
18.16.030	Prohibited Uses
18.16.035	Residential Development Standards
18.16.040	Recreational Facilities
18.16.045	Development Adjacent to Environmentally Sensitive Habitat Areas
18.16.050	Preservation of Streams, Wetlands, Environmental Habitats, and Lake
18.16.055	Preservation of the Pond
18.16.060	Development Above the 160 Foot Contour
18.16.065	Grading, Soils, and Drainage
18.16.070	Streets, Traffic, and Circulation
18.16.075	Water and Sewer Service
18.16.080	Noise

18.16.005 Purpose. The purpose of this Planned Unit Development Plan is to guide the orderly development of the Dykstra Ranch property consistent with the goals, objectives, and policies of the City of Half Moon Bay Local Coastal Plan and Municipal Code. The development standards set forth herein represent the required conditions imposed upon the development in conjunction with the approval of the Vesting Tentative Map, the mitigation measures set forth in the Certified Final Environmental Impact Report, and the requirements of the Site and Design Permit.

18.16.010 Intent. It is the intent of the City of Half Moon Bay and the property owner that the Dykstra Ranch property shall be a detached single family residential development clustered within dedicated open space areas. The Planned Unit Development Plan will serve as the Zoning Ordinance for the 115 acre Dykstra Ranch property as shown on the Dykstra Ranch Planned Unit Development Plan, incorporated herein as Exhibit A to this Ordinance. Prior to issuance of any permits for development on the property, all appropriate conditions set forth herein and in the Final Subdivision Map shall be incorporated into the final project plans.

18.16.015 Phasing of Development. This development is to be constructed in phases. It is recognized that there are several requirements contained herein that obligate the developer to receive approval from the City and various State and Federal agencies for future phases. These requirements shall be fulfilled prior to the issuance of any permits or entitlements to develop future phases.

18.16.020 Amendment Required. In the event that proposals for subsequent phases of development result in a conflict with the provisions contained herein, an amendment to this Planned Unit Development Plan shall be approved by the City in accordance with the provisions of the Municipal Code.

18.16.025 Permitted Uses. The following uses are permitted within the Dykstra Ranch Planned Unit Development:

A. Single family residences on separate lots;

B. Accessory uses which are directly related to and incidental to the primary residential use of the property, including but not limited to living quarters for persons employed as service to the residents;

C. Public parks and recreational facilities as shown on the Dykstra Ranch Planned Unit Development Plan;

D. Private parks and open space as shown on the Dykstra Ranch Planned Unit Development Plan;

E. Community centers, tennis courts, and other private recreational facilities owned and operated by the Homeowners Association for the use and enjoyment of the residents;

F. Public utility structures and facilities required for the service of the development;

G. Temporary sales centers, construction yards and structures, signs and other facilities required for the development and marketing of the property. All signs and any temporary structures or construction yard sites intended to exist for more than one year

shall be subject to the approval of the Planning Director;

H. Other uses which in the opinion of the Planning Director are consistent with the intent and purpose of this Planned Unit Development Plan.

18.16.030 Prohibited Uses. Any retail, office, or commercial activity or use is prohibited in the Dykstra Ranch Planned Unit Development, including any home occupation that would require deliveries to the residence, or any employees, patrons, visitors to the residence with the express intent of participating in the business activity.

18.16.035 Residential Development Standards. The following design and development criteria shall be incorporated into any proposed residential construction:

A. Minimum Lot Size: The minimum lot size for any residential development site shall be 6,500 square feet, with a minimum average lot width of 65 feet. A minimum frontage of 30 feet shall be provided on any street or cul-de-sac;

B. Building Footprints: A building footprint shall be established for each lot and shall be shown on the Final Map. All structures including the residence, detached garages, decks, privacy fencing, and accessory buildings or facilities shall be constructed within the building footprint for each lot as established on the Final Map. The minimum standards or criteria for establishing the building footprint for each lot shall be as forth in this Chapter;

C. Residential Building Setbacks:

1. All building setbacks shall be measured from the back of sidewalk where provided and from the back of curb where no sidewalk is provided;

2. These standards shall apply to the residential structure, attached and detached garages, and all accessory buildings;

3. No encroachments of any kind are permitted within any required yard setback area except:

   a. Eaves, which may encroach a maximum of two feet into any required yard setback area;

   b. Fireplaces and chimneys, which may encroach a maximum of two feet into any required yard setback area;

4. A minimum front yard setback area of 18 feet shall be maintained for all portions of the residential structure;

5. Each lot shall maintain a minimum side yard setback area of five feet provided there is a minimum separation of 15 feet between residential structures on adjacent or contiguous lots;

6. A minimum rear yard setback area of 20 feet shall be maintained for all portions of the residential structure. In those cases where the residential building site abuts a required habitat buffer zone or other environmentally sensitive area designated on the Final Map, the Planning Commission may establish a reduced or increased rear yard setback area, which shall be reflected on the building footprint established for the lot on the Final Map;

7. All detached garages with the entry door parallel to the street shall maintain a minimum front yard setback area of 18 feet, and shall have a sectional garage door;

8. All detached garages with the entry door perpendicular to the street shall maintain a minimum front yard setback area of ten feet, and shall have a sectional door. The driveway shall provide a minimum area of at least 18 feet wide by 18 feet deep for the parking of vehicles. Where a driveway length of less

than 20 feet is proposed a sectional garage door shall be provided;

D. Building height:

1. No part of any structure except a chimney shall be permitted to exceed a maximum height of 30 feet, as measured from any portion of the building to the grade of the lot directly below any point from which a measurement of the building is taken;

2. Chimneys may exceed the height limit only to the extent required to conform with the Uniform Building Code, but in no event shall the chimney exceed a maximum height of 32 feet as measured from the highest point of the chimney to the grade directly below;

3. The mid-point of any roof line as measured between the ridge line or highest point of the roof and the end of the eaves shall not exceed a maximum height of 25 feet as measured from the grade directly below.

E. Maximum Lot Coverage: The maximum coverage permitted for the main dwelling and garage is 35%, with any accessory uses such as gazebos, patios, an decks required to meet the set back requirements set forth in Section 18.31.05 C.

F. Residential Parking Requirements:

1. An enclosed two car garage with minimum interior dimensions of 20 feet x 20 feet shall be provided for each single family residence;

2. Guest parking shall be provided at a ratio of one space for each residence, and shall be shown on the Final Map as a part of the roadway easements subject to an irrevocable offer of dedication to the City of Half Moon Bay.

G. Fences:

1. Perimeter fences located on side or rear property lines are prohibited;

2. Privacy fencing shall be restricted to patio and court areas located within the building footprint for each lot as shown on the Final Map;

3. Privacy fencing shall be limited to a maximum height of six feet as measured from the highest point of the fence to grade directly below.

H. Landscaping:

1. All introduced landscaping shall be of drought tolerant species;

2. Landscaping shall be designed and maintained to ensure adequate sight distance at all street corners and intersections.

18.16.040 Recreational Facilities. The following shall apply to the public and private recreational facilities within the Dykstra Ranch Planned Unit Development:

A. A clubhouse and community center may be provided for the project residents. These facilities would be owned and maintained by the project Homeowners Association;

B. The design and location of the clubhouse and community center shall be subject to the review and approval by the Planning Commission of a Site and Design Permit as set forth in the City of Half Moon Bay Zoning Code;

C. Land shall be offered for dedication for public parks as provided for in the City of Half Moon Bay Municipal Code. Said offers of dedication may be phased in conjunction with the recordation of Final Maps;

D. Private park and recreation facilities may be provided within the Dykstra Ranch Planned Unit Development for the exclusive use of the residents of the project. Any private park shall be owned and operated by the Homeowners Association and shall be shown on the Final Map;

E. A recreational trail network for pedestrians may be provided within the open space areas. Said recreational trail network shall be designed, constructed, and maintained in a manner consistent with the intent, purpose, and contents of this Ordinance. Said trail shall provide a minimum width of three feet and shall be paved with crushed and rolled rock or other suitable all weather surface. If deemed necessary and appropriate by the Planning Director, the proposed location of the trail shall be subject to the review and approval of the California Department of Fish and Game and the Army Corps of Engineers;

F. If future conditions warrant, other recreational facilities may be provided for the residents of the development. The Planning Director shall review any proposed public or private recreational facilities not specifically addressed in this Ordinance or shown on the Dykstra Ranch Planned Unit Development Plan. If deemed necessary and appropriate, the Planning Director may require Planning Commission review and approval of a Site and Design Permit in accordance with the provisions of the Zoning Code.

18.16.045 Development Adjacent to Environmentally Sensitive Habitat Areas. The Final Map shall show all of the riparian corridors and habitats and any other environmentally sensitive areas, and the extent of any required buffer zones. The following standards shall be applied to all development within or adjacent to these areas designated on the Final Map;

A. That there shall be no landform alteration or grading, no vegetation or soil removal of any kind, and no introduced landscaping planted within the buffer zones surrounding the Environmentally Sensitive Habitat Areas or Riparian Corridors as shown on the Final Map, except as may be required

to correct drainage problems, repair erosion damage, remove hazardous conditions, and provide for fire safety. Prior to the commencement of any activities within these areas as shown on the Final Map, the Planning Director shall review the details of the proposed activities. If the Planning Director determines it to be necessary and appropriate, plans for the proposed activities shall be forwarded to the California Department of Fish and Game, Army Corps of Engineers, or any other County, State, or Federal agency with review and/or permit authority over the proposed activities;

B. That Deed Restrictions shall be recorded against all properties adjacent to or abutting the environmentally sensitive habitat areas and buffer zones ensuring that all purchasers and subsequent owners of the property are informed of the development restrictions in these areas;

C. The United States Army Corps of Engineers has established jurisdiction over specified wetland areas located within the boundaries of the Dykstra Ranch Planned Unit Development. A Section 404 Permit will be required prior to the approval of any Final Map that differs from the approved Vesting Tentative Map. Conditions of that permit shall be binding to all parties of the development of the site and shall be incorporated into the Final Map as conditions of Approval.

D. The California Department of Fish and Game has statutory jurisdiction over stream beds and other riparian areas. A Section 1601 Permit may be required prior to the approval of any Final Map if the area covered by the Final Map involves any stream bed or riparian area. Conditions of that permit shall be binding to all parties to the development of the site and shall be incorporated into the Final Map as Conditions of Approval.

18.16.050 Preservation of Streams, Wetlands, and Environmental Habitats. The following shall apply to all development within the Dykstra Ranch Planned Unit Development area:

A. That approval by the United States Army Corps of Engineers is required for any activities involving the streams and drainage courses;

B. Each development phase will require consultation with the California Department of Fish and Game to insure that the streams and habitats are adequately protected. A 1601 Permit issued by the Department of Fish an Game maybe required for each phase of the development;

C. That the discharge of any swimming pool water or any other materials into any of the creeks, streams, drainage courses, or the lake is strictly prohibited;

D. That the proposed check dams in the intermittent creek channels shall be approved by the Department of Fish and Game and Army Corps of Engineers. The existing dense vegetation shall be preserved to the maximum extent practicable. Any required thinning of the existing vegetation shall be kept to a minimum in order to reduce potential erosion of the stream banks.

18.16.055 Preservation of the Pond.

A. The following policies, programs, and requirements shall be conformed with at all times:

1. The existing agricultural pond shall be retained and upgraded as a visual amenity and wildlife habitat;

2. Swimming, boating, fishing, and any other form of contact or non-contract activity on or in the lake is strictly prohibited;

3. Life safety and emergency equipment, including an emergency telephone shall be installed and maintained adjacent to the lake at a location approved by the Police Chief and Fire Chief;

4. That all areas of the pond that are less than four feet in depth shall be lined with either a gas permeable membrane, concrete, cemented

cobbles, or other material approved by the Department of Fish and Game and Army Corps of Engineers that will prevent aquatic plants from rooting on the pond bottom;

5. That in order to limit the amount of nutrients entering the pond, a slight trough shall be constructed around the perimeter. Surface runoff shall be collected in this trough and routed to the approved storm drain system;

6. That in order to reduce the potential negative impacts from landscaping irrigation, all introduced plant species shall be of drought tolerant varieties;

7. Pumps shall be installed to circulate the water in the pond to maintain the water quality.

B. The developer shall enter into a contract with a qualified water quality expert and/or chemist, the form and content of which is satisfactory to the City Attorney, that will provide the following services:

1. At least once a month during the period between April and October the pond shall be examined by a qualified professional chemist or biologist. Field data recorded at the time of the inspection shall include:

   a. Water temperature;

   b. Clarity (Secchi disk);

   c. Dissolved oxygen (mg/l);

   d. Presence and extent of algae;

   e. Notable levels of sedimentation.

2. During each periodic inspection, two water samples shall be collected, one from each end of the pond. Samples shall be taken from a

depth of one foot below the surface in the upper half of the water column. The two water samples should be analyzed for chlorophyll a, nitrate nitrogen, and total phosphorus;

3. Should filamentous algae growth occur in notable quantities along the pond slopes, manual removal of the algal mass with long-handled rakes or nets shall be implemented as a first response. If the growth is prolific across the pond, or if planktonic algae becomes sufficiently dense to begin forming mats, the application of the algacide Cutrine may be used upon approval for each application by the Regional Water Quality Control Board and California Department of Fish and Game;

4. Should the consultant determine that sedimentation is effecting the water quality of the pond, the pond may be drained only in the fall prior to the rainy season. Accumulated sediment may be removed;

C. The results of the above described monitoring program shall be forwarded to the Planning Director and the Regional Water Quality Control Board. In the event that the Regional Water Quality Control Board determines that it is no longer necessary to continue this monitoring program, the developer may apply for an amendment to this Planned Unit Development Plan to delete this condition;

D. That the developer shall provide financing for equipment and training to meet the Half Moon Bay Fire Protection District specifications in order to ensure that emergency rescue operations related to the pond are possible.

18.16.060 Development Above the 160 Foot Contour. The following shall apply to all properties that have a portion of the lot above the 160 foot contour:

A. There shall be no landform alteration, grading, vegetation or soil removal, or above or below grade construction of any kind above the 160 foot contour as shown on the Final Map except where and when

necessary to correct or prevent erosion or other conditions related to the stability of the soils and the installation of facilities necessary to accommodate on-site drainage. Where remedial work is performed above the 160 foot contour, the site will be graded, planted, and otherwise returned to its natural state or as it existed prior to the commencement of the remedial work;

B. That no part of any building footprint for any lot shall be permitted above the 160 foot contour, as shown on the Final Map;

C. That in order to ensure that development does not occur above the 160 foot contour, deed restrictions shall be recorded against any lot which abuts or crosses the 160 foot contour. Said deed restrictions, the form and content of which is satisfactory to the City Attorney, shall restrict all grading, landscape removal, and above or below grade construction activity or improvement of any kind to the 160 foot contour or below. Deed restrictions shall be recorded at the time Final Maps are recorded.

18.16.065 Grading, Soils, and Drainage. The developer and any successors in interest or assigns shall be subject to the following minimum criteria for the initial and subsequent phases of development:

A. That all site preparation and grading shall be in conformance with an approved grading plan, prepared by a licensed engineer based upon the Harlan, Miller, and Tait report dated June, 1986, or other geotechnical report approved by the City Engineer;

B. That an erosion control plan and a drainage plan shall be prepared by a licensed engineer that conforms with all applicable codes and policies of the City of Half Moon Bay, the Association of Bay Area Governments (ABAG), the Department of Fish and Game, the Army Corps of Engineers, and the provisions of this Chapter;

C. That the recommendations contained in the Harlan, Miller, and Tait report dated July, 1987, or

similar report approved by the City Engineer, shall be incorporated into the proposed gully repair program;

D. That a drainage plan shall be prepared by a licensed engineer. This drainage plan shall include provisions for the reduction of soil creeping and other potential forms of weakening. Surface and subsurface drainage facilities shall direct water into approved drainage systems, which may include the natural drainage channels and the existing pond;

E. The major stream channels in the development areas shall be incorporated into the drainage system and may be modified as necessary, based upon approval by the Department of Fish and Game and Army Corps of Engineers.

18.16.070 Streets, Traffic, and Circulation. The following criteria shall apply to the initial phase of development and all subsequent phases:

A. That all streets are to be private, subject to an irrevocable offer of dedication to the City of Half Moon Bay, except for Foothill Boulevard, which shall be dedicated to the City of Half Moon Bay;

B. That the right of way for all roadways designated on any Final Map shall include adequate width for travel lanes, sidewalks on at least one side of the street, parking bays, and public utility easements;

C. That all roadways shall be constructed to the design standards contained in the Conditions of Approval as shown on the Vesting Tentative Map and any Final Maps. Rolled curbs shall be used whenever possible, with vertical curbs used only when needed to control flow;

D. That a street lighting plan for the entire development shall be prepared as a part of the initial street improvement plans;

E. That Foothill Boulevard shall be constructed with a connection to Highway 1 and all intersection

improvements at Foothill Boulevard and State Route 92 and the proposed Bayview Drive and Highway 1 shall be installed prior to the issuance of any building permits for any additional units after the first 100 dwelling units are constructed;

F. That in the event gated entrances are proposed for the development or any portion thereof the applicant shall submit detailed plans including the proposed operational characteristics of the entry system for approval by the Planning Commission and City Council. In the event entry gates are approved by the City of Half Moon Bay, any public park and recreational facilities within the Dykstra Ranch Planned Unit Development required by the City of Half Moon Bay Park Dedication Ordinance shall be replaced outside the development at a location approved by the City Parks and Recreation Commission and City Council, unless access and public parking is available from a dedicated public street.

18.16.075 Water and Sewer Service. Inasmuch as there is limited sewer capacity available and that drought conditions exist in California:

A. That water saving devices such as low-flow showerheads and faucets and low-flush toilets shall be installed in all residences and common facilities such as the clubhouse.

18.16.080 Noise. In order to provide adequate protection from noise sources, the following standard shall be met for all residential structures:

A. That any residence constructed on the site shall be designed in such a manner that the ambient noise level within the structure shall meet a Sound Transmission Class (STC) of 50 (45 if field tested and verified by a registered Noise Engineer to the satisfaction of the City Engineer);

B. That in the event the studies undertaken by the City's Noise Consultant in preparing the Noise Element of the General Plan it is determined that additional sound attenuation is necessary, the developer shall comply with any appropriate

ecommendations set forth in the Draft Noise
ement.

file:CHAP181 :January 4, 1994

CHAPTER 18.20

LOCAL COASTAL DEVELOPMENT PERMITS

Sections:

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18.20.080	Expiration of Coastal Development Permit
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18.20.010 Purpose and Intent. The purpose and intent of adopting this ordinance is to establish the process and findings necessary to ensure that all development within the City of Half Moon Bay is consistent with the City's Local Coastal Program, the California Coastal Act, and the General Plan.

18.20.015 Applicability. All properties within the City of Half Moon Bay are subject to the procedures contained in this Chapter.

18.20.020 Definitions.

A. Appealable area. The "appealable area" of the coastal zone is the area located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or from the mean high tide line of the sea where there is no beach, whichever is greater;

B. Coastal zone. The boundaries of the Coastal Zone have been established by the State Legislature. All land and water area within the City of Half Moon Bay lies within the coastal zone.

C. Development. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

D. Disaster. "Disaster" means any situation in which the force(s) which destroyed the structure to be replaced were beyond the control of its owners.

E. Emergency. "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

F. Energy facility. "Energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

G. Public works. "Public works" means the following: (1) All production, storage, transmission and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency

or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities; (2) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires and other related facilities; (3) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district; (4) All community college facilities.

H. Temporary Event. "Temporary event(s)" means an activity or use that constitutes development as defined in Section 30106 of the Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures such as bleachers, vendor tents/canopies, portable toilets, stages, film sets, etc., which do not involve grading or landform alteration for installation; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use.

18.20.025 Permit Required. Unless otherwise exempted, all development (as defined in Section 18.20.020.C) in the City of Half Moon Bay requires a Coastal Development Permit. The Coastal Development Permit must be approved prior to the commencement of development and shall be required in addition to any other permits or approvals required by the City. A local Coastal Development Permit may be combined with any other permit application. When not feasible to combine a Coastal Development Permit with one or more other applications, it may be processed concurrently with or prior to any other procedures required by this Title or the Municipal Code. Prior to initiating the review process for any discretionary or ministerial permits in the City, the Planning and Building Director shall determine the feasibility of concurrent or prior processing of the Coastal Development Permit.

A. **Coastal Development Permits to be Issued by the City.** Development that meets any of the following conditions must obtain a Coastal Development Permit from the City.

1. Any development within the appealable area of the Coastal Zone, unless the Planning and Building Director has determined, based on factual evidence,

that the development involves no potential for any adverse effects, either individually or cumulatively, on coastal resources and that the development will be consistent with the certified LCP and public access policies of Chapter 3 of the Coastal Act;

2. Any development in or within 100 feet of any Sensitive Habitat Area, Riparian Corridor, Bluffs and Seacliff Areas, and Wetlands or within a Wild Strawberry habitat, as designated in Chapter 18.38 or as shown on the Coastal Resource Area Maps;

3. Any development within Archaeological Resource Areas where there is substantial indication that archaeological resources exist on or within 100 feet of the project;

4. Any development which would preclude the general public from use of, or access to, a public recreational area for a significant period of time.

5. Any development within tide and submerged lands, beaches, and all lands and waters subject to the public trust and lots or parcels immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach;

6. Any development that requires a Use Permit, Planned Unit Development Plan, Specific Plan, Variance, Subdivision Map, or any other legislative, adjudicatory, or discretionary action, unless specifically exempted in Section 18.20.030 of this Chapter.

7. Traffic improvements, except traffic improvements that:

   (a) Increase roadway or intersection capacity by no more than ten percent; or

   (b) Involve only the placement of stop signs or signalized intersection control devices, or

(c) Do not decrease parking except by establishing a red curb next to an intersection.

8. Public works projects, excluding traffic improvements, with an estimated cost of $50,000 or more.

9. A temporary event which:

(a) Either individually or together with other temporary events scheduled before or after the event, precludes the general public from use of a public recreational area for a significant period of time; or

(b) With it's associated activities or access requirements, will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, public access opportunities, visitor and recreational facilities, water-oriented activities, agricultural lands, marine or biological or archaeological or paleontological resources; or

(c) Would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters between Memorial Day weekend and Labor Day; or

(d) Has historically required a Coastal Development Permit to address and monitor associated impacts to coastal resources.

10. Any lot line adjustment which would result in the following:

(a) the creation of a parcel or parcels that do not meet all of the area and dimension requirements of the zoning district in which the parcel(s) are located;

(b) a greater degree of nonconformity to a parcel, including structures thereon, where a non-

conformity to zoning area and dimension requirements already exists;

(c) a parcel whose only buildable area is located within areas described in Subsection A Items 2-5 of this Section.

11. Removal of riparian or other major or notable vegetation other than for agricultural purposes.

12. Construction or expansion of wells or septic systems.

B. **Coastal Development Permits to be Issued by the Coastal Commission.** In addition to the required approvals by the City, all developments on tidelands, submerged lands or on public trust lands, whether filled or unfilled, shall also require a permit issued by the California Coastal Commission in accordance with procedures specified by the Coastal Commission.

18.20.030 Exemptions. In addition to any other exemptions listed in this Chapter, the following categories of projects are exempt from the requirement to secure approval of a Coastal Development Permit:

A. **Replacement of Structures Following Disaster.** The replacement of any structure, other than a public works facility, destroyed by disaster, provided that the replacement structure:

1. Conforms to all Zoning Code and Building Code requirements applicable at the time of replacement;

2. Is the same use as the destroyed structure; and

3. Does not exceed the floor area, height or bulk of the destroyed structure by more than 10 percent and is sited in essentially the same location on the site as the destroyed structure.

B. **Categorical Exclusion Areas.** Projects located within those portions of the Coastal Zone designated as Categorical Exclusion Areas as defined in Section 18.20.035 of this Chapter and on the attached maps and

that otherwise meet all other applicable regulations of the City of Half Moon Bay.

C. **Miscellaneous Activities and Development.** The following activities, and development projects are exempted:

1. **Permits.**

   (a) Sign permits.

   (b) Home occupation permits.

   (c) Permits for which no "development" is proposed, including issuance of business licenses, approval of final subdivision maps for which a Coastal Development Permit has been issued, and approval of individual utility service connections and disconnections.

   (d) Lot line adjustments, as defined in Section 66412 of the California Government Code (Subdivision Map Act), between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, unless the adjustment meets the criteria of Section 18.20.025, Subsection A, Item 10, in which case a Coastal Development Permit is required.

2. **Repair and maintenance.** Repair and maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such activities, except as otherwise specified in Subchapter 7, Title 14, California Administrative Code and any amendments thereafter adopted. Such activities include but are not limited to:

   (a) Repair and maintenance necessary for on-going operations of an existing facility which does not expand the footprint, floor area, height, or bulk of an existing facility, and the minor modification of existing structures require by governmental safety and environmental regulations, where

necessary to preserve existing structures which does not expand the footprint, floor area, height, or bulk of an existing structure;

(b) Interior remodeling of a building, except where such remodeling changes the nature of the use;

(c) Removal of minor vegetation for maintenance purposes. Within environmentally sensitive habitats, only non-native species may be removed as a part of any exempted activities,

3. **Single family residences.**

(a) New single family residences no larger than two stories, built on lots zoned for single family residences as a principal permitted use and which meet all zoning standards, unless in the appealable area where there is a risk of adverse environmental impact.

(b) Additions to existing single family residences provided that the structure, including the addition, does not exceed two stories and meets all zoning standards.

(c) Improvements normally associated with single-family residences such as garages, swimming pools, fences, storage sheds, and landscaping.

(d) Second dwelling units which meet all of the criteria as set forth in Half Moon Bay's Second Dwelling Unit Ordinance, unless in the appealable area where there is a risk of adverse environmental impact. A Use Permit and notice of a public hearing will still be required as set forth in this Title.

4. **Small structures and additions.**

(a) Buildings or structures, or additions thereto, (i) on existing developed sites located between the sea and the first public road paralleling the sea and having an aggregate value of $10,000 or less, or (ii)—on existing

developed sites located inland of the first public road paralleling the sea, or (iii) where the Planning and Building Director has determined, based on factual evidence, the proposed structure involves no potential for any adverse effects, either individually or cumulatively, on coastal resources and that will be consistent with the certified LCP and public access policies of Chapter 3 of the Coastal Act.

(b) Minor additions to existing structures except public works facilities that add less than ten percent to the gross floor area of the structure or do not create an additional story or loft or do not involve any increase in floor area where the floor area of the structure has been increased previously under Section 30610(a) of the Government Code.

(c) Fences and walls having a height of seven feet or less, except where (a) between the sea and the first public road paralleling the sea, unless on the property of existing residences, or (b) within 100 feet of a designated Coastal Resource Area, Sensitive Habitat Area, Riparian Corridor, Bluffs and Seacliff Areas, and Wetlands or within a Wild Strawberry habitat, as designated in this Title.

5. **Public Works and Public Facilities.** Reconstruction, upgrading, replacement or rehabilitation of minor public facilities including but not limited to:

(a) parking lots (b) minor road improvements, (c) curbs, (d) sidewalks, (e) bicycle lanes, (f) water and sewer systems, (g) drainage inputs, (h) public parks, where the level or type of public use or the size of structures will not be altered, (i) minor alteration of public facilities that do not increase in capacity or are required to restore service.

However, a permit shall be required if the improvement constitutes a major public works

project as defined under Section 13012 of the California Code of Regulations.

6. **Utilities.**

   (a) Installation testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has previously been granted a Coastal Development Permit.

   (b) Installation, maintenance, and repair of underground electrical facilities and the conversion of existing overhead facilities to underground facilities, provided the work is limited to public road or railroad rights-of-way or public utility easements and provided the site is restored as closely as reasonably possible to its original condition.

   (c) Installation, maintenance and minor alteration of utilities that do not increase in capacity or are required to restore service or prevent service outages.

7. **Irrigation.** Installation of irrigation lines.

8. **Grading.** Grading of fifty (50) cubic yards or less.

9. **Removal of non-heritage trees and vegetation.**

   (a) Removal of any tree or stand of trees which are not heritage trees as defined in the Half Moon Bay Municipal Code Chapter 12.16.

   (b) Removal of vegetation for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan.

10. **Temporary Events.** Any proposed development which the Planning and Building Director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the

meaning of guidelines adopted by the Coastal Commission.

Temporary events which meet the following criteria are excluded from the requirement of a Coastal Development Permit:

(a) Commercial Promotional Events. Sidewalk sales, not lasting more than three (3) days, and flea markets, rummage sales, festivals, bazaars, or other similar temporary activities not lasting more than two (2) weeks, the primary purpose of which is to promote proposed or existing businesses, on public or private property within any Commercial District. No person or group shall undertake or establish such activities without first securing written approval from the Planning and Building Director.

(b) Commercial Uses Outside Structures. Sidewalk sales, not including peddlers, on public or private property, not lasting more than three (3) days, and conducted in a manner sufficient to allow safe pedestrian and wheelchair passage onto or along the sidewalk where such activity is being conducted in Commercial District.

(c) Seasonal Sales of Christmas trees and pumpkins. The sale, display, and storage of Christmas trees and accessories therefor on vacant lots or other open areas for a temporary period of time between Thanksgiving and December 26 of any year, and the sales, display, and storage of pumpkins between October 1 and November 5 of any year, subject to obtaining a temporary business license as required by Half Moon Bay Municipal Code Chapter 3.73.

(d) Event Location. Event does not occupy all or a portion of a publicly or privately owned sandy beach area, or such beach is a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; and

(e) Fees for Events. Event does not involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees), or where more than 75% of the provided seating capacity is available free of charge for general public use; and

(f) Recurring Events. Event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously approved event.

11. **Land divisions for public agency acquisition.** Land divisions brought about in connection with the acquisition of such land by a public agency for recreational purposes.

D. **Record of Exemptions.** The Planning and Building Director shall maintain a record of all permits issued for development within the Coastal Zone that were exempted from the requirements of the Coastal Development Permit process. This record shall be available for review by members of the public and the Coastal Commission. The Record of Exemption shall include the name of the applicant, the location of the project, and a brief description of the project.

18.20.035 Categorical Exclusion Areas. Any development within the Categorical Exclusion Areas as identified on the Post Certification Map shall be excluded from the requirements of a Coastal Development Permit. Categorical Exclusion Areas shall be limited to areas that are substantially developed and contain no identified Coastal Resources as defined in this Title.

18.20.040 Permits for Emergency Work.

A. **Emergency Permit Waiver.** Projects normally requiring a Coastal Development Permit that are undertaken as emergency measures to protect life and property from imminent danger, or to restore, repair or maintain

public works, utilities or services destroyed, damaged or interrupted by natural disaster, serious accident, or in other cases of emergency are eligible to receive an emergency waiver when immediate action is required. The Planning and Building Director shall be notified of the type and location of the work within seven (7) days of the disaster or discovery of the danger, whichever occurs first.

B. **Emergency Permit Requirements.** Applications may be made by telephone or in person, if time does not allow a written application, to the Planning and Buidling Director. The information to be reported during the emergency, if possible, or to be reported fully in any case after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial protective, or preventive work required to deal with the emergency; and
5. The circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.

C. **Granting of Emergency Permits.** The Planning and Building Director shall verify the facts, including the existence and nature of the emergency, insofar as time allows, and shall provide public notice of the emergency action to the maximum extent practical under the circumstances. The Planning and Building Director may grant an emergency permit upon reasonable terms and conditions which shall include, at a minimum, an expiration date and the necessity for a regular permit application later, if the Planning and Building Director finds that:

1. An emergency exists and requires action more quickly than permitted by the procedures for administrative permits or for ordinary permits, and the development can and will be completed within thirty days unless otherwise specified by the terms of the permit;

2. Public comment on the proposed emergency action has been reviewed if time allows; and

3. The work proposed would be consistent with the requirements of the coastal program.

D. **Reporting of Emergency Permits and Work.** The Planning and Building Director shall prepare an informational report to the Planning Commission describing any emergency permits applied for or issued, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the Planning Commission meeting. Notice of emergency permits shall be provided by phone or letter to the California Coastal Commission as soon as possible, but in any event within three (3) days, following issuance of the emergency permit.

E. **Compliance.** An emergency permit shall be valid for not more than sixty (60) days from the date of issuance. prior to expiration of the emergency permit, the permittee must submit a coastal development permit application for the development or else remove the development undertaken pursuant to the emergency permit in its entirety and the site restored to its previous condition. Failure to comply with the provisions of this section or failure to properly notice and report by the applicant any emergency actions may result in enforcement action pursuant to Section 18.20.090.

18.20.045 Application Requirements. Applications for any Coastal Development Permit shall be initiated by submitting an application on a form provided by the Planning and Building Department. Application for a Coastal Development Permit shall be submitted concurrently with any other discretionary or ministerial permit required for the development, unless the Planning and Building Director determines that prior processing is required. The application shall include a fee set by Resolution of the City Council. In addition to the submittal requirements for a discretionary or ministerial permit, applications for a Coastal Development Permit shall also include a location map and any other information deemed necessary and appropriate by the Planning and Building Director.

18.20.050 Determination of Jurisdiction. At the time a complete application for a Coastal Development Permit is

made, the Planning and Building Director shall determine the applicable review procedure as established herein.

A. **Types of Applications.** The Planning and Building Director shall first determine whether the proposed development is:

1. Below the line of the mean high tide, submerged lands or public trust lands, whether filled or unfilled; or

2. Within the appealable area of the coastal zone; or

3. Exempt from the Coastal Development Permit requirements; or

4. Subject to the requirement of securing a Coastal Development Permit to be issued by the City.

B. **Jurisdiction.**

1. **Coastal Commission.** The Coastal Commission shall review and act on all Coastal Development Permits for development below the mean high tide, submerged lands or public trust lands, whether filled or unfilled.

2. **Planning Commission or City Council.** The Planning Commission, or the City Council where it has the final approval of other discretionary permits for the proposed development, shall approve, conditionally approve or deny all Coastal Development Permits.

3. **Planning and Building Director.** The Planning and Building Director shall review and act on any other development requiring a Coastal Development Permit not specifically addressed in 1 and 2 above.

C. **Appeals of the Planning and Building Director's Determination of Jurisdiction.** Within five days of submitting an application for a Coastal Development Permit, the Planning and Building Director shall determine whether the application shall be considered by the Planning Commission and/or City Council, or the City and the Coastal Commission. An applicant or any other

person who does not agree with the Planning and Building Director's determination may challenge the determination. Appeals of the Planning and Building Director's determination shall be made to the Planning Commission. Appeals of the Planning Commission's determination shall be made to the City Council. All decisions of the City Council shall be final.

If the determination of the City is challenged by the applicant or interested person, or if the City wishes to have a Coastal Commission determination as to the appropriate designation, the City shall notify the Coastal Commission by telephone of the dispute and shall request an Executive Director's opinion. The executive director shall, within two working days of the City's request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable. Where, after the executive director's investigation, the executive director's determination is not in accordance with the City's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Coastal Commission shall schedule the hearing of the determination for the next Commission meeting (in the appropriate geographic region of the state) following the local government request.

18.20.055 Hearing Required.

A. A public hearing shall be required:

1. On all appealable projects; and

2. Prior to the approval of any Coastal Development Permit where the development would require a hearing as part of action on any other required permits, review, or discretionary action.

B. Any person may submit written comments to the Planning and Building Director on an application for a Coastal Development Permit, or on an appeal of a Coastal Development Permit, at any time prior to the close of the public hearing.

C. A public hearing on a Coastal Development Permit may be held concurrently with any other public hearing on the development.

18.20.060 Notice Required. The City shall provide notice of all applications for a Coastal Development Permit as follows:

A. Contents of Notice. All notices shall include the following information:

1. A statement that the development is within the Coastal Zone;

2. The name and address of the applicant;

3. The file number assigned to the proposed development, and the date the application was filed;

4. A description of the proposed development, including its location;

5. The date, time and place of the public hearing on the Coastal Development Permit, if required, or where no public hearing is required, the date the application will be acted upon by the local governing body or decision-maker; the date by which comments on the proposed Coastal Development Permit must be received; and the address to which these comments should be sent;

6. A brief description of the review process for the Coastal Development Permit, including, where applicable, hearings, public comment periods, submission of public comments prior to decisions, any requirements for Coastal Resource reports, local action and appeals. Where the proposed development is located within the appealable area of the coastal zone, the notice shall state that local actions on the Coastal Development Permit are appealable to the Coastal Commission by any aggrieved person before the close of the public hearing on the Coastal Development Permit.

B. **Provision of Notice.** The city shall give notice of its review of the Coastal Development Permit, as follows:

1. **Publication of Notice.** The City shall publish a notice for public hearings on any Coastal Development Permit for the development one time at least ten calendar days before the public hearing. The City shall publish a notice for any Coastal Development Permit not requiring a public hearing one time at least ten days before the end of the public comment period on the Coastal Development Permit. All notices required by this Section shall be published in a newspaper with general circulation in the City. If a public hearing is continued to a date and time that is not specified at the public hearing, notice of the continued public hearing shall be published and distributed in the same manner and the same time limits as for the initial notice.

2. **Mailing of Notices.** At least seven (7) calendar days prior the first public hearing or prior to the City's decision where no public hearing is required, the City shall mail a notice of the public hearing or pending decision for any Coastal Development Permit to the following:

   (a) The applicant;

   (b) The owner of the property or his or her authorized agent;

   (c) Each local agency providing water, sewage, streets, roads, schools or other essential facilities or services to the development;

   (d) The owners of all real property, as shown on the latest equalized assessment roll, within 100 feet of the site of the development for appealable developments and for non-appealable developments which do not require a public hearing, and within 300 feet of the site for non-appealable developments requiring a public hearing;

(e) All persons who have requested, within the preceding year, notice of all actions on Coastal Development Permits within the City or on the particular site of the development or who have requested notice of all actions affecting any or all designated Coastal Resource Areas;

(f) The Coastal Commission; and

(g) All residents with 100 feet of the site of the development.

3. Posting of Notices. At the time an application for coastal development permit is filed (or within 7 days), the applicant must post public notice at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the City. The applicant shall use a standardized form provided by the Planning and Building Director and the notice shall contain a general description of the nature of the proposed development. If the applicant fails to post and maintain the completed notice form until the permit becomes effective, the Planning and Building 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.

4. Notice of Decision. Within seven (7) calendar days of any decision by the City Council, or within seven (7) days of expiration of the local appeal period on decisions made by the Planning Commission or Planning and Building Director, the Planning and Building Director shall mail notice of the decision to the Coastal Commission, and to any person identified in Item 2e above, and shall include findings for approval and any conditions of project approval if approved, or any findings for denial if denied to the applicant, and procedures for appeal of the local decision to the Coastal Commission.

<u>18.20.065 Conditions</u>. The approving authority may apply conditions to a Coastal Development Permit as necessary to

ensure conformance with, and implementation of the Local Coastal Program. Modification and resubmittal of project plans, drawings and specifications may be required to ensure conformance with the Local Coastal Program.

18.20.070 Findings Required. A Coastal Development Permit may be approved or conditionally approved only after the approving authority has made the following findings:

A. **Local Coastal Program.** The development as proposed or as modified by conditions, conforms to the Local Coastal Program;

B. **Growth Management System.** The development is consistent with the annual population limitation system established in the Land Use Plan and Zoning Ordinance;

C. **Zoning Provisions.** The development is consistent with the use limitations and property development standards of the base district as well as the other requirements of the Zoning Ordinance;

D. **Adequate Services.** The proposed development can be provided with adequate services and infrastructure at the time of occupancy in a manner that is consistent with the Local Coastal Program; and

E. **California Coastal Act.** Any development to be located between the sea and the first public road conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

18.20.075 Appeals. Development under an approved Coastal Development Permit shall not begin until all applicable appeal periods expire or, if appealed, until all appeals, including those to the Coastal Commission, have been exhausted. Grounds for an appeal of a Coastal Development Permit issued pursuant to this Chapter shall be limited to an allegation that the development does not conform to the standards set forth in the Certified Local Coastal Program or the Coastal Access policies of the Coastal Act.

A. Action by the Planning and Building Director to approve, conditionally approve or deny any Coastal Development

Permit may be appealed to the Planning Commission on or before the tenth working day following such action.

B. Action by the Planning Commission to approve, conditionally approve or deny any Coastal Development Permit may be appealed to the City Council on or before the tenth working day following such action.

C. Action by the City Council to approve or conditionally approve a Coastal Development Permit for the following types of development may be appealed to the Coastal Commission in accordance with Coastal Commission procedures:

1. Projects located within the appealable area of the City;

2. Any project involving the development of a major public works project or a major energy facility;

3. Developments approved by the City that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

D. Except for a major public works project or an energy facility, any action by the City Council to deny a Coastal Development Permit is final. Grounds for an appeal to the Coastal Commission of a City Council approval of a Coastal Development Permit for a major public works facility or energy facility shall be limited to an allegation that the development does not conform to the standards set forth in the Certified Local Coastal Program or the Public Access Policies therein;

E. An appeal pursuant to this chapter may be filed by the applicant for the Coastal Development Permit, any aggrieved person who has exhausted local appeals, or any two members of the Coastal Commission. Persons who do not participate on a local level will not be able to appeal at the Coastal Commission level.

F. Except for appeals to the Coastal Commission, appeals shall be filed with the Planning and Building Director

on a form supplied by the Planning Department. The appeal shall be accompanied by a fee set by Resolution of the City Council and a statement of the grounds of the appeal. Appeals to the Coastal Commission shall be filed in accordance with Coastal Commission procedures.

G. The Planning and Building Director shall forward an appeal of an action on a Local Coastal Development Permit, together with a description of the action of the approving authority to the appropriate body specified in Paragraphs A or B above for its action.

H. Appeals of actions on Coastal Development Permits to the Planning Commission or City Council shall be considered as follows:

1. **Appeal Hearing Data.** An appeal shall be scheduled for a hearing before the appellate body within 30 days of the receipt by the Planning and Building Director of an appeal, unless both applicant and appellant consent to a later date.

2. **Notice and Public Hearing.** A hearing on an appeal shall be a public hearing if the decision being appealed required a public hearing. Notice of public hearings shall be given as required for the decision being appealed.

3. **Plans and Materials.** At an appeal hearing, the appellate body shall consider only the same applications, plans, and related project materials that were considered in the original decision. The Planning and Building Director shall verify compliance with this provision.

4. **Hearing.** At the hearing, the appellate body shall review the record of the decision and hear testimony from the appellant, applicant and any other interested party.

5. **Decision and Notice.** After the hearing, the appellate body shall affirm, modify or reverse the original decision. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal. Decisions on appeals shall be made at the appeal

hearing, unless the public hearing is continued to another time and date at which the decision shall be rendered at the close of the hearing. Notice of the decision on appeals shall be mailed within five working days of the date of decision to the applicant, appellant and any other party requesting notice.

6. **Failure to Act.** Failure to act within the time limits specified in items 1 and 2 above shall be deemed affirmation of the original decision.

18.20.080 Expiration of Coastal Development Permit. A Coastal Development Permit shall expire on the latest expiration date applicable to any other discretionary or ministerial permit or approval required for the development, including any extension granted for other permits or approvals. Should the development not require City permits or approvals other than a Coastal Development Permit, the Coastal Development Permit shall expire one year from its date of approval if the development has not begun during that time.

18.20.085 Permit Amendment and Extensions. Upon application by the permittee, a Coastal Development Permit may be amended or extended by the approving authority. Application for and action of an amendment shall be accomplished in the same manner specified by this chapter for the initial approval of the Coastal Development Permit. All sections of this Chapter dealing with the specific type of Coastal Development Permit shall apply to permit amendments.

18.20.090 Penalties and Enforcement.

A. **Penalties.** Any person who performs or undertakes development in violation of this division, or inconsistent with any coastal development permit previously issued, when the person intentionally and knowingly performs the development in violation of this division or inconsistent with any previously issued coastal development permit may, may be civilly liable in accordance with the provisions of Public Resources Code Division 20 (Coastal Act).

B. **Enforcement.** The Planning and Building Director may, after a public hearing, order restoration of a site if

it finds that the development has occurred without a coastal development permit from the appropriate authority, the development is inconsistent with the provisions of the Coastal Act, and the development is causing continuing resource damage.

file:CHAP1820: February 3, 1995

CHAPTER 18.21

ARCHITECTURAL REVIEW AND SITE AND DESIGN APPROVAL

Sections:

18.21.010 Purpose.
18.21.015 Architectural Review Committee.
18.21.020 Authority.
18.21.025 Application.
18.21.030 Standards for Review.
18.21.035 Findings.
18.21.040 Appeals.
18.21.045 Enforcement.
18.21.050 Expiration of approval.
18.21.055 Fees.
18.21.060 Applicability.

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 demolitions 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.

18.21.015 Architectural Review Committee. An Architectural Review Committee is created, consisting of one landscape architect and two architects, who shall be appointed by the City Council. Appointments to the Architectural Review Committee (A.R.C.) shall serve at the pleasure of the City Council for a term of two years. Each

member shall serve until his 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 said 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. Said Committee shall carry out the duties hereinafter specified in this chapter.

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.

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 10% 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 10% 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 applicants 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 applicants appeal of the Architectural Review Committee recommendations shall be accompanied by a fee as established by the City Council.

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 seven working days

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 30 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 Section 18.36.050.

C. There shall be no separate application for Staff Design Review, which will take place in conjunction with the application for Building Permit(s).

18.21.030 Standards for Review. 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 as may be appropriate:

A. The siting of any structure on the property as compared to the siting of other structures in the immediate neighborhood;

B. All structures shall be in good proportion; have simplicity of mass and detail; shall not strive for picturesque effect; there shall be an appropriate use of materials; colors shall be in good taste and never harsh or garish, but in harmony with themselves and their environment;

C. The size, location, design, color, number, lighting and materials of all signs and outdoor advertising structures shall be reviewed. No sign shall be approved in excess of the maximum limits set by an

Ordinance of the City, but the size or number of signs in any area subject to design control may be reduced below this maximum number, or limits, set by such Ordinance or ordinances;

D. Landscaping shall be required on the site and shall be in keeping with the character or design of the building and existing trees shall be preserved wherever possible;

E. The size, location and arrangement of on-site parking and paved areas;

F. Ingress, egress and internal traffic circulation;

G. All the above factors shall be related to the setting or established character of the neighborhood or surrounding area.

18.21.035 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.

18.21.040 Appeals. Appeals from determination by the Planning Director and Architectural Review Committee shall be made to the Planning Commission. Appeals from the decision of the Planning Commission shall be made to the City Council. Appeals shall be made in writing and must be filed with the City Clerk within ten working days after a decision by the Planning Director, Architectural Review Committee, or Planning Commission. Any Councilmember 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 ten days of a Planning Commission decision. Said call up shall be handled like an appeal.

18.21.045 Enforcement. All findings and determinations of the Planning Director, Architectural Review Committee, or Planning Commission or other violations of this chapter 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.

18.21.050 Expiration of approval. If a building permit has not been issued and construction diligently commenced within one year from the date of the Architectural Review Committee or Planning Commission approval, the approval shall be null and void and a new application shall be required.

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.

18.21.065 Applicability. The provisions of this Chapter shall be applicable in all Zoning districts, and in all P-U developments.

file:CHAP1821:December 9, 1993

CHAPTER 18.22

USE PERMITS

Sections:

18.22.010 Issuance for certain uses.
18.22.020 Quarries--Permit--Bond.
18.22.030 Quarries--Permit--Application and investigation.
18.22.040 Quarries--Permit--Fee.
18.22.050 Quarries--Inspection fees.
18.22.060 Quarries--Excavation.
18.22.070 Quarries--Fencing.
18.22.080 Quarries--Drainage of premises.
18.22.090 Quarries--Erosion control and screen planting.
18.22.100 Quarries--Maintenance and operation.
18.22.110 Topsoil sites--Permit and bond.
18.22.120 Topsoil sites--Applicability of certain provisions.
18.22.130 Topsoil sites--Erosion control.
18.22.140 Topsoil sites--Drainage of premises.
18.22.150 Topsoil sites--Maintenance and operation.
18.22.160 Application--Procedure--Map.
18.22.170 Application--Public Hearing--When required.
18.22.180 Application--Public Hearing--Notice.
18.22.190 Application--Public Hearing--Decision.
18.22.200 Appeal to city council--Decision.
18.22.210 Revocation--When.
18.22.220 Revocation--Hearing and notice.
18.22.230 Application--Resubmittal after final disapproval.

18.22.010 Issuance for certain uses. Use permits, conditional use permits, revocable use permits and use permits valid for a term of one year, may be issued for any of the following:

A. Any of the uses or purposes for which permits are required or permitted by the provisions of this title;

B. Location of electric power, gas, water and oil lines; public utility of public service uses or public buildings in any district when found to be necessary for the public health, safety,

convenience or welfare, except that a use permit shall not be required for local distribution lines;

C. Location of the following uses in any district when found to be necessary for the public healthy, safety, convenience or welfare:

1. Airport,
2. Cemetery,
3. Hospital,
4. Rest home,
5. Sanitarium,
6. Institution of a philanthropic or charitable nature,
7. Quarries, subject to the provisions of Sections 18.22.020 through 18.22.100,
8 Topsoil sites, subject to the provisions of Sections 18.22.110 through 18.22.150,
9. Garbage dumps,
10. Directional signs, subject to standards as established by the Planning Commission,
11. Small boat harbors,
12. Boarding homes for the aged,
13. Foster homes for care of children.

18.22.020 Quarries - Permit - Bond. Quarries may be operated in any portion of the city subject to the securing of an annual use permit and subject to the posting of a corporate surety bond, the amount to be determined by the city engineer and approved by the Planning Commission for the faithful performance of the conditions of the permit.

18.22.030 Quarries - Permit - Application and investigation. Each application for any such permit shall be made to the Planning Commission in a form provided by the Planning Commission in a form provided by the Planning Commission. Such application shall be accompanied by:

A. An accurate plot plan showing the exterior boundaries of the property on which the quarry is, or is proposed to be located, the boundaries of the area proposed to be excavated, and the location of any existing or proposed structures, roads or other improvements.

B. Cross-sections through the quarry (existing or proposed) sufficient to indicate the slopes of existing and proposed cut banks;

C. Contour map when required by the Planning Commission;

D. Statement of plan of operation including time limits, areas to be removed, final grading of site, replacing of topsoil, and planting.

The Planning Commission, upon receipt of the application and upon the payment of the required fee, shall make such investigations as are necessary to determine whether or not the quarry or proposed quarry conforms or will conform fully to the regulations herein set forth and with the terms of the other city ordinances pertaining to land use or operation of quarries. The Planning Commission shall refer the application to such other agency or board for approval or recommendation as it deems necessary, and shall refer all applications involving the removal of more than one thousand yards to the Planning Commission, which shall consider and act upon said application, the same manner and under the same rules as are herein provided. The Planning Commission may hold such hearings as are deemed necessary. At the conclusion of investigation and any such hearings, the Planning Commission shall make findings as to whether or not the quarry, or proposed quarry is, will be, or may be likely to become a public nuisance, or will be dangerous or detrimental to the public peace, health, safety or the general welfare. If, in the opinion of the Planning Commission, the operation of the existing or proposed quarry will not be detrimental or dangerous to the public peace, safety or the general welfare, a twelve-month permit shall be issued as herein provided. The Planning Commission, in issuing any such permit, shall specify such conditions as are deemed necessary for the protection of persons and property in the neighborhood and to insure that the operation of the quarry will not adversely affect the character of the neighborhood in which the quarry is located. The Planning Commission shall require such bonds and other guarantees as are necessary to insure compliance with the regulations imposed under the terms of any permit. In case the planning commission denies any permit applied for under the terms of this title or

imposes restrictions which the applicant deems to be arbitrary or unreasonable, the applicant may appeal such decision to the City Council.

18.22.040 Quarries - Permit - Fee. The fee for a permit to operate or maintain a quarry for the period of one year from the date of such permit shall be fifty dollars, payable in advance.

18.22.050 Quarries - Inspection fees. In addition to the fee for a permit, the quarry operator shall pay to the city the actual cost of inspections of the quarry at prevailing wage rates at intervals not more frequent than once each thirty days for the purpose of determining whether the operation of the quarry is in full compliance with the regulations herein set forth and any special conditions imposed under the terms of any permit. Such inspection shall include surveying, if and as necessary to determine boundaries of excavation, slopes or cut banks and other such conditions. The permit fee shall include the cost of two inspections.

18.22.060 Quarries - Excavation.

A. Cut slopes steeper than one to one (1:1) shall in no case be brought closer than twenty-five feet to any exterior property line.

B. When cut slopes steeper than one to one (1:1) exceed fifty feet vertically, they shall be stepped at intervals not exceeding fifty feet vertically, and such step shall be at least fifteen feet wide.

18.22.070 Quarries - Fencing. All quarries shall be fenced by a substantial, near, six foot fence with posts spaced fifteen feet center to center and barbed wire spaced one foot apart. When deemed necessary for safety purposes, the Planning Commission may require portions of the quarry to be fenced with a chain link fabric fence of six gauge wire. The fence design shall meet the approval of the Planning Commission.

18.22.080 Quarries - Drainage of premises. The finished excavation shall in all cases be graded in such a manner as to prevent the accumulation of storm waters or

atural seepage. Finished grades in all cases shall have lopes not less than one and one-half percent.

18.22.090 Quarries - Erosion control and screen anting.

A. All surface drainage existing or developing by or through the quarry shall be controlled by dikes, barriers or drainage structures to prevent any silt or loose material from filling any existing drainage course or encroaching on sate, county, or city roads, or private property. All provisions to control natural drainage or flood water shall meet with the approval of the city engineer; provided, that said approval shall in no way constitute an undertaking by the city engineer or the city that said provisions are adequate or safe.

B. Final cut slopes shall be treated as required to prevent erosion; topsoil shall be replaced on level areas when necessary to support vegetation. Suitable ground cover shall be planted within twelve months of the time a cut slope is excavated to its final position. Such ground cover shall be maintained for a period of time sufficient to provide vegetation of density that will prevent erosion.

C. In cases where material in the quarry is of such nature that no erosion will take place, plant material of type and quantity specified by the Planning Commission shall be placed as required to screen cut slopes from public view.

18.22.100 Quarries - Maintenance and operation. The quarry premises shall be maintained at all time in a neat and orderly manner.

The operation of the quarry shall be conducted in such a manner as to obviate excessive dust and noise. The operator shall maintain haulage roads in a dust-free condition, providing such surfacing or other treatment deemed necessary by the Planning Commission.

The holder of the quarry permit shall be responsible for spilling or dumping of quarries material on city streets or roads.

18.22.110 Topsoil sites - Permit and bond. Topsoil tes may be operated in any portion of the city subject to e securing of an annual use permit and subject to the sting of a corporate surety bond, the amount to be ermined by the city engineer and approved by the Planning C nission for the faithful performance of the conditions of tn permit.

18.22.120 Topsoil sites - Applicability of certain provisions. The provisions of Sections 18.22.03 through 18.22.050 of this Chapter shall apply to all topsoil site applications.

18.22.130 Topsoil sites - Erosion control.

A. The depth of topsoil left on the site shall comply with the conditions of each permit.

B. Topsoil shall not be removed from slopes steeper than those specified in any permit.

C. The topsoil site shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain.

D. As directed by the Planning Commission, the topsoil site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass and other vegetation sufficient to prevent erosion. Said cover shall be established within time limits specified in each permit.

E. All surface drainage existing or developing by or through the topsoil site shall be controlled by dikes, barriers or drainage structures to prevent any silt, erosional debris or other loose materiel from filling any existing drainage course or encroaching on state, county or city roads or private property. All provisions to control natural drainage or flood water shall meet with approval of the city engineer; provided, that said approval shall in no way constitute an undertaking by the city engineer or the city that said provisions are adequate or safe.

18.22.140 Topsoil site - Drainage of premises. The finished excavation shall, in all cases, be graded in such a manner as to prevent the accumulation of storm waters or natural seepage.

18.22.150 Topsoil site - Maintenance and operation.

A. The premises of the topsoil site shall be maintained at all time in a neat and orderly manner.

B. The operation of the topsoil site shall be conducted in such a manner as to obviate excessive dust and noise. The operator shall maintain haulage roads in a dust-free condition, providing such surfacing or other treatment deemed necessary by the Planning Commission.

18.22.160 Application - Procedure - Map. Application for any use permit permissible under the provisions of this section and Sections 18.22.170 through 18.22.190, except as otherwise provided for quarry and topsoil sites, shall be made in writing to the Planning Commission on forms provided by the Commission. The application shall be signed and verified by the owner of the land involved or by his authorized agent. If application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. An application may also be made on behalf of one who is or will be plaintiff in an action in eminent domain the acquire the premises involved.

The application shall set forth or be accompanied by the legal description of the property for which the use permit is requested, and the street address, if there is one, or other common description of the premises.

The PLanning Director or the Planning Commission may also require that the application be accompanied by a map drawn to scale showing the location of the property concerned and the location of all highways, streets and alleys, and all lots and parcels of land within a distance of five hundred feet from the exterior boundaries of the property involved. The accuracy of such map shall be the responsibility of the applicant.

18.22.170 Application - Public hearing - When required. Upon receipt of any such application, the Planning Commission shall hold a public hearing or public hearings thereon, unless it finds that the granting of the application will have no material effect upon adjoining property.

18.22.180 Application - Public hearing - Notice. If a public hearing or hearings are to be held, notice thereof shall be given in the manner hereinafter provided. Such notice shall contain the street address or other description of the property for which the application is sought and set forth the time, place and general purpose of the hearing:

A. By mailing a postal card notice not less than ten days prior to the date of the hearing to the owner of the property, as shown on the last equalized assessment roll, within three hundred feet of the exterior limits of the property or properties which are the subject of the application for the use permit; or by both of the following:

B. Publication one time in a newspaper of general circulation in the city, at least ten days before the date of said hearing; and

C. Posting notices in the same manner as set forth in this Title for a proposed Rezoning amendment.

Provided, however, that the failure to give such notice or of any addressee to receive the same, shall not invalidate or affect any proceedings taken pursuant to this section and Section 18.22.160, 18.22.170 and 18.22.190.

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 Councilperson may request the entire matter to be reviewed by the City Council pursuant to the provision of Section 18.22.200 of this code.

18.22.200 Appeal to City Council - Decision.

A. The applicant or any interested property owner aggrieved by a determination of the Planning Commission may appeal to the City Council within ten days from the date of such determination. Said appeal shall be taken by filing a notice of appeal with the Planning Commission, on a form provided by the Commission. Upon the filing of such notice of appeal, the Planning Commission shall immediately transit same, together with its minutes and all other records in the matter, to the City Council.

B. The City Council may, upon receiving a notice of appeal:

1. Review the record and transcript or minutes of the proceedings held before the Planning Commission and either affirm or reverse the action of the Commission, or it may refer the matter back to the Planning Commission for further proceedings; or

2. Set the matter for hearing before itself. At such hearing the City Council shall hear (and decide) the matter de novo as if no other hearing had been held, and shall have all the powers of the Planning Commission in this connection.

C. In deciding an appeal, the City Council shall not hear or consider any evidence of any kind other than the evidence contained in the record received from the Planning Commission, nor any argument on the merits of the case other than that contained in the notice of appeal, unless it sets the matter for hearing before itself, as provided in this section, and gives the same notice of hearing as is required for hearings before the Planning Commission.

D. The decision of the City Council upon an appeal is final and conclusive in the matter.

18.22.210 Revocation - When. In the event any person, firm or corporation holding a use permit for any of the uses or purposes for which such permits are required or permitted by the terms of this title, or any other law or ordinance, violates the terms of the use permit, or conducts or carries on said use in such a manner as to materially affect adversely the health, welfare or safety of persons residing or working in the neighborhood of the property of the permittee, or conducts or carries on said use so that the use is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Planning Commission shall revoke or suspend said use permit.

18.22.220 Revocation - Hearing and notice. No use permit shall be revoked or suspended until a hearing is held by the Planning Commission. Written notice of such hearing shall be served upon the permittee, either personally or by registered mail, and shall state:

A. The grounds for complaint or reasons for the revocation or suspension, in clear and concise language;

B. The time when, and the place where such hearing is to be held. Such notice shall be served by registered mail or personal service on the permittee at least five days prior to the date set for said hearing. At any such hearing the permittee shall be given an opportunity to be heard and defend himself, and he may call witnesses and present evidence in his behalf. Upon conclusion of such hearing the Planning Commission shall determine whether or not the permit shall be suspended or revoked. In the event the determination is to suspend or revoke said permit, the permittee may appeal said decision to the City Council in the same manner as provided hereinbefore for appeals taken on applications for the granting of such permits.

18.22.230 Application - Resubmittal after final disapproval. An application for a use permit that has been finally disapproved may not be resubmitted for a period of

one year from final disapproval unless the application has been substantially changed.

file: AP1822:January 4, 1994

CHAPTER 18.23

VARIANCES

Sections:

18.23.010 When may be granted.
18.23.020 Application--Procedure--Map.
18.23.030 Application--Public hearing--Notice.
18.23.040 Application--Public hearing--Decision.
18.23.060 Expiration date--Extension.
18.23.070 Application--Resubmittal after final disapproval.
18.23.080 Applicability of Section 18.23.090.
18.23.090 Application--Planning Commission action.

18.23.010 When may be granted. Variances from the specific terms of this Title may be granted when such variance will not be contrary to the intent of this Title, nor to the public interest, safety, health and welfare, where due to special considerations or exceptional characteristics of the property or its location or surroundings, a literal enforcement of this Title would result in practical difficulties or unnecessary hardship. A variance may also be granted to permit the extension of a district where the boundary line thereof divides a lot or parcel of land in one ownership at the time of the adoption of this Title.

A variance may also be granted to permit buildings or structures to exceed the building height limit in R-3, C-G, C-VS, IND, OS-A and PUD Districts whenever it appears that the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

18.23.020 Application--Procedure--Map.

A. Application for any variance permissible under the provisions of this chapter shall be made in writing to the Planning Commission on forms provided by the Commission. The application shall be signed and verified by the owner of the

land involved or by his authorized agent. If application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. An application may also be made on behalf of one who is or will be plaintiff in an action in eminent domain to acquire the premises involved.

B. The application shall show or be accompanied by the legal description of the property for which the variance is requested, and the street address, if there is one, or other common description of the premises.

C. The Zoning Administrator or the Planning Commission may also require that the application be accompanied by a map drawn to scale showing the location of the property concerned and the location of all highways, streets and alleys, and all lots and parcels of land within a distance of five hundred feet from the exterior boundaries of the property involved. The accuracy of such map shall be the responsibility of the applicant.

18.23.030 Application--Public hearing--Notice. Upon receipt of any application, the Planning Commission shall hold at least one public hearing thereon, notice of which shall be given in the manner hereinafter provided. Such notice shall contain the street address or other description of the property for which the application is sought, and set forth the time, place and general purpose of the hearing:

A. By mailing a postal card notice not less than ten days prior to the date of the hearing to the owners of property, as shown on the last equalized assessment roll, within three hundred feet of the exterior limits of the property or properties which are the subject of the application for the variance; or by both of the following:

B. Publication one time in a newspaper of general circulation in the city, at least ten days before the date of said hearing; and

C. Posting notices in the same manner as set forth in this Title for a proposed amendment.

Provided, however, that the failure to give such notice or of any addressee to receive the same, shall not invalidate or affect any proceedings taken pursuant to this chapter.

18.23.040 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. The burden shall be on the applicant to show:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application which circumstances or conditions do not apply generally to the land, buildings and/or uses in the same district;

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;

3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

C. After the conclusion of the aforesaid hearing, the Planning Commission shall make a written finding of facts showing whether the three foregoing requirements have been established with respect to the land, building or use for which the variance is sought, and make its determination as to the granting or denial of the application for a variance.

D. In approving the granting of any variance under the provisions of this chapter, the Planning Commission shall impose such conditions in connection therewith as will, in its opinion, secure substantially the objectives of this title as to light and air, and the public health, safety, morals, convenience and general welfare. It shall also require such evidence and guarantees as it deems necessary to

obtain compliance with the conditions imposed in connection therewith.

18.23.050 Appeal to City Council. The applicant or any interested property owner aggrieved by a determination of the Planning Commission may appeal to the City Council within ten days from the date of such determination. Said appeal shall be taken to and heard by the city council, in the same manner as is provided in this title for appeals with reference to the granting or denial of applications for use permits.

18.23.060 Expiration date--Extension.

A. Unless otherwise expressly stated in the granting thereof, every variance approved under the provisions of the ordinance codified herein shall lapse and expire and be of no force and effect whatsoever, unless the building, work of construction or other project or undertaking for which the variance was granted is substantially commenced within six months after its effective date and thereafter diligently prosecuted to completion.

B. In any case where the Planning Commission shall determine that the exercise of rights under a variance has not been so commenced within six months or diligently prosecuted to completion, it may enter its findings upon the minutes and advise the applicant or owner thereof. Said determination shall become final unless an appeal therefrom is taken to the City Council with the time and in the manner provided in Section 18.23.050.

C. Nothing herein shall prevent the Planning Commission, for good cause show, and upon application in writing made prior to the expiration of said six month period, from extending the time for the exercise of said rights for one additional period of six months.

18.23.070 Application--Resubmittal after final disapproval. An application for a variance that has been finally disapproved may not be resubmitted for a period of one year from final disapproval unless the application has been substantially changed.

18.23.080 Applicability of Section 18.23.090. The provisions contained in Section 18.23.090 shall be applicable in all R-3, C-G, C-D, C-VS, and IND districts, and in all P-U

developments containing R-3 commercial or manufacturing uses otherwise included in the district regulations applicable to said districts.

18.23.090 Application--Planning Commission action. Approval of an application for design approval shall be secured for the construction of any building or structure or substantial addition thereto. Said application shall be accompanied by a plot plan and drawings or sketches showing the elevations of the proposed buildings, structures, planting, paving and other improvements, as the same will appear upon completion. Such drawings or sketches shall be considered by the Planning Commission in an endeavor to provide 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 of residence, investment or occupation in the city, limit the opportunity to attain the optimum use and the value of the land and the improvements, impair the desirability of residence, investment or occupation in the city, limit the 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. To this end, the Planning Commission shall recommend any changes in the plan of such proposed buildings, structures, planting and paving and other improvements as it deems necessary to accomplish the purposes of this section and Section 18.23.080, and shall not recommend approval of any such plans to the City Council until it is satisfied that such purposes will be accompanied thereby. No building permit shall be issued unless the plans filed with the application therefor, as required in this section and Section 18.23.080, shall first have been approved by the City Council.

file:CHAP1823:August 1, 1993

CHAPTER 18.24

AMENDMENTS

Sections:

18.24.010	Resolution of intention--Application.
18.24.020	Application--Hearing--Notice.
18.24.030	Recommendation by Commission.
18.24.040	Council hearing--Notice.
18.24.050	Resolution of intention--By Council.
18.24.060	Decision by Council.
18.24.070	Withdrawal of petition.
18.24.080	Hearing--Notice--when not required.
18.24.090	Application--Resubmittal after final disapproval.

18.24.010 Resolution of intention--Application. This title may be amended by changing the boundaries of districts or by changing any other provisions hereof whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure specified in this chapter. Amendments may be proposed by:

A. Resolution of intention of the City Council; or by

B. Resolution of intention of the Planning Commission;

C. Property owners, their duly authorized agents, or a plaintiff in an action in eminent domain, by filing a verified application with the Planning Commission for amendments to this Title involving their property or property to be acquired by the plaintiff in an action in eminent domain.

Any application made pursuant to subsection C shall be in writing and signed and verified by the owner of the land involved or by his authorized agent. If the application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. The application shall show or be accompanied by the legal description of the property for which the amendment is requested, and the street address or addresses, if any, or other common description of the premises. The Planning Commission may also require that the application be accompanied by a map drawn to scale showing the location of

the property concerned and the location of all highways, streets and alleys, and all lots and parcels of land within a distance of five hundred feet from the exterior boundaries of the property involved. The accuracy of such map shall be the responsibility of the applicant.

18.24.020 Application--Hearing--Notice. Upon the receipt of such an application, the Planning Commission shall consider the requested amendment and may, if it so determines, adopt its resolution of intention to propose an amendment as requested, or in its discretion, different from that petitioned for.

Upon the adoption of such resolution of intention by the Planning Commission, it shall set a hearing thereon and give notice thereof by at least one publication in a newspaper of general circulation in the city at least ten days before the hearing and may give additional notice by either one or both of the following means when the amendment involves reclassification of property:

A. Posting public notices of the proposed amendment not less than ten days prior to the date of the first of such hearings. Such notices shall be placed not more than three hundred feet apart along each and every street upon which the property proposed to be reclassified abuts and such posting shall extend along the said street or street a distance of not less than three hundred feet from the exterior limits of such property or properties as are proposed for reclassification. such notice shall consist of the words, "Notice of Proposed Change of Land Use District," printed or lettered in plain type or letters not less than one inch in height, and in addition thereto, there shall be a statement in smaller type setting forth a description of the property involved in the proposed change of district, the time and place at which the public hearings on the proposed change will be held, and other information which the Planning Commission deems necessary;

B. Mailing a postal card notice not less than ten days prior to the date of such hearing to the owner or owners of all property within three hundred feet of the exterior boundaries of the property proposed to be reclassified, as said owners are shown on the last equalized assessment roll of the city.

Any failure to post public notices or to mail postal card notices as aforesaid shall not invalidate any proceedings taken for the amendment of this Title.

The Planning Commission may hold such additional hearings as it may deem necessary.

18.24.030 Recommendation by Commission. Following the aforesaid hearing or hearings, the Planning Commission shall make a report of its findings, summaries or hearings, and recommendations with respect to the proposed amendment and shall file such reports with the City Council within thirty days from the final hearing thereon. If the Planning Commission proposes to recommend adoption of the proposed amendment, such recommendation shall be by resolution of the Commission carried by the affirmative votes of not less than two-thirds of its total voting members and shall likewise be filed with the City Council within thirty days from the final hearing thereon.

18.24.040 Council hearing--Notice. The City Council may hold one or more public hearings upon the proposed amendment and before adopting the proposed amendment shall hold at least one public hearing thereon, notice of which shall be published at least once in a newspaper of general circulation in the city at least ten days before the hearing.

At the conclusion of such hearing, the City Council, if it so determines, may adopt an ordinance amending this title in accordance with the proposal of the Planning Commission. The City Council may not make a change in any amendment proposed by the Planning Commission until the proposed change has been referred to the Planning Commission for a report and such report received.

18.24.050 Resolution of intention--By Council. The City Council may adopt its own resolution of intention to amend this Title when it deems it to be for the public interest, but shall not adopt an amendatory ordinance until it shall have first referred such proposal to the Planning Commission for a report. Before making a report, the Planning Commission shall hold at least one public hearing in the same manner as theretofore prescribed. The failure of the Planning Commission to make such report within forty days after the reference to it shall be deemed an approval of the proposed change.

Upon receipt of such report or the expiration of time abovementioned, the City Council may proceed to hold a hearing as provided in Section 18.24.040, at the conclusion of which it may adopt an ordinance amendment this Title.

18.24.060 Decision by Council. The decision of the City Council shall be rendered within ninety days after the receipt of a report and recommendation from the Planning Commission.

18.24.070 Withdrawal of petition. Upon the consent of the Planning Commission, any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The City Council or the Planning Commission, as the case may be, may by resolution abandon any proceedings for an amendment initiated by its own resolution of intention; provided, that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

18.24.080 Hearing--Notice--When not required. No notice of hearing as prescribed by this chapter need be given with respect to any hearing before either the Planning Commission or the City Council where the proposed amendment does not involve the changing of district boundaries or the changing of property from one district to another.

18.24.090 Application--Resubmittal after final disapproval. An application for an amendment to this Title which has been finally disapproved may not be resubmitted for a period of one year from final disapproval, unless the application has been substantially changed. Nothing herein shall preclude the City Council or Planning Commission from at any time initiating proceedings for amendments to this zoning ordinance or zoning map at any time.

file:CHAP1824:December 13, 1993

CHAPTER 18.25

NONCONFORMING USES

Sections:

18.25.010 Continuance--Extension prohibited.
18.25.020 Continuance--Where building not involved.
18.25.030 Building valued at or under five hundred dollars.
18.25.040 Outdoor advertising structure.
18.25.050 Use of previously abandoned building.
18.25.060 Building enlargement and extension prohibited --Exception.
18.25.070 Reconstruction of damaged building.
18.25.080 Applicability to prior construction.
18.25.090 Auto wrecking establishments.
18.25.100 Above Ground Petroleum Production Storage Facilities

18.25.010 Continuance--Extension prohibited. Except as otherwise provided in this chapter, the lawful use of land, buildings, or structures existing on January 2, 1964, may be continued, although such use does not conform to the regulation specified by this title for the district in which such land, building or structure is located; provided, however, that no such nonconforming use may be extended to occupy a greater area of land, building or structure than that occupied by such use on January 2, 1964; provided, further, that if any such nonconforming use is abandoned, any subsequent use of such land or building shall be in conformity with the regulations specified by this title for the district in which such land is located.

If any use is wholly discontinued for any reason, except pursuant to an order of court for a period of one year, it shall be conclusively presumed that it has been abandoned within the meaning of this chapter.

18.25.020 Continuance--Where building not involved. Where no building or structure is involved, the nonconforming use of land may be continued. Bunkers used in quarry operation shall not be considered buildings or structures within the meaning of this chapter. Nothing herein shall be construed to sanction the maintenance of any accumulation of junk or rubbish in any district in which such accumulation is not permitted.

18.25.030 Building valued at or under five hundred dollars.
Any nonconforming building or structure that had an assessed valuation of five hundred dollars or less as shown on the assessment roll of the county assessor on January 2, 1964, or at the time it may become nonconforming by virtue of any amendment hereto, shall be completely removed from the premises upon which it is located within two years from January 2, 1964.

18.25.040 Outdoor advertising structure. Any nonconforming outdoor advertising structure or sign shall be completely removed from the premises upon which it is located within two years from January 2, 1964.

18.25.050 Use of previously abandoned building. If a nonconforming use hereunder is abandoned for a continuous period of not less than six months, any future use of said building shall be in conformity to the regulations specified in this title for the district in which said building is located. If any use is wholly discontinued for any reason, except pursuant to an order of court for a period of one year, it shall be conclusively presumed that it has been abandoned within the meaning of this chapter.

18.25.060 Building enlargement and extension prohibited--Exception. No existing building designed, arranged or intended for or devoted to a use while lawful when such building was erected, which use is not permitted under the regulations specified by this title for the district in which such building or premises is located, shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted under the regulations specified by this title for such district in which said building is located; provided, however, that the work done in any period of twelve months on ordinary structural maintenance and/or repairs or replacements of fixtures, or plumbing not exceeding twenty-five percent of the building's assessed value according to the assessment thereof by the assessor of the city for the fiscal year in which such work is done, shall be permitted.

18.25.070 Reconstruction of damaged building. If at any time any building in existence or maintained on January

2, 1964, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, act of God or act of the public enemy to the extent that the cost of reconstruction, repairing or rehabilitating same would amount to more than fifty percent of the assessed value thereof according to the assessment thereof by the assessor for the fiscal year during which such destruction occurs, then and without further action by the City Council, the building and land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by this Title, for the district in which such land and building are located.

18.25.080 Applicability to prior construction. Nothing contained in this title requires any change in the plans, construction or designated use of any building upon which actual construction was lawfully and substantially begun prior to the establishment of any district or regulation under the provisions of this title, which construction has been diligently carried on; provided, that nothing herein shall affect the authority of the City Council to adopt, as an emergency measure, temporary interim zoning legislation as provided by law.

18.25.090 Auto wrecking establishments. Any nonconforming use of property for auto wrecking establishments shall cease within two years from becoming nonconforming, unless granted a use permit or approval as provided under this title.

18.25.100 Above Ground Petroleum Production Storage Facilities. Any existing nonconforming use of property that involves the above ground storage of petroleum products for purposes of resale, including but not limited to gasoline, diesel fuel, and propane, shall cease within two years of the effective date of this Ordinance. Where any such use is presently conforming, and becomes nonconforming after the effective date of this Ordinance, it shall cease within two years of becoming a nonconforming use. (Ord. C-21-91)

file:CHAP1825:Decemeber 13, 1993

CHAPTER 18.26

ENFORCEMENT--PENALTIES

Sections:

18.26.010 Nuisance designated--Abatement procedure.
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18.26.010 Nuisance designated--Abatement procedure. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title or any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this title is declared to be unlawful and a public nuisance and the city attorney of the city shall, upon order of the City Council immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure or using any property contrary to the provisions of this Title.

18.26.020 Remedies cumulative. The remedies provided for in this Title shall be cumulative and not exclusive.

18.26.030 Violation--Investigation. The Planning Commission, in addition to its other powers and duties herein provided, shall investigate and consider reported violations of this title. When in the opinion of the Commission a violation exists, it may recommend to the City Council that legal action be taken thereon in the manner hereinafter in this Title provided.

Nothing herein shall be construed to limit the authority of the Planning Commission to make such recommendations to the City Council, nor shall it limit the authority of the City Council to proceed on its motion in such matters.

18.26.040 Conformance required in issuance of permits and licenses. All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this Title, and any such permit or license, if issued in conflict with the provisions of this Title, and any such permit or license, if issued in conflict with the provisions of this Title, shall be null and void.

18.26.050 Building Inspector duties. It shall be the duty of the Building Inspector to enforce the provisions of this Title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

18.26.060 Police Chief duties. It shall be the duty of the Chief of Police and all officers of the city herein and/or otherwise charged by law with the enforcement of this Title to enforce this Title and all the provisions of the same.

file:CHAP1826:December 13, 1993

CHAPTER 18.30

MOBILE HOME PARK CONVERSION ORDINANCE

Sections:

18.30.010	Purpose and Intent
18.30.015	Definitions
18.30.020	Vacancy Rate in Excess of 20% - Notice Required
18.30.025	Use Permit Required
18.30.030	Conversion Impact Report Required
18.30.035	Relocation Plan Required
18.30.040	Required Findings for Conversion
18.30.045	Conditions of Approval
18.30.050	Effective Date of Conversion
18.30.055	Issuance of Grading and/or Building Permits
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18.30.010 Purpose and Intent. The stated purpose and intent of the Mobile Home Park Conversion Ordinance is to ensure that any proposed conversion of an existing mobile home park to any other use is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of a proposed conversion and that relocation and other assistance is provided park residents, consistent with the provisions of this Ordinance and Sections 65863.7 and 66427.4 of the California Government Code.

18.30.015 Definitions. For purposes of this Chapter, the following terms shall have the meanings indicated:

A. "Commercial coach" shall mean a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial uses and shall include a trailer coach as defined in Section 635 of the Vehicle Code.

B. "Comparable housing" shall mean housing which is comparable in floor area and number of bedrooms to the mobile home to which comparison is being made,

which housing meets the minimum standards of the State Uniform Housing Code.

C. "Comparable mobile home park" means any other mobile home park substantially equivalent in terms of park conditions, amenities and other relevant factors.

D. "Conversion" means changing the use of a mobile home park for a purpose other than the rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes used for human habitation. Such a conversion may affect an entire mobile home park or any portion thereof. A conversion shall include, but is not limited to, a change of any existing mobile home park or any portion thereof to condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the mobile home park are to be sold, and the cessation of use of all or a portion of the park as a mobile home park, whether immediately or on a gradual basis, or the closure of the park. "Conversion" shall not include mere purchase of the park by its existing residents.

E. "Date of application for change of use" means the date of filing of an application for a Rezoning, General Plan and/or Local Coastal Plan Amendment, Use Permit, Subdivision, Planned Unit Development Plan, Site and Design Permit, or any other discretionary land use application approval under Chapters 17 and/or 18 of the City of Half Moon Bay Municipal Code, which application seeks approval of a change of use of or at a mobile home park.

F. "Eligible" mobile home owner" means a mobile home owner whose mobile home was located in a mobile home park on the date of application for a change of use.

G. "Home owner" means the registered owner or owners of a mobile home, who has a tenancy in a mobile home park under a rental or lease agreement.

H. "Mobile home" is a structure designed for human habitation and for being transportable on a street

or highway under permit pursuant to California Vehicle Code Section 35790, and as defined in Section 18008 of the Health & Safety Code. "Mobile home" does not include a recreational vehicle, as defined in Civil Code Section 799.24, or a commercial coach, as defined herein and in Section 182.18 of the Health & Safety Code.

I. "Mobile home park" is an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for habitation. For purposes of this Chapter, "mobile home park" shall not include a mobile home subdivision, stock cooperative, or any park where there is any combination of common ownership of the entire park or individual mobile home sites.

J. "Mobile home space" is any area, tract of land, site, lot, pad, or portion of a mobile home park designated or used for the occupancy of one mobile home.

K. "Mobile home tenant" is a person who occupies a mobile home within a mobile home park pursuant to a bona fide lease or rental agreement with the mobile home owner and who, during his or her tenancy, was not the owner or member of the immediate household of the mobile home owner.

L. "Resident" means a person lawfully residing in a mobile home park, and includes a mobile home owner, mobile home tenant or member of the immediate household of the mobile home owner or mobile home tenant.

18.30.020 Vacancy Rate in Excess of 20% - Notice Required. The following shall apply when any mobile home park in the City has a vacancy rate of 20% or greater of the total number of spaces in existence in the mobile home park:

A. Whenever twenty (20%) percent or more of the total number of mobile home sites or mobile homes at a mobile home park are vacant or otherwise uninhabited and such situation was not caused by physical disaster, including but not limited to fire, flood, storm, earthquake, landslide, or by

another natural condition beyond the control of the owner or operator of the mobile home park, the owner or operator of the park shall file with the Planning Director a written notice informing the City of the current vacancy rate at the park. For purposes of this Chapter, a mobile home site is "uninhabited" or "vacant" when it is either (1) unoccupied by a mobile home, or (2) occupied by a mobile home in which no persons reside. A mobile home shall not be considered vacant for purposes of this Chapter if rent is being paid pursuant to a bona fide rental or lease agreement and the mobile home is merely unoccupied.

B. The written notice to the Planning Director from the owner or operator of the mobile home park shall clearly state any known reasons for the vacancy rate to be in excess of 20%, and whether or not the property owner intends in the immediate future to convert the mobile home park to another use.

C. If it is determined that the owner of the mobile home park intends to apply for a conversion of the mobile home park to another use, the Planning Director shall immediately inform the property owner of the requirements of this Chapter.

18.30.025 Use Permit Required. In addition to any other necessary discretionary land use permit applications, the conversion of any existing mobile home park to any other use shall require the review of a Use Permit application by the Planning Commission, which shall forward a recommendation to the City Council for final action. At a minimum, each application for a Use Permit to convert a mobile home park to any other use shall include the following and any additional information as may be required by this Chapter and the Planning Director:

A. A detailed narrative description of the proposed use to which the mobile home park is to be converted.

B. The proposed timetable for implementation of the conversion and development of the site.

C. Evidence that any tenant's rent had not been increased within the two months prior to the filing of an application for conversion of a mobile home park, and a statement from the applicant that the rent at the mobile home park shall not be increased for two years from the date of filing of the conversion application or until the date of the commencement of relocation activities.

D. A report on the impact of the conversion of the mobile home park on its residents and a disposition/relocation plan addressing the availability of replacement housing for existing tenants of the mobile home park consistent with Section 65863.7 of the California Government Code.

E. Upon filing an application for a Use Permit for conversion, the Planning Director shall inform the applicant of the requirements of Civil Code Section 798.56 and Government Code 65863.8 regarding notification of the mobile home park residents concerning the proposed conversion. The Planning Director shall specify in writing to the applicant the information that must be submitted in order to adequately notify all existing tenants as required by the California Government Code, the California Civil Code, and this Chapter.

F. No Use Permit application for the conversion of a mobile home park to another use shall be deemed complete and processing for consideration will not commence until the conversion Impact Report and Relocation Plan as required by this Chapter have been reviewed by the Planning Director for substantial conformance with the requirements of this Chapter.

18.30.030 Conversion Impact Report Required. Any person filing an application for a Use Permit to convert a mobile home park to another use shall file a report on the impact of the change of use upon the residents of the mobile home park. At a minimum the Conversion Impact Report shall include the following, as well as any other information deemed necessary and appropriate by the Planning Director:

A. A detailed description of the mobile home spaces within the mobile home park, including but not limited to:

1. The total number of mobile home spaces in the park and the number of spaces occupied;

2. The length of time each space has been occupied by the present resident(s) thereof;

3. The age, size, and type of mobile home occupying each space;

4. The monthly rent currently charged for each space, including any utilities or other costs paid by the present resident(s) thereof;

5. Name and mailing address of the primary resident(s) of each mobile home within the mobile home park on three sets of gummed labels for the mailing of notice of public hearings.

B. A list of all comparable mobile home parks within the City of Half Moon Bay and County of San Mateo. This list shall include the age of the mobile home park and the mobile homes therein, a schedule of rents for each park listed and the criteria of the management of each park for acceptance of new tenants and used mobile homes. Information pertaining to the availability of medical and dental services, shopping facilities , and all nearby social and religious services and facilities shall also be included.

C. A detailed analysis of the economic impact of the relocation on the tenants including comparisons of current rents paid and rents to be paid at comparable mobile home parks within the City of Half Moon Bay or the County of San Mateo, the estimated costs of moving a mobile home and personal property, and any direct or indirect costs associated with a relocation to another mobile home park.

D. A list of the names, addresses and telephone numbers of one or more housing specialists, with an explanation of the services these specialists will perform at the applicant's expense for the residents to be displaced. These services shall include but not be limited to assistance in locating a suitable replacement mobile home park, coordination of moving the mobile home and personal property, and any other tasks necessary to facilitate the relocation to another comparable mobile home park.

18.30.035 Relocation Plan Required. A Relocation Plan for tenants of a mobile home park shall be submitted to the Planning Commission and City Council for approval as part of the application for a Use Permit to convert a mobile home park to another use. The Relocation Plan shall provide, at a minimum, for the following:

A. The names, addresses, telephone numbers, and fee schedules of persons in the area who are qualified MAI appraisers of mobilehomes.

B. The names, addresses, telephone numbers, and fee schedules of persons in the area qualified as mobile home movers

C. The Relocation Plan shall provide specifically for relocation assistance to full-time, very-low, low- and moderate-income residents and senior citizens over the age of 62 residing in the park for a minimum period of 12 months following closure of the mobile home park.

D. The Relocation Plan shall specifically provide guarantees that all tenants 62 years of age or older and all tenants who are medically proven to be permanently disabled shall not have to pay an increase in rent over the amount currently paid for a period of two years following relocation.

E. The Relocation Plan shall provide for the applicant to pay all reasonable moving expenses to a comparable mobile home park within the City of Half Moon Bay or the County of San Mateo to any tenant who relocates from the park after City approval of the Use Permit authorizing conversion of the park.

The reasonable cost of relocation and moving expenses shall include the cost of relocating a displaced homeowner's mobile home, accessories, and possessions, including the costs for disassembly, removal, transportation, and reinstallation of the mobile home and accessories, at the new site, and replacement or reconstruction of the blocks, skirting, siding, porches, decks, awnings, storage sheds, cabanas, or earthquake bracing if necessitated by the relocation; indemnification for any damage to personal property of the resident caused by the relocation; reasonable living expenses of displaced park residents from the date of actual displacement to the date of occupancy at the new site; payment of any security deposit required at the new site; and the difference between the rent paid in the existing park and any higher rent at the new site for the first twelve (12) months of the relocated tenancy. When any tenant has given notice of his intent to move prior to City approval of the Use Permit, eligibility to receive moving expenses shall be forfeited.

F. If the City Council determines that a particular mobile home cannot be relocated to a comparable mobile home park within the City of Half Moon Bay or the County of San Mateo, and the mobile home owner has elected to sell his or her mobile home, the relocation plan shall identify those mobile homes, the reasons why the mobile homes cannot be relocated as provided in Subsection E of Section 18.30.035, then the City Council may, as a part of the reasonable cost of relocation as provided in Government Code Section 65863.7(e) require the applicant to provide for purchasing the mobile home of a displaced home owner at its in-place market value. Such value shall be determined after consideration of relevant factors, including the value of the mobile home in its current location including the blocks and any skirting, siding, porches, decks, storage sheds, cabanas, and awnings, and assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition, and not considering the effect of the change of use on the value of the mobile home. If a dispute arises as to the in-place value of a mobile home, the applicant and the

home owner shall have appraisals prepared by separate qualified MAI appraisers with experience in establishing the value of mobile homes. The City Council shall determine the in-place value based upon the average of the appraisals submitted by the applicant and mobile home owner.

18.30.040 Required Findings for Conversion. In approving a Use Permit for a mobile home park conversion, the City Council shall find that the proposed conversion meets the following requirements in addition to the other requirements of this Chapter:

A. That the proposed use of the property is consistent with the Local Coastal Program Land Use Plan, the General Plan and any and all of its Elements, any applicable Planned Unit Development Plan, and this Chapter.

B. That the residents of the mobile home park have been adequately notified of the proposed conversion, including information pertaining to the anticipated timing of the proposed conversion.

C. That there exists land zoned for new or replacement comparable mobile home parks or adequate space is available in other comparable mobile home parks within the City of Half Moon Bay or the County of San Mateo for the residents who will be displaced.

D. That the conversion will not result in the displacement of very low, low, or moderate income mobile home residents or senior citizens over the age of 62 who cannot afford rents charged in other mobile home parks within the City of Half Moon Bay or the County of San Mateo, unless otherwise approved by the City Council.

E. That the age, type, size, and style of mobile homes to be displaced as a result of the conversion will be able to be relocated into other comparable mobile home parks within the City of Half Moon Bay or the County of San Mateo, or that the applicant has agreed to purchase any mobile home that cannot

be relocated at its in-place value as provided in this Chapter.

F. That any mobile home residents displaced as a result of the conversion shall be compensated by the applicant for all reasonable costs incurred as a result of their relocation.

G. That the Relocation Plan mitigates the impacts of the displacement of individuals or households for a reasonable transition period and mitigates the impacts of any long-term displacement.

18.30.045 Conditions of Approval. The City Council shall impose any necessary and appropriate conditions of approval to satisfy an implement the intent, purpose, and content of this Chapter. In addition, any other necessary and appropriate conditions of approval to protect the health and safety of the residents of the City of Half Moon Bay may be imposed.

18.30.050 Effective Date of Conversion. The City Council shall establish the date on which the permit for conversion will become effective. Such date shall not be less than two years from the decision of the City Council, provided that conversion at an earlier date may be approved if the City Council receives a written petition requesting an earlier date signed by a majority of those persons residing in the subject mobile home park at the time of the City Council public hearing to consider the conversion application. The effective date of the approval in such a case shall be the date set forth in the petition. Conversion at the earlier date may be approved only if the City Council makes specific Findings that the applicant has complied with all the provisions of an approved Relocation Plan and submitted evidence of such compliance to the Planning Director as provided in Section 18.30.55.

18.30.055 Issuance of Grading and/or Building Permits. No building permit shall be issued for the development of or on any real property which is being converted from a mobile home park pursuant to this Chapter unless and until the applicant has filed with the Planning Director a verified statement made under penalty of perjury that all conditions of approval have been met or otherwise incorporated into the final project plans including the payment of all required relocation assistance required pursuant to this Chapter.

Such statement shall identify in itemized form each payee, the amount paid, the date of payment, and the type of relocation or other assistance for which each such payment was made.

18.30.060 Violations. In addition to any remedies or penalties for noncompliance with any City Ordinance as provided elsewhere in the Municipal Code, any park owner or applicant who violates any rights of any mobile home owner or mobile home tenant established under this Chapter shall be liable to said person for actual damages caused by such violation, plus costs and reasonable attorney's fees. In addition, no park owner shall take any willful action to threaten, retaliate against or harass any park resident with the intent to prevent such residents from exercising his or her rights under this Chapter.

file:CHAP1830:January 6, 1994

CHAPTER 18.31

RECYCLING AND TRASH MANAGEMENT

Sections:

18.31.010 Purpose and Intent
18.31.020 Definitions
18.31.030 Source Reduction/ Recycling Plans
18.31.040 Storage Area and Volume Requirements
18.31.050 Recycling - Implementation
18.31.060 Enclosures - Applicability
18.31.070 Exceptions
18.31.080 Design, Construction and Maintenance
18.31.090 Location, Screening and Accessibility
18.31.100 Approval
18.31.110 Penalties

18.31.010 PURPOSE AND INTENT.

A. The purpose and intent of adopting these regulations is to:

1. By the year 2000, divert 50% of all solid waste through source reduction, recycling and composting activities in an effort to decrease the impact of citizen's consumption of renewable and non-renewable materials to the environment;

2. Increase the recycling of reusable materials at residential and non-residential sites and reduce litter within the City.

3. Encourage citizens of the residential, commercial, industrial and public sectors to dispose of solid waste and recyclable materials responsibly;

4. Require property owners to provide adequate, convenient space for the collection, storage, and loading of recycled material, and to provide trash and recycling enclosures;

5. Regulate the location, height, size, design features, screening, accessibility and durability of recycling and trash enclosures;

6. Encourage the reuse of recyclable material in order to reduce our reliance on and use of virgin materials;

18.31.020 DEFINITIONS:

a) **Addition or Remodel:** Any work done on a piece of property that requires a Building Permit.

b) **Communally Serviced Residence:** Apartments, quadruplexes, townhomes, condominiums, mobile home parks and other resident occupancies at which wastes from individual resident units are commingled in a common container or a group of containers.

c) **Curbside Collection:** A method of collecting source-separated recyclable materials set out by residents on the curb of residential properties.

d) **Current Assessed Value:** The value listed under the improvements column in the most current edition of the County Tax Assessor's Roll on file in the Half Moon Bay Building Department.

e) **Exterior collection area:** Final collection area for all recyclable materials generated on any one site.

f) **Garbage Waste:** Kitchen and table offal and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, fruits or vegetables. Food slops or liquids, when placed in a plastic liner within the garbage can shall be considered as garbage waste. Garbage waste shall also include cans, bottles, containers, wrappings and packaging materials soiled with foods and waste material.

g) **Improvement:** An improvement adds to the value of a facility, prolongs its useful life, or adapts it to new uses. Improvements should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

h) **Individually Serviced Residence:** Single-Family houses, each dwelling unit of a mobile home park, condominium, multi-family structure such as a duplex or triplex, or other residence facility at which wastes are stored and made available for collection by or at each individual residence unit.

i) **Mobile Trash Bin:** A trash container, equipped with wheels, having a capacity of one to six cubic yards (200 to 1200 gallons), that is designed to be

hydraulically lifted from the front or rear of a trash collection vehicle.

j) **Recyclable Materials:** Discards or waste materials (including magazines, newspapers, clean office paper that is not contaminated by garbage or other waste material, clean cans and bottles, cardboard and plastic beverage containers) that are collected, separated, or processed, and eventually used as raw materials for products.

k) **Recycling:** The series of activities by which materials that would otherwise remain wastes are collected, separated, or processed and used in the form of raw materials.

l) **Toter Bin:** A 90-gallon bin, equipped with wheels and a lid, provided by the local waste removal/recycling company for the collection of recyclable materials. Toter bins are used by industrial, commercial, or office uses for recycling computer office paper, glass, white paper, mixed office paper, cardboard. Toter bins are used by multi-family residential uses for newspaper, aluminum, glass, plastic, tin and cardboard.

m) **Trash and Recycling Enclosure:** A permanent, immobile structure, designed for the storage of a mobile trash bin and recycling containers or toter bins.

n) **Valuation:** The total price of improvements for a specific building permit as determined by the City of Half Moon Bay Planning and Building Department.

18.31.030 SOURCE REDUCTION/ RECYCLING PLAN

New and existing development of multi-family residential uses with five (5) or more units, and commercial, office, industrial and public/quasi-public uses in buildings over 10,000 square feet in floor area are required to submit a Statement of Recycling Information or Recycling Plan to the Planning and Building Director.

1. New Development - Developers of each new project shall plan adequate provision for source separation, collection, handling, storage and transportation of the principal recyclable materials.

2. Existing Development - Property owners of existing development falling into the above categories will be properly notified of the new regulations and must comply within two years after the adoption of these regulations.

18.31.040 STORAGE AREA AND VOLUME REQUIREMENTS

New development of multi-family residential uses with five (5) or more units, and commercial, office, industrial and public/quasi-public uses are required to meet the Storage Area Requirements as provided in Table 1 and Table 2, and the Recycling Volume Requirements as provided in Table 3. Property owners of existing development will be properly notified of the new regulations and must comply within two years after the adoption of these regulations.

18.31.050 RECYCLING - IMPLEMENTATION.

A. New and existing commercial, office and industrial development projects shall include adequate, accessible, convenient areas for the collecting and loading recyclable materials in bins and containers, in accordance with the regulations specified by this Ordinance. Food and drinking establishments are encouraged to use reusable soda canisters whenever possible instead of using individually packaged glass bottles and cans.

B. The following regulations apply to new and existing residential developments:

   1. Tenants of individually serviced residences, when utilizing the local recycling program, shall place recyclables at curbside one day per week on the day designated by the local recycling company for pick-up of recyclable materials in each neighborhood. Recyclable materials shall be separately deposited in containers provided by, and in the manner designated by the local waste removal/recycling company.

   2. The property owner of communally serviced residences shall supply (through local waste removal/recycling company) and maintain adequate recycling toter bins and/or containers for use by tenants, and shall be required to provide and maintain space on-site for bins and containers as specified by this Ordinance. Containers for recyclable materials shall be stored in such a manner that containers are screened from public view from the front of the property.

C. On all development sites, recycling bins and containers may remain in public view on collection days for purposes of collection, but shall otherwise be stored in a location screened from public view from the front of the property.

D. Residential developers and property owners are encouraged to include recycling space or systems within each dwelling unit, such as roll-out drawers below the sink for recycling containers; fire-proof, cleanable secure chutes from the living space to the garage containers, etc. Each dwelling unit should include an area with a minimum of five cubic feet designed for the internal storage of trash and recyclable material.

18.31.060 ENCLOSURES - APPLICABILITY.

A. Trash and recycling enclosures in conformance with the requirements contained in this Chapter shall be required for the following types of projects where solid waste is collected and loaded:

1. **Commercial and Industrial Structures:** New construction, addition, remodel or other improvements to any existing structure, when the valuation of such improvements, or the aggregate valuation of more than one improvement in any twelve month period, exceeds 10% of the then current assessed value of the improvements for the subject parcel.

2. **Multiple Family Residential Structures:** New construction of any apartment complex, condominium project, or planned unit development when such project, or planned unit development consists of five (5) or more units.

3. **Public Facilities and Institutions:** New construction of any public facility, quasi-public facility or institutional building and any additions, remodels or improvements for areas of a public facility, when the valuation of such improvement, or the aggregate valuation of more than one improvement in any twelve month period, exceeds 10% of the then current assessed value of the improvements for the subject parcel.

B. The following regulations shall apply to all existing commercial, office, industrial development, and multi-family residential structures with five or more housing units, for which improvements, additions or remodels are proposed:

1. Any costs associated with adding recycling space to existing development shall be the responsibility of the party or parties who are responsible for financing the improvements.

2. If the development has an existing trash enclosure large enough to accommodate both trash bin(s) and recycling bins, the required recycling containers/ toter bins shall be located inside the trash enclosure. If it is not possible to locate the required recycling containers inside the trash enclosure, enclosures must be constructed pursuant to applicable provisions of this chapter.

3. If the existing development does not have an existing trash enclosure, an enclosure must be provided for trash bins and recycling containers, pursuant to the applicable provisions of this chapter.

18.31.070 **EXCEPTIONS:** For those developments requiring Planning Commission approval of discretionary permits, only the Planning Commission may grant exceptions to the requirement for trash and recycling enclosures, or recycling requirements. In other instances, the following requirements are applicable.

A. Requirement for Trash and Recycling Enclosure(s). The Planning and Building Director may grant exceptions to the requirements for trash and/or recycling enclosure(s) in the following instances:

1. If it is determined that any use in the proposed structure will not generate enough trash to necessitate the use of a mobile trash bin, and if individual curbside trash and recyclables pickup can be more effectively utilized.

2. If it is determined that the design or layout of the project is not conducive to the provision of an on-site area for a mobile trash bin and recycling toter bins, and a suitable alternative solution may be found.

B. Recycling Requirements.

In cases of hardship, the Planning and Building Department shall work with each applicant and the City's recycling collection company to formulate an acceptable plan that allows for flexibility in the number of recycling containers/toter bins and their location(s). The City's primary goal is to institute an accessible recycling collection program at each development complex while minimizing undue hardships for property owner(s). The Planning Director or his designee shall approve trash/recycling enclosures if they are satisfied that the

plan conforms to the requirements and intent of this Chapter and may impose any additional conditions, or make exceptions to parking, landscape, or setback requirements where there are no other feasible placement alternatives, if deemed necessary to meet the intent of this Ordinance.

18.31.080 DESIGN, CONSTRUCTION AND MAINTENANCE. Trash/recycling enclosures required under this Chapter shall be designed, constructed and maintained in accordance with standard details shown on Figure 1 and the following specifications and regulations:

1. Dimensions of the enclosure shall accommodate trash bins and recycling containers sufficient to meet the trash and recycling needs of the development.

2. For large projects that will utilize more than one mobile trash bin at any one location, the size of the trash enclosure must be increased to accommodate the trash bins and recycling bins. In the case of enlargement of the enclosure, the City Engineer may require additional structural reinforcement when deemed necessary to ensure the safety and durability of the structure.

3. Each recycling and trash enclosure shall be designed to allow convenient access by tenants without having to open the main enclosure gates.

4. The trash and recycling enclosures shall be adequate in capacity, number, and distribution to serve the development's trash and recycling needs.

5. Recycling and trash enclosures shall be constructed to be as inconspicuous as possible, and the contents of the enclosure shall be screened from public view. The enclosure should be compatible with the main structure, while maintaining its primary function as a trash enclosure. In residential zones, wood or masonry materials that are compatible with the main structure(s) shall be used. In commercial and industrial zones, masonry with exterior material that matches the main structure shall be used.

6. Trash/recycling enclosures shall be equipped with self-closing gates and whenever possible, the gate of the enclosure shall not open toward the street. Galvanized chain link gates equipped with redwood pickets are permitted in the industrial zone, and steel gates are permitted in the commercial zones. However, a solid

material, such as wood, matching the main structure may be used.

7. Enclosures designed for storage of cans and small recycling containers shall be constructed of a sturdy, non-flammable material (i.e. - concrete block, poured concrete, slumpstone, split-faced block, etc.)

8. The exterior of the enclosure shall be the same color as the main structure except that any architectural accents or trim colors found on the main structure shall be deleted.

9. Provisions shall be made to protect recyclable materials from the rain by covering the storage area, or by the use of covered receptacles.

10. Maintenance of each recycling and trash enclosure and bins and containers shall be the responsibility of the property owner.

18.31.090 LOCATION, SCREENING AND ACCESSIBILITY. Trash and recycling enclosures shall be located on the property, screened from public view and made accessible as follows:

A. Location:

1. Whenever feasible, the recycling collection area and the trash collection area shall be adjacent to one another in one enclosure. If, because of space limitations, property configuration or other considerations, the bins must be in separate locations, the recycling areas must be at least as convenient as trash areas.

2. Enclosures shall not be located nearer than thirty (30) feet to streets or sidewalks, and shall be located to the rear of a building where possible.

3. Trash and recycling enclosures shall be located more than twenty (20) feet from any front entrance to a structure.

4. Each recycling and trash enclosure within a multi-family residential development shall be no greater than 250 feet from the nearest point of each unit.

5. Developers are encouraged to provide a space for recycling bins on each floor of multi-story buildings, in addition to a main collection area accessible for pickup of recyclables.

6. Areas for recycling shall be adequate in capacity, number, and distribution to serve the development project, and an adequate number of bins or containers shall be provided for the development in recycling areas at all times.

B. Screening:

1. The perimeter of the recycling and trash enclosure shall be planted where practical with drought resistant landscaping, including a combination of shrubs and or climbing evergreen vines, wherever possible.

2. Adequate protection of adjacent developments from any adverse impacts such as noise, odor, or glare shall be provided through measures including, but not limited to maintaining adequate separation, fancing and landscaping.

C. Accessibility:

1. Enclosures shall be easily accessible to collection vehicles and collection personnel. Driveways or travel aisles shall provide unobstructed access for collection vehicles and provide a minimum vertical clearance of 15 feet.

2. The design, construction and location of recycling areas shall not be in conflict with any applicable federal, state, or local laws relating to fire, building, access, transportation, circulation or safety.

3. Since many trash bins are mobile but they do not roll effortlessly, the area directly in front of any enclosure should be less than a 2% slope to make manipulation of the trash bin as easy as possible. A concrete apron shall be constructed in front of each enclosure, to minimize damage to the surrounding asphalt paving, and such paving shall consist of five inch aggregate base material and six inch Portland cement paving.

4. The international recycling logo shall be placed on the exterior of each enclosure where recycling containers are located. General instructions about how to recycle shall be posted within the recycling and trash enclosure or near the receptacle area, and shall be visible to the enclosure/receptacle users. If placed outside the enclosure, such instructions must be limited to a sign no larger than four square feet, and

signage shall be similar to or consistent with the design, materials and colors of the building. Each recycling container shall be clearly marked to identify the type of material which may be deposited in that container.

18.31.100 APPROVAL AND APPEAL

Location, type and placement of trash and recycling enclosures, bins and containers shall be reviewed and approved by the Planning Department, prior to construction or placement on any new development site. A plan shall be submitted showing the location(s) of trash and recycling enclosure(s) on a site plan and elevations of the design of the trash and recycling enclosure.

The applicant shall be notified in writing of the action taken by the Planning Department. For new development, an approved plan shall be fully implemented within six months of the issuance of certificates of occupancy. For remodels, an approved plan shall be fully implemented within six months after the approval date. Applicants shall resubmit revised plans within one month should a plan be denied.

Any determination of the Planning Department may be appealed to the Planning Commission. Appeals shall be initiated only upon written request for a hearing before the Planning Commission and shall be in accordance with provisions of the Half Moon Bay Municipal Code.

18.31.110 PENALTIES

1. Any violation or failure to comply with any of the requirements of this Ordinance shall be deemed a nuisance and shall be punishable as set forth in the Half Moon Bay Municipal Code.

2. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Ordinance.

3. The remedies and penalties provided in this section are cumulative and not exclusive.

file:CHAP1831:August 1, 1995

Table 1: Storage Area Requirements
Residential Recycling and Trash Storage

Dwelling Units	Trash	Recyclables	Total Area
2 - 6	12 sq. ft.	12 sq. ft.	24 sq. ft.
7 - 15	24 sq. ft.	24 sq. ft.	48 sq. ft.
16 - 25	48 sq. ft.	48 sq. ft.	96 sq. ft.
26 - 50	96 sq. ft.	96 sq. ft.	192 sq. ft.
51 - 75	144 sq. ft.	144 sq. ft.	288 sq. ft.
76 - 100	192 sq. ft.	192 sq. ft.	384 sq. ft.
101 - 125	240 sq. ft.	240 sq. ft.	480 sq. ft.
126 - 150	288 sq. ft.	288 sq. ft.	576 sq. ft.
151 - 175	336 sq. ft.	336 sq. ft.	672 sq. ft.
176 - 200	384 sq. ft.	384 sq. ft.	768 sq. ft.
201 +	Every additional 25 dwelling units shall require an additional 48 sq. ft. for trash and 48 sq. ft. for recyclables		

Table 2: Storage Area Requirements
Non-Residential Recycling and Trash Storage

Bldg. Size (sq. ft.)	Trash	Recyclables	Total Area
0 - 5,000	12 sq. ft.	12 sq. ft.	24 sq. ft.
5,000 - 10,000	24 sq. ft.	24 sq. ft.	48 sq. ft.
10,001 - 25,000	48 sq. ft.	48 sq. ft.	96 sq. ft.
25,001 - 50,000	96 sq. ft.	96 sq. ft.	192 sq. ft.
50,001 - 75,000	144 sq. ft.	144 sq. ft.	sq. ft.
75,001 - 100,000	192 sq. ft.	192 sq. ft.	384 sq. ft.
100,001 +	Every additional 25,000 sq. ft. shall require an additional 48 sq. ft. for trash and 48 sq. ft. for recyclables		

Table 3: Recycling Volume Requirements

LAND USE	RECYCLING VOLUME REQUIRED	SUGGESTED RECYCLABLE MATERIALS
MULTI-FAMILY RESIDENTIAL (5 or more units)	1 cubic yard/ 16 units	metal, glass, plastics, newspaper (ONP)
COMMERCIAL		
a. Office and general commercial	1 cubic yard/ 40,000 square feet	beverage containers, office paper, computer paper, newspaper (ONP), corrugated cardboard (OCC)
b. Restaurant-Bar	1 cubic yard/ 5,000 square feet 90 gallon container minimum	metal, glass, plastics, corrugated cardboard (OCC)
c. Retail sales	1 cubic yard/ 8,000 square feet 90 gallon container minimum	corrugated cardboard (OCC), office paper, computer paper
d. Retail services	1 cubic yard/ 10,000 square feet 90 gallon container minimum	corrugated cardboard (OCC), office paper, computer paper
e. Motel/ Hotel/ Inn/ Bed and Breakfast	1 cubic yard/ 20 rooms 90 gallon container minimum	metal, glass, plastics, newspaper (ONP)
f. Auto service and repair	1 cubic yard/ 3,000 square feet	tires, motor oil, scrap metal
INDUSTRIAL	propose volume in Recycling Information	propose materials in Recycling Information
PUBLIC/ QUASI-PUBLIC		
a. School	1 cubic yard/ 50 classrooms	office paper, computer paper, corrugated cardboard (OCC), beverage containers
b. Library or Church	calculate volume using office sq.ft.	office paper, computer paper
c. Park	supply recycling receptacle with each garbage receptacle unless park prohibits food and drink from outside the park and food and beverage containers provided in the park are paper only.	beverage containers
HOSPITAL/ MEDICAL CLINIC	none except cafeteria (Sec 2.b above) and vending machines (Sec. 34.G.1)	metal, glass, plastics, corrugated cardboard (OCC)
OTHER LAND USES	propose volume in Recycling Information	propose materials in Recycling Information

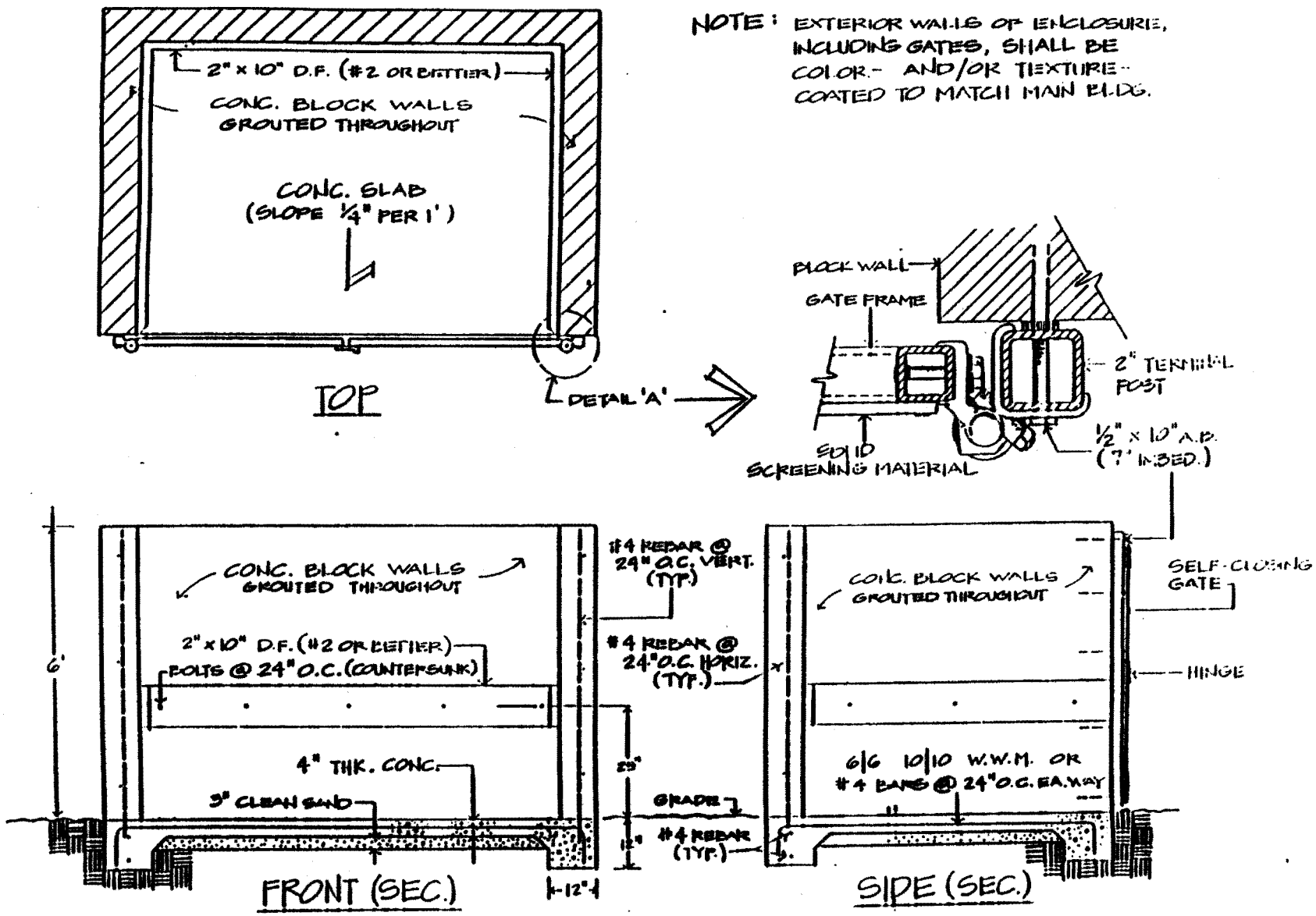


Figure 1: Standard Details
Recycling and Trash Storage Enclosure

CHAPTER 18.32

REGULATION OF SATELLITE ANTENNAS

Sections:

18.32.010 Findings.
18.32.020 Purpose.
18.32.030 Definitions.
18.32.040 General regulations.
18.32.050 Building permit.
18.32.060 Design standards.
18.32.070 Exceptions.

18.32.010 Findings. The regulation of the installation of satellite antennas is consistent with the Half Moon Bay general plan and local coastal plan, in that the city recognizes the right of each property owner to have access to television programming received through satellite antennas and that certain methods of installation are more appropriate and consistent with the design and aesthetic objectives of the city. (Ord. 8-86 s.1(part), 1986).

18.32.020 Purpose. The purpose of this chapter is to regulate the installation of satellite dish antennas through architectural review, committee review, and the building permit process, to protect the environment and the health, safety and welfare of the public. (Ord. 8-86 s.1(part), 1986).

18.32.030 Definitions.

A. "Antenna" means a structure with a composition of wood, metal or other materials which together with its necessary support is constructed for the purpose of receiving television or related signals. An antenna is an accessory structure.

B. "Satellite antenna" means a signal receiving antenna, the purpose of which is to receive television communications and related signals directly from satellites in earth orbit. (Ord. 8-86 s.1(part), 1986).

18.32.040 General regulations. No satellite antenna or support thereof, shall be erected, installed, or placed upon

real property or any structure thereon, except in accordance with the rules and regulations of this chapter. (Ord. 8-86 s.1(part), 1986).

18.32.050 Building permit. The installation of all satellite antennas shall require submittal of an application and the issuance of a building permit. The fee for processing such application shall be set by City Council resolution. (Ord. 8-86 s.1(part), 1986).

18.32.060 Design standards. Satellite antennas shall be installed so as to minimize their visual impact on surrounding properties and public streets, and all public rights-of-ways, and shall be screened through the use of architectural features and landscaping to harmonize with the characteristics of their property location. The antenna materials used shall not produce a reflective glare. The following criteria shall apply:

A. Rooftops. Satellite antennas on rooftops shall be and are specifically prohibited;

B. Visual Screening. All satellite antennas shall be screened from public view and surrounding property by either:

1. Four walls constructed of materials compatible with the buildings and structures on the property, with the satellite antenna not protruding above at least three of the walls, or

2. Placement within a mounded area screened by dense evergreen landscaping and with the dish sunk within the mound.

C. Height. A satellite antenna shall not exceed six feet in height from finished grade;

D. Size. Satellite antennas shall not exceed ten feet in diameter;

E. Location. Satellite antennas shall be located only in the rear yards of a property and within the required setback standards for buildings and structures. Actual placement shall be in the

location which best serves the purposes of this chapter;

F. Safety. Satellite antennas shall be constructed and installed in a secure and safe manner to promote the health and safety of the public and property;

G. Color. Antennas shall only be earthen tone in color. (Ord. 8-86 s.1(part), 1986).

18.32.070 Exceptions.

A. An exception may be granted by the Planning Director and the Architectural Review Committee to the standards of this Chapter where they would produce an undue hardship on a property owner so as to interfere unreasonably with the use and enjoyment of his property, or where the standards would prevent reception by the satellite antenna of television signals from satellite(s) in earth orbit. Hardship requires there be no feasible alternative on site.

B. An exception to allow rooftop placement may be granted for a multifamily dwelling or nonresidential building, where there is no feasible alternative placement.

C. An additional fee may be required for the processing of the exception application, including cost of site inspection to verify maximum signal reception. (Ord. 8-86 s.1(part), 1986).

file:CHAP1832:December 13, 1993

CHAPTER 18.33

SECOND DWELLING UNITS

Sections:

18.33.010	Purpose
18.33.020	Definitions
18.33.030	Development Standards and Approval of New Second Dwelling Units
18.33.040	Requirements to Legalize Existing Second Dwelling Units

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-family dwellings in R-1 districts within the City; and

B. Establish standards for second dwelling units to ensure that they are compatible with existing neighborhoods. (Ord. 15-88 S1(part), 1988).

18.33.020 Definitions.

A. "Floor area of a dwelling unit" means the 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, but shall not include unenclosed porches, balconies, or garages.

B. "Second dwelling unit" means a detached or attached rental dwelling unit located on an R-1 lot which contains a one-family dwelling. Second dwelling units are not "accessory buildings" as defined in Section 18.04.020. (Ord. 15-88 S1(part), 1988).

18.33.030 Development Standards and Approval of New Second Dwelling Units. New second dwelling units shall be subject to the same requirements as any dwelling located on the same parcel in the same zoning district, including but

not limited to the requirements of coastal development districts and general zoning provisions with the following differences:

A. Minimum Lot Area Per 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.

B. Construction of Second Dwelling Units 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.

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 minimum of one off-street parking space for the second dwelling unit, in addition to the two covered spaces required by current ordinances. 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.

F. Maximum Unit Size. The floor area of the second dwelling unit shall not exceed seven hundred square feet.

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 an 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. 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. 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. (Ord. 15.88 S1(part), 1988).

18.33.040 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 18.42 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 al 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 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.

   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 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.

4. Building Code Compliance. The building official has found the second dwelling unit to be in tenantable condition. A dwelling unit shall be deemed untenantable 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 applicable law at the time of installation, maintained in good working order;

e. Sufficient electrical lighting, with wiring and electrical equipment which conformed with 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.

5. Use Permit Approval. Prior to applying for a building permit applicants shall receive approval of a Use Permit pursuant to this Title.

6. Exception Procedures. Application or 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.

7. Noncompliance 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.

8. Filing Fees. Use Permit applications, 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. (Ord. 15-88 S1(part), 1988).

file:CHAP1833:January 6, 1994

CHAPTER 18.34

PARK FACILITIES DEVELOPMENT FEES

Sections:

18.34.010	Title
18.34.020	Definitions
18.34.030	Imposition of Park Facility Development Fee
18.34.040	Operative Date
18.34.050	Exception
18.34.060	Impact of Fee - Enforcement
18.34.070	Occupancy - Prohibition
18.34.080	Refunds
18.34.090	Proceeds

18.34.010 Title. This Chapter shall be known as the Park Facility Development Fee law of the City. (Ord. 3-89 s1(part), 1989).

18.34.020 Definitions. for the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

A. "Bedroom" means any room containing a closet of a size sufficient to hold clothing, excluding therefrom one living room with entry closet per dwelling.

B. "Mobile Home Park" means any area of one or more lots or spaces to be occupied by a house trailer.

C. "Residential unit" means a single-family swelling, a dwelling unit in a duplex, apartment house, or dwelling group, or any other place designed for human occupancy which contains a kitchen, and any space in a mobile home park designed or intended for a house trailer, mobile home, camper, or similar vehicle. Any additions to existing units that would add bedrooms. (Ord. 3-89 s1(part), 1989).

18.34.030 Imposition of Park City Development Fee.

A. Park Facility Development Fee Imposed. A fee is imposed for revenue purposes upon the construction of each residential unit in the City, irrespective of whether the developer is required to dedicate land or pay fees in lieu of land dedication under Title 17 of this code.

B. Fee. The fee imposed is as follows:

1. Every person constructing any residential unit in the city shall pay to the city the following fee: The sum of nine hundred thirty six dollars for each bedroom contained therein; and

2. Mobile home parks shall pay nine hundred thirty-six dollars for each trailer space.

C. Date Due. The amount of the fee due under this Chapter shall be determined at the time a building permit is sought for the construction or reconstruction of any mobile home park, and the full amount of such fee shall be due and payable concurrently with the application for such permit. If such fee is not fully paid on or before the date the permit is issued, the fee or the amount thereof not paid, shall thereupon become delinquent.

D. Delinquent Penalty - Interest. There shall be added to the fee for any unit or so much of such fee as becomes delinquent, a penalty of twenty-five percent which shall thereupon become payable in the same manner as the fee. The fee and penalty shall bear interest at the rate of ten percent per annum until paid. (Ord. 13-90 s1, 1990; Ord. 3-89 s1(part), 1989).

18.34.040 Operative Date. The fee imposed by this Chapter shall apply to the construction of all residential units for which a building or construction permit s issued on or after the effective date of the ordinance codified in this chapter, being May 4, 1989. (Ord. 3-89 1(Part), 1989).

18.34.050 Exception. There is excepted from the fee imposed by this Chapter the construction and occupancy of a residential unit which is a replacement for a unit being removed from the same lot or parcel of land. The exception shall be equal but shall not exceed the fee which would be payable under this Chapter if the unit being replaced were being newly constructed.

18.34.060 Impact of Fee - Enforcement. The fee imposed by this Chapter shall be due from the person by or on behalf of whom a residential unit or building or mobile home park is constructed, whether such person is the owner or a lessee of land upon which the construction is to occur. The Department of Finance shall collect such fee and any penalty and interest due. The full amount due under this Chapter shall constitute a debt to the City, and an action for the collection thereof may be commenced in the name of the City in any court having jurisdiction of the cause. (Ord. 3-89 s1(part), 1989).

18.34.070 Occupancy - Prohibition. No occupancy permit shall be issued for, and no person shall occupy or offer for occupancy, any residential unit or building or any space in a mobile home park in the City unless the fee and any penalty and interest imposed upon the construction and occupancy thereof by this Chapter has been paid. (Ord. 3-89 s1(0part0, 1989).

18.34.080 Refunds. Any fee, penalty, and interest paid to the City under this Chapter for any building, unit of a building, or mobile home park which is not constructed shall be refunded upon application of the payor and a showing to the satisfaction of the Director of Finance that such building or unit has not been constructed or construction commenced, and that the building permit issued for such building or unit has been cancelled or surrendered or otherwise does not authorize the construction of such building or unit. (Ord. 3-89 s1(part), 1989).

18.34.090 Proceeds. All proceeds from the fees, penalty, and interest collected under this chapter shall be paid into a special fund of the City, which fund shall be used only for the acquisition, development, renovation and replacement of parks and recreational areas and their development, including equipment for recreational purposes. (Ord. 3-89 s1(part), 1989).
file:CHAP1834:December 13, 1993

CHAPTER 18.35

BELOW MARKET RATE HOUSING ORDINANCE

Sections:

18.35.010 Purpose and Intent
18.35.015 Definitions
18.35.020 Applicability
18.35.025 Affordable Housing Agreement
18.35.030 Establishment of an Affordable Housing Fund.
18.35.035 Accumulation and Disbursement of Affordable Housing Fund
18.35.040 Location of Below Market Rate Units
18.35.045 Contribution of a Fee In Lieu of Providing Below Market Rate Units
18.35.050 Occupancy Requirements
18.35.055 Resale of Below Market Rate Units
18.35.060 Enforcement

18.35.010 Purpose and Intent. This purpose of this Ordinance is to ensure that housing opportunities are available for all economic segments of the population as identified in the Housing Element of the City of Half Moon Bay General Plan.

The intent of the Below Market Rate Housing program established by this Ordinance 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.

18.35.015 Definitions.

(A) A Below Market Rate dwelling unit is a unit which is affordable, either by rental or purchase, to very low, low, or moderate-income households as defined herein.

(B) Very Low Income Household - any household whose income, with adjustments for family size, is 50% or less of the median income for San Mateo County as established by the U.S. Department of Housing and Urban Development.

(C) Low Income Household - any household whose income, with adjustments for family size, is between 50.1 % and 80% of the median income for San Mateo County as established by the U.S. Department of Housing and Urban Development.

(D) Moderate Income Household - any household whose income, with adjustments for family size, is between 80.1% and 120% of the median income for San Mateo County as established by the U.S. Department of Housing and Urban Development.

(E) Affordability is defined as having a monthly rental or purchase cost (including a 30 year mortgage based on 20% down payment, mortgage insurance, taxes, insurance, and homeowner association fees) of no more than 30 percent of monthly household income.

(F) Dwelling Unit shall include any mobile home, manufactured housing unit, or any structure with water, sanitation, and utilities that has been designed, constructed, and used for purposes of habitation.

(G) Qualified Buyer shall be defined as any potential purchaser whose gross annual income is less than or equal to the maximum annual income standards for a protected Below Market Rate dwelling unit as provided for herein.

(H) Qualified Renter shall be defined as any potential renter whose gross annual income is less than or equal to the maximum annual income standards for a protected Below Market Rate dwelling unit as provided for herein.

18.35.020 Applicability. This Section applies to all new residential subdivisions of ten or more lots or dwelling units and condominium conversion projects of ten or more units approved in the City of Half Moon Bay after the date of adoption. Every residential subdivision of ten or more lots or dwelling units and condominium conversion projects of ten or more units shall include one or more Below Market Rate dwelling units according to the following general guidelines:

(A) A minimum of twenty percent (20%) of the total number of dwelling units in all developments of ten or more units shall be priced at levels which are affordable to Low and Moderate Income Households as defined in this Chapter and in the Housing Element.

(B) At least 25% of all Below Market Rate units (25% of the 20% required) shall be priced at levels which are affordable to Very Low and Low Income households as defined in this Chapter and the Housing Element.

(C) To the extent practical and feasible, the targets for new Below Market Rate Housing units shall be as follows:

Moderate Income Units:	7% of the total units
Low Income Units:	7% of the total units
Very Low Income Units:	6% of the total units
TOTAL:	20% of the total units

The Planning Commission and City Council may modify these targets based upon the specifics of each new residential subdivision of ten or more lots or dwelling units or condominium conversion projects of ten or more units.

(D) In those cases where strict adherence to the formula provided herein results in a fraction between .01 and .49 of a Below Market Rate dwelling unit, the City Council may approve a pro rata contribution to the Affordable Housing Fund an amount equal to twenty percent of the building

permit valuation for the market rate units to be built.

(E) Where the fraction of a Below Market Rate Unit was between .5 and .99, an additional unit shall be required.

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.

18.35.030 Establishment of an Affordable Housing Fund. The City Council shall establish an Affordable Housing Fund for purposes of accepting in-lieu contributions permitted by this Ordinance.

18.35.035 Accumulation and Disbursement of Affordable Housing Fund. Administration of the Affordable Housing Fund shall be carried out by the Planning Department based on guidelines established by the City Council. Priorities for disbursement of funds shall be established by the City Council as part of the annual budget approval process.

18.35.040 Location of Below Market Rate Units.

A. Unless otherwise approved by the Planning Commission and City Council, Below Market Rate Units created by this Ordinance shall be provided on-site and integrated into the proposed residential subdivision.

B. In considering any proposal to construct or otherwise provide Below Market Rate Units off-site from the proposed residential subdivision or condominium conversion, the Planning Commission and City Council shall make the following findings:

1. That the proposed location of the Below Market Rate Units will not result in the clustering of said units within any neighborhood or geographical area of the City.

2. That an economic hardship would be created for either the qualified buyer or renter such as excessive Homeowner Association dues.

3. That an economic hardship would be created for either the developer or purchasers of the market rate units that could be mitigated by contributing to the Affordable Housing Fund in lieu of providing the Below Market Rate Units.

4. That the proposed development site does not have sufficient land area to provide the affordable units without severely impacting the financial feasibility of the project.

18.35.045 Contribution of a Fee In Lieu of Providing Below Market Rate Units.

A. Where an applicant requests relief from the requirement to construct Below Market Rate units as required by this Chapter, the City Council may approve a contribution to the City's Affordable Housing Fund of an amount equal to twenty percent of the building permit valuation for the market rate units. The City Council shall consider the following in approving any request to contribute to the Affordable Housing Fund in lieu of providing the dwelling units:

1. That an economic hardship would be created for either the qualified buyer or renter such as excessive Homeowner Association dues.

2. That an economic hardship would be created for either the developer or purchasers of the market rate units that could be mitigated by contributing to the Affordable Housing Fund in lieu of providing the Below Market Rate Units.

3. That the proposed development site does not have sufficient land area to provide the affordable units without severely impacting the financial feasibility of the project.

18.35.050 Occupancy Requirements. Any dwelling unit affordable to very low, low, or moderate income households created by this Ordinance 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 Ordinance is permitted.

18.35.055 Resale of Below Market Rate Units. Below Market Rate dwelling units created by this Ordinance 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 resale of each protected unit, including the specific criteria to define a qualified buyer for each protected unit.

18.35.060 Enforcement. The City Planning Department shall be responsible for enforcing the affordability provisions of this Ordinance. 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 Ordinance are revealed.

file:CHAP1835:December 9, 1993

CHAPTER 18.36

P DISTRICT--PARKING

Sections:

18.36.010	Use and maintenance of property.
18.36.020	Required spaces for automobiles.
18.36.030	Size and access.
18.36.040	Type and location.
18.36.050	Location in C and M districts.
18.36.060	Units of measurement.
18.36.070	Change in use--Increase in number of spaces.
18.36.080	Mixed occupancies and uses not specified.
18.36.090	Joint use of facilities.
18.36.100	Nonconforming parking.
18.36.110	Mobile home parks.
18.36.120	Required spaces designated.
18.36.130	Exceptions.
18.36.140	Development and maintenance of area.
18.36.150	Screening--When bond required.
18.36.160	Surfacing and grading.
18.36.170	Drainage.
18.36.180	Curbing and setback.
18.36.190	Lighting.
18.36.200	Access aisles.
18.36.210	Interference.
18.36.220	Service drives--Specifications.
18.36.230	Service drives--Vision clearance.
18.36.240	Off-street loading requirements.
18.36.250	Loading berths--Number required.
18.36.260	Loading berths--Space required.
18.36.270	Loading berths--Access.
18.36.280	General provisions for off-street parking and loading.
18.36.290	Spaces--To be for certain automobiles only.
18.36.300	Spaces--In front yard prohibited.
18.36.310	Plan to accompany building permit application.
18.36.320	Completion time--Extension--Forfeiture of bond.

18.36.010 Use and maintenance of property. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title. Any use of the property in violation hereof shall be a violation of this title. (Ord. 8-63 Exhibit A s.18(part), 1963).

18.36.020 Required spaces for automobiles. In all districts there shall be provided at the time of the erection of any main building or structure, or at the time any main building or structure is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the schedule set forth in Section 18.34.120. (Ord. 8-63 Exhibit A s.18.1, 1963).

18.36.030 Size and access. Each off-street parking space shall have an area of not less than one hundred eighty square feet exclusive of access drives or aisles, and shall be of usable shape, location and condition. There shall be adequate provision for ingress and egress to all parking spaces. (Ord. 14-70 s.1(a), 1970: Ord. 8-63 Exhibit A s.18.2(a), 1963).

18.36.040 Type and location. Parking spaces required in connection with uses permitted in all GB and P-U districts shall be provided in private garages, carports, storage garages or spaces located on the same building site as the main building. Parking in all R districts shall be provided in private garages, carports, or storage garages; provided, that said parking shall be located on the same lot or building site as the buildings they are required to serve. (Ord. 14-70 s.1(b), 1970: (Ord. 8-63 Exhibit A s.18.2(b), 1963).

18.36.060 Units of measurement.

A. For the purpose of this chapter, "floor area" in the case of offices, merchandising or service types of uses means the gross floor area used, or intended to be used, for service to the public as customers, patrons, clients or patients, or as

tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management of maintenance of stores or buildings, for toilet rooms or restrooms, for utilities, or for dressing rooms, fitting or alteration rooms.

B. In hospitals, bassinets shall not be counted as beds.

C. In stadia, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty inches of such seating facilities shall be counted as one seat for the purposes of determining requirements for off-street parking facilities under this title.

D. When units of measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space. (Ord. 8-63 Exhibit A s.18.2(d), 1963).

18.36.070 Change in use--Increase in number of spaces. Whenever in any building there is a change in use, or increase in floor area, or in the number of employees, or other unit of measurement specified hereinafter to indicate the number of required off-street parking spaces, and such change or increase creates a need for an increase of more than ten percent in the number of off-street parking spaces as determined by the tables in this chapter, additional off-street parking spaces shall be provided on the basis of the increased requirements of the new use, or on the basis of the total increase in floor area or in number of employees, or in other unit of measurement; provided, however, that in case a change in use creates a need for an increase of less than five off-street parking spaces, no additional parking facilities shall be required. (Ord. 8-63 Exhibit A s.18.2(e), 1963).

18.36.080 Mixed occupancies and uses not specified. In the case of a use not specifically mentioned in Section

18.36.120, the requirements for off-street parking facilities for a use which is so mentioned, and to which said use is similar, shall apply. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use. (Ord. 8-63 Exhibit A s.18.2,(f), 1963).

18.36.090 Joint use of facilities. Nothing in this chapter shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses; provided, that the total of such off-street parking spaces supplied collectively is not less than the sum of the requirements for the various uses computed separately. (Ord. 8-63 Exhibit A s.18.2(g), 1963).

18.36.100 Nonconforming parking. Where automobile parking space is provided and maintained in connection with a main building or use at the time the ordinance codified herein became effective, and is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, then said building or structure may be extended only if automobile parking spaces are provided for said enlargement, extension or addition, to the standards set forth in this chapter. No existing parking may be counted as meeting this requirement unless it exceeds the requirements for the original building and then only that excess portion may be counted. (Ord. 14-70 s.1(h), 1970: (Ord. 8-63 Exhibit A s.18.2(h), 1963).

18.36.110 Mobile home parks. For mobile home parks, parking spaces shall be located for convenient access to trailer spaces. Two parking spaces shall be located on each trailer space, and an additional off-street parking space for each ten trailer spaces may be located in adjacent parking bays or along access roads where sufficient paved roadway width is provided. (Ord. 14-70 2.1(i), 1970: Ord. 8-63 Exhibit A s.18.2(i), 1963).

18.36.120 Required spaces designated. The number of off-street parking spaces required shall be set forth in the following table:

Dwellings (single family)	Two spaces per dwelling unit.
Apartments, condominiums	Two spaces per dwelling unit.
Rooming house, lodging houses, club rooms, fraternity houses	One space for each sleeping room.
Hotels, motels and motor lodges	One space for each guest bedroom, plus one space per employee.
Sanitariums, convalescent homes, homes for aged, asylums, hospitals, children's homes	Three spaces for each two beds or one for each one thousand square feet of gross floor area, whichever provides the greater number.
Theaters	One space for each four seats.
Stadia, sports arena, auditorium	One space for each four seats.
Churches	One space for each four seats in the main worship unit.

Schools:	
Day nurseries	One space for each employee plus one space for each five children in attendance.
Elementary and intermediate	One space for each employee plus one space for each five seats or for each forty square feet of floor area in the place of public assembly.
High schools	One space for each eight enrolled students, plus one space per employee.
Colleges	One space for each three enrolled daytime students, plus one space for each employee.
Dance halls, assembly halls without fixed seats, exhibition halls.	One space for each one hundred square feet of floor area used for dancing or assembly.
Bowling alleys	Five spaces for each alley, plus two for each billiard table, plus one for each four seats in any gallery.
Medical or dental clinics, banks, business or professional offices.	One space for each two hundred square feet of floor area.
Cabarets, cocktail lounges, restaurants and cafes	One space for each forty-five square feet of floor area where the public is served, plus one space per employee.
Mortuaries or funeral homes	Ten spaces for each room used as a chapel room, or slumber room, or parlor, or one space for each twenty square feet of assembly rooms used for services, whichever amount is greater, plus one space per employee, plus one space for

	each car operated by establishment.
Auto sales.	One space for every five hundred square feet of gross floor area.
Boatel (boat motel)	One space for each living unit.
Marina	One space for each two boat moorings.
Public utility substations and facilities	One space per employee, plus space per vehicle (including wheeled equipment) permanently assigned to the facility.
Park and recreation uses	One space for each eight thousand square feet of active recreation area within a park or playground, plus one space per acre of passive recreation area within a park or playground.

All uses not enumerated above, which are permitted in C districts:

Five thousand square feet of gross floor area or less	One space for each two hundred sixty-five square feet of gross floor area in excess of five thousand square feet, exclusive of floor area used for air-conditioning or other utility equipment.
Five thousand square feet of gross floor area or more	Nineteen spaces, plus one space for each two hundred square feet of gross floor area in excess of five thousand square feet, exclusive of floor area used for air conditioning or other utility equipment.

All uses not enumerated above, which are permitted in M-1 districts:	From one to twenty employees, one space per employee; from twenty-one to one hundred employees, one space per three-tenths and one hundred employees; one space per employees. Where more employees, one and one-half employees cannot be established, one number of space shall be provided for every three hundred square feet of gross floor area. In no case shall there be less than one space for every one thousand square feet of gross floor area.

(Ord. 14-70 s.2, 1970: Ord. 8-63 Exhibit A s.18.3, 1963).

18.36.130 Exceptions. In cases of practical difficulties and unusual hardship, the Planning Commission may, after proper hearings, recommend exceptions to the foregoing requirements.

Application for an exception shall be made and an exception may be issued under the same procedure as that specified in Chapter 18.44 of this title for the granting of a variance, except that no public hearing need be held thereon and the findings of the Planning Commission need include only that the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in Section 18.36.120 as are reasonably possible. (Ord. 8-63 Exhibit A s.18.4, 1963).

18.36.140 Development and maintenance of area. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained as specified in Sections 18.36.150 through 18.36.230. (Ord. 8-63 Exhibit A s.18.5(a) (1), 1963).

18.36.150 Screening--When bond required. Automobile parking facilities for more than ten vehicles shall be effectively screened on each side which adjoins or faces

premises situated in any R district by a solid fence or wall with a uniformly treated surface. Such fence or wall shall not be less than six feet in height and shall be maintained in good condition. Screen planting of plant material and design approved by the Planning Commission may be substituted for a solid fence or wall, provided that a bond to guarantee the installation and maintenance of said screen planting is posted with the Planning Commission. The amount of said bond shall be set by the City Engineer. (Ord. 8-63 Exhibit A s.18.5,(a) (1), 1963).

18.36.160 Surfacing and grading. All parking area shall be surfaced with an asphaltic or cement binder pavement so as to provide a durable and dustfree surface and shall be so graded and drained as to dispose satisfactorily of all surface water accumulation within the area. (Ord. 14-70 s.3, 1970: (Ord. 8-63 Exhibit A s.18.5(a)(2), 1963).

18.36.170 Drainage. All areas used for standing and maneuvering of vehicles shall be so drained as to avoid flow of water across sidewalks. (Ord. 8-63 Exhibit A s.8.5(a)(3), 1963).

18.36.180 Curbing and setback. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high or by a bumper rail, and set back a minimum of four and one-half feet from the property line. (Ord. 8-63 Exhibit A s.18.5(a)(4), 1963).

18.36.190 Lighting. Artificial lighting which may be provided shall be so deflected as to not shine or create glare in any residential district or any adjacent dwelling. (Ord. 8-63 Exhibit A s.18.5(a) (5), 1963).

18.36.200 Access aisles. Access aisles shall be of sufficient width for all vehicle turning and maneuvering. (Ord. 8-63 Exhibit A s.18.5(a)(5), 1963).

18.36.210 Interference with street right-of-way. All groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing or other maneuvering within a street right-of-way other than an alley. (Ord. 8-63 Exhibit A s.18.5(a) (7), 1963).

18.36.220 Service drives--Specifications. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrian and vehicle traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall not be more than thirty feet in width and shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives. Service drives on the same lot frontage shall be separated by a minimum length of curb of thirty feet; provided, that for every foot by which the lot frontage exceeds one hundred feet, the minimum required length of curb shall be increased by one foot, up to a maximum requirement of two hundred feet. In the case of a corner lot, service drives shall be located not closer than thirty feet to the intersecting street line. Service drives shall be located not closer than ten feet to a side lot line, except that a common service drive to two adjacent properties with width not exceeding thirty feet may be provided at the common lot line. (Ord. 8-63 Exhibit A s.18.5(a) (8), 1963).

18.36.230 Service drives--Vision clearance. All service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way and a straight line joining the said lines through points thirty feet away from their intersection (Ord. 8-63 Exhibit A s.18.5(a) (9), 1963).

18.36.240 Off-street loading requirements. Buildings or structures to be built or substantially altered which receive and distribute material and merchandise by trucks shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. (Ord. 8-63 Exhibit A s.18.6(part), 1963).

18.36.250 Loading berths--Number required. The following standards shall be used in establishing the minimum number of berths required:

Gross Floor Area of the Building in Square Feet	Number of Berths
Up to 20,000	1

20,000 to 50,000	2

For each additional fifty thousand square feet of gross floor area, one additional berth shall be provided. For stores up to five thousand square feet, regular off-street parking areas may be used to meet the off-street loading requirements. (Ord. 8-63 Exhibit A s.18.6(a), 1963).

18.36.260 Loading berths--Space required. A loading berth shall contain a minimum space of ten feet wide and sixty feet long and have an overhead clearance of fourteen feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased. (Ord. 14-70 s.4, 1970: (Ord. 8-63 Exhibit A s.18.6(b), 1963).

18.36.270 Loading berths--Access. Access to loading berths shall be from alleys where they exist, but in no event shall a loading berth abut on any existing street, road or highway. (Ord. 8-63 Exhibit A s.18.6(c), 1963).

18.36.280 General provisions for off-street parking and loading. The following general provisions, as specified in Section 18.36.290 through 18.36.320, shall apply to off-street parking and loading facilities. (Ord. 8-63 Exhibit A s.18.7(part), 1963).

18.36.290 Spaces--To be for certain automobiles only. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use. (Ord. 8-63 Exhibit A s.18.7(a), 1963).

18.36.300 Spaces--In front yard prohibited. Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard but may be located within a required side or rear yard. (Ord. 8-63 Exhibit A s.18.7(b), 1963).

18.36.310 Plan to accompany building permit application. A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a building permit. The

plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:

A. Delineation of individual parking and loading spaces;
B. Circulation area necessary to serve spaces;
C. Access to streets and property to be served;
D. Curb cuts;
E. Dimensions, continuity and substance of screening;
F. Grading, drainage, surfacing and subgrading details.
G. Delineation of obstacles to parking and circulation in finished parking area;
H. Specifications as to signs and bumper guards;
I. All other pertinent details. (Ord. 8-63 Exhibit A s.18.7(c), 1963).

18.36.320 Completion time--Extension--Forfeiture of bond. Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the Zoning Administrator. An extension of time may be granted by the Zoning Administrator, provided a performance bond or its equivalent is posted, equaling the cost to complete the improvements as estimated by the Zoning Administrator, provided the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the city. (Ord. 8-63 Exhibit A s.18.7(d), 1963).

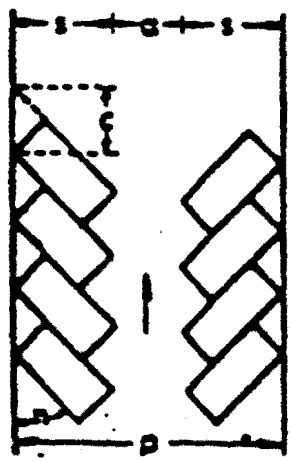
file:CHAP:1836:December 13, 1993

INSERT PARKING STANDARDS CHART

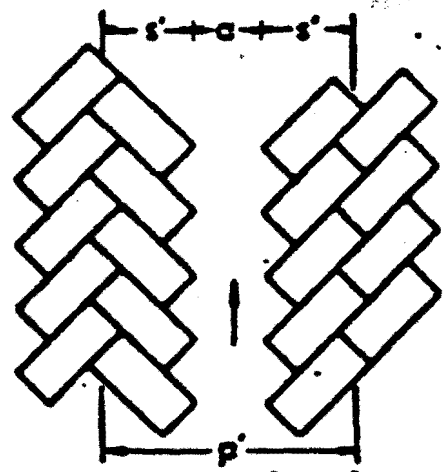
CITY OF HALF MOON BAY PARKING STANDARDS CHART

9' x 19' SPACES

N Parking angle Degrees	P Width of Parking Section Lin.Ft.	S Depth of Stall Lin.Ft.	a Width of aisle Lin.Ft.	C Curb length per car Lin.Ft.	Area Area per car (1) Sq. Ft.	P' Width of Parking Section Lin.Ft.	S' Depth of Stall Lin.Ft.
0°	32'0"	10'0"	12'	22'0"	220	32'0"	10'0"
30°	48'8"	17'4"	14'	18'2"	315	43'2"	14'7"
35°	50'8"	18'4"	14'	15'8"	288	45'2"	15'7"
40°	52'4"	19'2"	14'	14'1"	267	46'8"	16'4"
45°	53'8"	19'10"	14'	12'9"	252	47'4"	16'8"
50°	55'8"	20'4"	15'	11'8"	239	50'0"	17'6"
55°	57'6"	20'9"	16'	10'11"	228	52'4"	18'2"
60°	60'0"	21'0"	18'	10'5"	218	55'6"	18'9"
65°	62'6"	21'3"	20' (2)	9'11"	209	58'6"	19'3"
70°	62'10"	20'11"	21' (2)	9'7"	202	59'8"	19'4"
75°	63'4"	20'8"	22' (2)	9'4"	193	61'0"	19'6"
80°	63'8"	20'4"	23' (2)	9'1"	186	62'0"	19'6"
85°	64'6"	19'9"	25' (3)	9'0"	180	63'6"	19'3"
90°	63'0"	19'0"	25' (3)	9'0"	171	63'0"	19'0"



Parallel, Angle, and Right Angle Parking



Overlapped and Herringbone

(1) Area includes waste area at both ends of 9' x 19' space (aisle space not included).
(2) Width of aisle permits two-way circulation only when a turn-around is provided.
(3) Width of aisle permits two-way circulation.

REVISED CHAPTER 18.37

VISUAL RESOURCE PROTECTION STANDARDS

Sections:

18.37.010 Purpose and Intent
18.37.015 Applicability
18.37.020 Visual Resource Areas
18.37.025 Beach Viewshed Area Standards
18.37.030 Scenic Corridor Standards
18.37.035 Upland Slopes Standards
18.37.040 Old Downtown Standards
18.37.045 Significant Plant Communities
18.37.050 Landscape Design Standards
18.37.055 Screening Standards
18.37.060 Standards for Utilities, Lighting and Signs

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.

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.

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 200 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 160 foot elevation contour line which are located:

1. East of the proposed Foothill Boulevard, comprising portions of Carter Hill and Dykstra Ranch properties.

2. South-east 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 ordinance 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.

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 blufftop, 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-premise 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.

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 15 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 28 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 Ordinance.

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-premise 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.

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 non-reflective 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 160 foot contour line, nor on slopes of 25% or greater.

H. No off-premise outdoor advertising shall be permitted. Other permitted signs shall be carefully designed and reviewed so that any negative visual impacts are minimized.

18.37.040 Old Downtown Standards.

A. Design approval of new development, alterations to existing structures and proposed demolition's 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-premise 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 of Half Moon Bay Downtown Specific Plan. Other permitted signs shall be carefully designed and reviewed so that any negative visual impacts are minimized.

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 City's 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 of Half Moon Bay 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 of Half Moon Bay.

(c) California Wild Strawberry located on bluffs within the City of Half Moon Bay.

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 Register 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 of Half Moon Bay.

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 12.16.030,C, 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 50% of the vegetative cover in an area is made up of riparian species, namely, California cordgrass, Red alder, Jaumea, Pickleweed, Big leaf maple, Narrowleaf cattail, Arroyo willow, Broadleaf cattail, Horsetail, Creek dogwood, Black cottonwood, and Box elder. Report requirements contained in this Title under the Chapter entitled "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 the "Coastal Resource Conservation Standards" of this Title.

4. Pruning and Removal - Permits. If the report listed in item 2(a) above 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 "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.

<u>18.37.050 Landscape Design Standards</u>. 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 re-establish 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 15 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 30 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 15 gallon can size, at a minimum, at the time of planting.

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.

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 Chapter 15.

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CHAPTER 18.38

COASTAL RESOURCE CONSERVATION STANDARDS

Sections:

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18.38.010 Purpose and Intent. The specific purpose and intent of these Coastal Resource Conservation Standards are to:

A. Limit or prohibit urban development within coastal resource areas that would have adverse impacts on those resources designated in the City of Half Moon Bay Local Coastal Program Land Use Plan;

B. Ensure that the siting and design of developments in the City does not significantly degrade sensitive habitat areas and maintains the biological productivity of those habitats;

C. Minimize the loss of vegetation and limit increased erosion and sedimentation in the riparian corridors

associated with the two perennial streams, Frenchman's Creek and Pilarcitos Creek, including the Arroyo Leon tributary, and one intermittent stream, Arroyo Canada Verde, within the City;

D. Limit access into sensitive habitats where necessary to preserve their biological productivity;

E. Identify and protect the habitats of rare, endangered or unique species, as defined in state and federal law, within the City;

F. Ensure that important archaeological resources within the City are identified and protected from the adverse effects of new development;

G. Encourage improved access to the beaches and bluffs along the coast as part of the establishment and development of recreational areas, both public and private, in the City:

H. Ensure more focused protection by specifying permitted uses and performance criteria for different types of habitats;

I. Ensure restoration of damaged sensitive habitats;

J. Balance Coastal Act requirements for protection of fragile resources with requirements for the provision of shoreline access while keeping in mind that the protection of environmentally sensitive habitats has highest priority.

18.38.015 Applicability. The requirements and standards of this Chapter shall apply to all development within any zoning district in the City of Half Moon Bay except the following activities:

A. The continuance of any pre-existing non-agricultural use, provided such use has not lapsed for a period of one year or more. This shall include any change of use which does not significantly increase the degree of encroachment into or impact upon the sensitive habitat as determined by the Planning Director.

B. The continuance of any pre-existing agricultural use, provided such use has been exercised within the last five years.

C. All activities listed in the California Food and Agricultural Code pursuant to the control or eradication of a pest as defined in Section 5006, Food and Agricultural Code, as required or authorized by the County Agricultural Commissioner.

18.38.020 Coastal Resource Areas. The Planning Director shall prepare and maintain maps of all designated Coastal Resource Areas within the City. Coastal Resource Areas within the City are defined as follows:

A. **Sensitive Habitat Areas.** Areas in which plant or animal life or their habitats are either rare or especially valuable, and/or as designated on the Habitat Areas and Water Resources Overlay Map. Areas considered to be sensitive habitats are:

1. sand dunes;

2. marine habitats;

3. sea cliffs;

4. riparian areas;

5. wetlands, coastal tidelands and marshes, lakes and ponds and adjacent shore habitats;

6. coastal and off-shore areas containing breeding and/or nesting sites or used by migratory and resident water-associated birds for resting and feeding;

7. areas used for scientific study and research concerning fish and wildlife, and existing game or wildlife refuges and reserves;

8. habitats containing or supporting unique species or any rare and endangered species defined by the State Fish and Game Commission;

9. rocky intertidal zones;

10. coastal scrub community associated with coastal bluffs and gullies

B. **Riparian Area and Corridor.** Any area of land bordering a perennial or intermittent stream or their tributaries, or around a lake or other body of fresh water, including its banks and land at least up to the highest point of an obvious channel or enclosure of a body of water. Riparian Corridors are the areas between the limits of riparian vegetation, where limits are determined by vegetative coverage, at least 50% of which is comprised of a combination of the following plant species: red alder, jaumea, pickleweed, big leaf maple, narrow-leaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder. These areas and corridors are sensitive habitats requiring protection. Man-made irrigation ponds having over 2,500 square feet of surface area are exempt.

C. **Bluff, Cliff, and Seacliff:**

1. A bluff or cliff is a scarp or a steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, or folding of the land mass with a vertical relief of ten feet or more.

2. Seacliff is defined as a cliff whose toe is subject to marine erosion.

3. Bluff edge or Cliff edge is defined as the upper termination of a bluff, cliff, or seacliff.

   (a) Where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the edge shall be defined as that point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff.

(b) Where the top edge of the cliff is a step-like feature, the landward edge of the topmost riser shall be considered the cliff edge.

D. **Wild Strawberry Habitat.** Any undeveloped areas within 1/2 mile of the coast.

E. **Wetlands.** As defined by the United States Fish and Wildlife Service, a wetland is an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and man-made impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds, and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernally wet areas where the soils are not hydric.

F. **Archaeological Resource Areas.** Any area shown in the Half Moon Bay Local Coastal Program Land Use Plan Map of Potential Archeological Resources as potentially containing archaeological resources. Specific areas are:

1. The coastal strip where exploitable resources occurred.

2. All major creek shores, such as Pilarcitos, Arroyo Leon, and Frenchman's creek.

3. All minor inland water courses, including historic or prehistoric springs, streams or marshes.

4. The foothill strip above the +200 foot elevation.

5. Areas of prehistoric site evidence and pertinent historic places such as cemeteries, houses and buildings.

6. Isolated hills and knolls.

18.38.025 Amendments to Coastal Resource Area Maps. Amendments to Coastal Resource Area maps shall be made as prescribed for amendments to zoning district boundaries in this Title.

18.38.030 Required Reports. Biological, Archeological and Geological Reports shall be required as set forth in Sections 18.38.035, 18.38.040, and 18.38.045. Required Reports shall be prepared by a qualified professional selected by the City in accordance with established City procedures. Unless otherwise specified herein, all required Biological, Archaeological, and Geological Reports shall be performed by a consultant selected by the City and paid for by the applicant.

A. **Report Requirements.** In general, required reports:

1. Shall identify significant impacts on identified Coastal Resources on the project site that would result from development of the proposed project

2. Shall recommend feasible measures to mitigate any significant impacts and to protect the identified coastal resource. The adequacy of these measures shall be evaluated under a program developed jointly by the applicant and the Planning Director. These measures may include, but are not limited to:

   (a) changes in development intensity;

   (b) siting of buildings, structures or paving;

   (c) limitations on the timing and location of construction activities.

3. Shall contain a proposed monitoring and reporting program to ensure that development conditions imposed are adequately being carried out and that significant impacts on the coastal resources have not occurred.

4. Shall be reviewed by the City for consistency with this Title and with the California Environmental Quality Act.

5. Shall be completed to the satisfaction of the Planning Director prior to the determination that a required development permit application is considered complete.

B. **Exceptions.** The Planning Director may grant exceptions to the requirements of this Chapter if he or she finds that existing studies adequately fulfill the requirements of this Chapter, provided such studies were prepared by a qualified professional as a part of a previously Certified Final E.I.R. in accordance with the provisions of this Chapter.

18.38.035 Biological Report.

A. **When Required.** The Planning Director shall require the applicant to submit a Biological Report prior to development review, prepared by a qualified Biologist for any project located in or within 100 feet of any Sensitive Habitat Area, Riparian Corridor, Bluffs and Seacliff Areas, and any Wetland.

1. **Exception.** The development of one single-family dwelling within a designated Wild Strawberry Habitat area and not within any other designated Coastal Resource Area shall not be subject to this requirement.

B. **Report Contents.** In addition to meeting the report requirements listed in Section 18.35.030, the Biological Report shall contain the following components:

1. **Mapping of Coastal Resources.** The Biological Report shall describe and map existing wild strawberry habitat on the site, existing sensitive habitats, riparian areas and wetlands located on or within 200 feet of the project site.

2. **Description of Habitat Requirements.**

(a) For Rare and Endangered Species: a definition of the requirements of rare and endangered organisms, a discussion of animal predation and migration requirements, animal food, water, nesting or denning sites and reproduction, and the plant's life histories

and soils, climate, and geographic requirements;

(b) For Unique Species: a definition of the requirements of the unique organism; a discussion of animal food, water, nesting or denning sites and reproduction, predation, and migration requirements; and a description of the plants' life histories and soils, climate, and geographic requirements.

C. **Distribution of Report.** Any Biological Report prepared pursuant to this Title shall be distributed to the U.S. Fish and Wildlife Service, the Army Corps of Engineers, the California Coastal Commission, the State Department of Fish and Game, the Regional Water Quality Control Board, and any other Federal or State agency with review authority over wetlands, riparian habitats, or water resources.

1. The Biological Report shall be transmitted to each agency with a request for comments from each agency with jurisdiction over the effected resource on the adequacy of the Report and any suggested mitigation measures deemed appropriate by the agency.

2. Included within the transmittal of the Biological Report to the various agencies shall be a request for comments to be transmitted to the Planning Director within 45 days of receiving the Report.

18.38.040 Archaeological Report.

A. **When Required.** The applicant shall have prepared, by a qualified archeologist an Archaeological Report for any development project located within any designated Archaeological Resource Area, where a recorded archaeological site identified in LCP/LUP Figure 6.1 is located on or within 100 feet of the project site, and for any public projects as defined in Section 18.38.095 B located within the mapped areas.

B. **Report Contents.** In addition to meeting the report requirements listed in this Title, the Archaeological Report shall contain the following components:

1. **Identification of Unique Archaeological Resources.** In that portion of any development of one acre or more, as indicated on the Land Use Plan Map, which is also within an area designated on the Map of Potential Archaeological Resources, an archaeological survey of the project site shall be undertaken as a part of the preparation of a specific plan for development. The Archaeological Report shall describe the findings of the survey, conducted by a qualified professional. The report shall:

   (a) evaluate whether unique archaeological resources are present or are likely to be present on the project site;

   (b) consider the impacts of the development proposed;

   (c) recommend mitigation measures.

2. **Mitigation Measures.** All feasible mitigation measures shall be incorporated in any specific plan or development plan prior to the issuance of a permit for development. Mitigation measures may include, but are not limited to:

   (a) site sampling or salvage,

(b) limiting the timing or location of construction activities to avoid existing or potential resources, and

(c) covering the site with fill.

3. **Monitoring and Reporting Program.** The monitoring and reporting program shall ensure that where unique archaeological resources are present, the development conditions imposed are adequately being carried out and that significant impacts on the archaeological resources have not occurred.

18.38.045 Geological Report.

A. **When Required.** The applicant shall submit a geological report for shoreline structures, for any structure to be built within 100 feet of the bluff edge, any seawall or cliff-retaining structure, and projects which involve substantial alteration of waterways.

B. **Report Contents.** For bluff and clifftop development, in addition to the report requirements listed in this Title, the Geological Report shall contain the following components:

1. **Site Stability Evaluation.** This evaluation shall focus on the base, face and top of all bluffs and cliffs, where the extent of blufftop to be considered is generally 50 feet inland from the bluff edge, but may extend inland beyond 50 feet in certain instances.

The evaluation shall contain:

(a) a study of past, present, and future cliff erosion,

(b) an analysis of cliff geometry and site topography,

(c) a description of geologic conditions,

(d) evidence of past or potential landslide conditions and potential effects upon development and vice versa,

(e) a study of wave and tidal action as to their erosion of seacliffs,

(f) an analysis of ground and surface water conditions and variations,

(g) a discussion of effects of proposed development, including siting and design of structures, landscaping, drainage, grading and impacts of construction activity on the stability of the site and adjacent area, and any other factors that might affect slope stability.

(h) for any structure to be built within 100 feet of the bluff edge, an assessment of the prospective hazard to the structure.

2. **Seawalls and cliff-retaining structures.** The geological report for seawall or cliff-retaining structures shall indicate that the structure will succeed in stabilizing that portion of the shoreline which is subject to severe erosion and will not aggravate erosion in other shoreline areas.

C. **Mitigation Measures.** The mitigation measures to be used shall ensure minimized erosion problems during and after construction. Appropriate mitigation measures shall be included in the geological report.

18.38.050 Environmental Evaluation Standards. Projects proposed within Coastal Resource Areas shall be evaluated in an Initial Study and any necessary subsequent C.E.Q.A. documents according to the following general standards (in addition to those set forth in CEQA guidelines):

A. **Development and Land Use:**

1. Shall be prohibited when significant adverse impacts on coastal resource areas would occur as a result.

2. Shall be sited and designed to prevent impacts that could significantly degrade adjacent sensitive habitat areas or significantly degrade areas adjacent to sensitive habitat areas.

3. Shall be compatible with the maintenance of biologic productivity of any adjacent sensitive habitat areas.

4. Shall be permitted within sensitive habitat areas only if they are resource-dependent uses or other uses which will not have any significant adverse environmental impacts, and if the uses comply with U.S. Fish and Wildlife Service and State Department of Fish and Game regulations.

5. Shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliff, and shall minimize risks to life and property in hazard areas.

6. Shall comply with the restrictions listed in this Title for each coastal resource area, and with all other applicable sections of the City's Local Coastal Program Land Use Plan.

B. The Initial Study:

1. Shall evaluate the proposed uses and development within any coastal resource areas in terms of their dependence upon the coastal resources.

2. Shall determine whether the proposed uses are sited and designed so as to prevent impacts which would significantly degrade areas adjacent to a sensitive habitat.

3. Shall review the feasibility of partial or total restoration of damaged sensitive habitat(s).

4. Shall determine whether proposed development is sited and designed so as to avoid or minimize

destruction or significant alteration of significant existing plant communities identified in the General Plan, including riparian vegetation and notable tree stands.

5. Shall evaluate projects to ensure the protection of riparian corridors of streams, lakes and other bodies of fresh water as designated on the Habitat Areas and Water Resources Overlay, and any other riparian areas, except for man-made irrigation ponds over 2,500 square feet surface area.

6. Shall evaluate the project's conformance with the restrictions listed in this Title for each coastal resource area, and with all other applicable sections of the City's Local Coastal Program Land Use Plan.

18.38.055 Environmental Impact Reports. At the discretion of the Planning Director, a project applicant may use the analysis contained in an Environmental Impact Report prepared under the California Environmental Quality Act or an Environmental Impact Statement prepared under the federal Environmental Policy Act to fulfill the requirements of this Title.

A. Use of Environmental Impact Report on Project. The Planning Director may allow an applicant to substitute the analysis in an Environmental Impact Report on a project for a Geological, Biological or Archaeological Report on the same project, if the Planning Director determines that the Environmental Impact Report adequately meets the requirements for Geological, Biological or Archaeological Reports listed in this Title.

1. **Determination of Adequacy.** The Planning Director shall determine whether the Environmental Impact Report adequately meets the requirements for a Geological, Biological, or Archaeological Report as set forth herein prior to the preparation of the Draft Environmental Impact Report. The Planning Director shall make any determination of inadequacy in writing, giving reasons for a finding of inadequacy and listing any changes needed to be in the Environmental Impact Report for it to

adequately substitute for the Geological, Biological, or Archaeological Report.

B. **Use of Previously Prepared Environmental Impact Report.** The Planning Director may accept the information and analysis contained in a previously prepared Environmental Impact Report required under the California Environmental Quality Act in lieu of a new Geological, Biological, or Archaeological Report if the Planning Director determines that:

1. The Environmental Impact Report adequately meets the requirements for Geological, Biological or Archaeological Reports listed in this Chapter, and

2. The Environmental Impact Report was prepared for either a previous project on the project site or a project on a directly adjoining site.

3. In order to use any previously prepared Biological Report pursuant to this Section, the Biological Report must have been a part of a Certified Final E.I.R. that was accepted as complete and adequate no more that one year prior to the date of submittal.

4. In order to use any previously prepared Geological Report pursuant to this Section, the Geological Report must have been a part of a Certified Final E.I.R. that was accepted as complete and adequate no more that five years prior to the date of submittal.

5. In order to use any previously prepared Archaeological Report pursuant to this Section, the Archaeological Report must have been a part of a Certified Final E.I.R. that was accepted as complete and adequate no more that five years prior to the date of submittal.

18.38.060 Sand Dunes. For purposes of this Title, a sand dune is defined as a mound, ridge, or hill of loose sands heaped up by the wind. The following regulations are applicable to sand dune areas defined in this Title and designated on the City's Coastal Resource Map.

A. **Permitted Uses.**

1. education and research,

2. trails,

3. dune stabilization activities;

4. underground utilities, only when no feasible or practical alternative exists.

B. **Prohibited Uses.**

1. All non-authorized motor vehicles

2. Any activity which alters the profile of an active dune or which results in the disturbance or removal of dune vegetation on active dunes;

3. Direct removal or excavation of sand from active dunes.

C. **Standards.**

1. Pedestrian traffic must be controlled and trails for public access to the beach shall be roped along the trail edges;

2. Signs must be posted informing recreational users not to disturb dunes or their natural vegetation;

3. New development shall include revegetation of any dune areas to be disturbed by development activities;

4. Revegetation plantings shall be appropriate stabilizing species, and native plants shall be used wherever possible.

D. **Buffer Zone.** A minimum buffer area for sand dunes shall be provided from the most seaward stabilized dune extending 50 feet landward. Development shall be located only landward of the most seaward stabilized dune.

E. **Parking Facilities.** When located adjacent to dunes, parking facilities:

1. shall be located so that beach access is not across dunes, where possible,

2. shall provide wooden walkways where access across the dunes is required, and

3. shall provide signs to discourage random passage to the beach.

F. **Dune Stabilization.**

1. If vegetation will be disturbed due to development activities, the dunes shall be re-vegetated with appropriate stabilizing species (preferably native);

2. Agencies and Community groups are encouraged to assist in dune stabilization and restoration of dunes;

3. The spread of dune grass shall be assessed, monitored, and contained.

18.38.065 Bluffs and Sea Cliffs. The following regulations are applicable to the coastal resource areas defined in this Title and designated on the City's Coastal Resource Map:

A. **Permitted Uses - Sea Cliff or Bluff Face.**

1. Where nesting or roosting exists, only education and research activities are permitted.

2. Where nesting or roosting do not exist, the following uses are permitted:

(a) education and research activities,

(b) limited coastal access, pedestrian paths, and engineered stairways for coastal access,

(c) limited recreational rock climbing,

(d) road and underground utility construction where no feasible alternative exists,

(e) intake or outfall lines, provided that the habitat is not threatened, and

(f) planting of drought-tolerant coastal vegetation for sea cliff stabilization purposes only.

B. **Prohibited Uses - Sea Cliff or Bluff Face.**

1. Development is prohibited on bluff faces (except for stairways for public access to the beach).

C. **Permitted Priority Uses, Bluffs.**

1. Priority shall be given to coastal dependent and related recreational activities and support facilities, except that camping facilities shall be set back 100 feet from the beach and bluffs and near-shore areas reserved for day use activities;

2. Priority shall be given to recreational uses that do not require extensive alteration of the natural environment, as both public and private development.

D. **Conditionally Permitted Uses.** Where no other less environmentally damaging alternatives are available, and when required to serve coastal dependent uses, to protect existing structures, or to protect public beaches in danger from erosion, the following are permitted by Use Permit with C.E.Q.A. compliance:

1. Seawalls and Cliff-retaining Structures,

2. Revetments, breakwaters, groins, harbor channels, pipelines, outfalls, and other such construction that may alter natural shoreline processes,

3. Blufftop Structures within 50 year line of cliff retreat,

4. Buildings within 50 feet of the bluff edge,

5. grading for development.

E. **Prohibited Uses - Bluffs.** Off-road vehicle use shall be prohibited in regional recreational areas as designated on the Land Use Plan Map.

F. **Development Standards.** In addition to requirements listed in D above, the following shall apply:

1. **Seawalls and Cliff-retaining Structures.** These structures are permitted by Use Permit under the following standards or conditions:

   (a) the structure is designed to preserve the maximum amount of existing beach,

   (b) the structure is designed to ensure lateral access along the shoreline,

   (c) the structure is designed so that all existing endangered development within the area of the improvement is protected as a part of the project,

   (d) the structure is not designed so as to encompass an area larger than that necessary to protect existing structures.

2. **Revetments, groins, pipelines, outfalls, and other construction that alter natural shoreline processes.** These projects are permitted by Use Permit under the following standards or conditions:

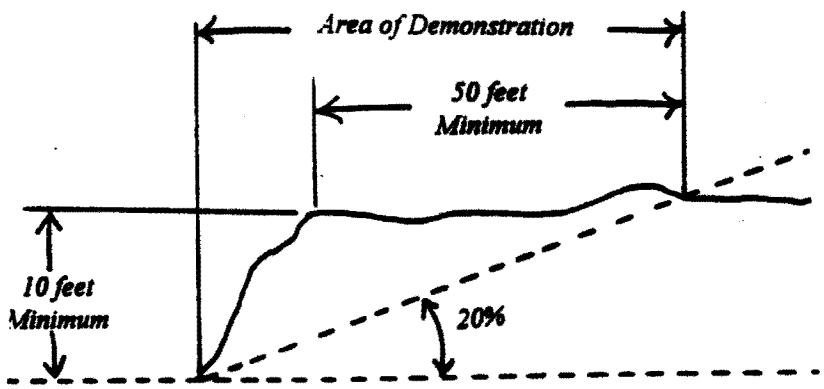
   (a) the installation is designed so as not to block lateral beach access,

   (b) drain pipes shall be designed and placed so as to minimize impacts to the bluff face, toe and beach. Drainage devices extending over the bluff face shall not be permitted if water can be directed away from the beach.

3. **Blufftop Structures.** Development permitted shall comply with the following controls and regulations:

(a) The area of demonstration of stability includes the base, face and top of all bluffs and cliffs. The extent of the blufftop considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined a 20 degree angle from the horizontal passing through the toe of the bluff or cliff, or 50 feet inland from the edge of the cliff or bluff, whichever is greater. Figure 1 below is provided for clarification:

Figure 1 - Extent of Blufftop



(b) Blufftop or clifftop development shall be permitted only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development of 50 years plus an additional 50 feet of setback, and if the development, including storm runoff, foot traffic, grading, irrigation, and septic tanks if required, will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area. Development is prohibited on bluff faces except for stairways for public access to the beach.

(c) Land divisions or new structures identified in areas described in (a) and (b) above that

would require the need for bluff protection work.

(d) For any proposed bluff or clifftop development, a geological report shall be prepared, according to the provisions of this Title.

4. **Grading for Development.**

(a) Grading is permitted only when required to establish proper drainage, install minor improvements (e.g. trails), restore eroded areas, or provide permitted access ways.

(b) Any required or permitted grading must direct water runoff away from the edge of the bluff, and prevent damage to the bluff by surface and percolating water.

5. **Development on Bluff Face.** On cliff or bluff faces, development is permitted for:

(a) Engineered access ways to provide public beach access,

(b) Drainage pipes only where no other less environmentally damaging drain system is feasible and the drain pipes are designed and placed to minimize impacts to the bluff face, toe, and beach,

(c) Drainage devices extending over the bluff face shall not be permitted if water can be directed away from the bluff face.

6. **Drought-tolerant Coastal Vegetation.** In the absence of a determination supported by a site-specific survey by a qualified geologist and biologist to the contrary, the following requirements shall apply:

(a) Vegetation shall be installed within 100 feet from the bluff or foredune edge and maintained as part of any new development in the area,

(b) Vegetation shall be capable of enhancing bluff and stability.

18.38.070 Coastal Access ways.

A. Pedestrian Traffic.

1. Pedestrian traffic in bluff and cliff areas and on faces are restricted to a limited number of well-defined trails which avoid seabird nesting and roosting sites;

2. Signs shall be posted along lateral and vertical access ways, informing the public of their right to use these areas, and stating any limitations on the public's right of access and specific uses, such as informing pedestrians not to disturb natural vegetation or nesting and roosting sites.

B. Coastal Access Plans.

1. For all new development along the Shoreline Trail alignment shown on the Access Improvements Map, granting of lateral easements to allow for continuous public access along the shoreline shall be mandatory unless publicly owned blufftop land suitable for trail development intervenes between the development and the bluff edge.

2. Vertical and Lateral Public Access ways to Public Shoreline Recreation Areas shall be shown in plans on property abutting the State Beach and County Acquisition area, and shall be reviewed by any public agency holding beach lands to ensure consistency with the adopted State Park General Plan or Land Use Plan in other areas.

3. Lateral easements shall be dedicated on all beach seaward of the base of the bluff, and shall have a width sufficient to allow an adequate trail and to protect the privacy of any residential structures built near the access way;

C. **Buffer Zones.**

1. Lateral easements shall be set back at least 10 feet from the bluff edge and native vegetation shall be established between the trail and the edge to stabilize the bluff top;

2. Vertical and lateral access ways shall be protected by a minimum 15 foot buffer within which no structure shall be built. This setback may be increased should it be determined to be necessary to minimize adverse visual impacts, protect residential privacy, or protect public access;

D. **Public Dedications or Easements.**

1. Dedications and easements are expected to be purchased by the State of California, the County of San Mateo, or any private entity organized for acquisition of public dedication;

2. Shall be required by the City in order to reduce required purchases. The City shall retain any offers of dedications or easements required by the Local Coastal Plan and or General Plan as open for acceptance by entities listed above.

E. **Improved Lateral Bluff Edge Trail**, from Kelly Avenue to Miramontes Point. Road:

1. Shall be designed to improve coastal access and avoid increase in bluff edge runoff, as shown on the Access Improvement Map or as determined by the Wavecrest Conservancy Project for the area between Seymour and Redondo Beach Road.

2. Shall be connected to the beach with vertical trails at the end of Kelly, midway between Kelly and Seymour, at the end of Seymour, midway between Seymour and Redondo Beach Road as determined by the Wavecrest Conservancy Project, near the end of Redondo Beach Road, and at the end of Miramontes Point Road;

3. Shall include the use of landscaping and signs to separate horse and pedestrian trails;

4. Shall allow horseback riding only on trails and areas as shown on the Access Improvements Map.

18.38.075 Riparian Corridors and Buffer Zones.

A. **Permitted Uses.** Except as may be specified in this Chapter, within Riparian Corridors, only the following uses shall be permitted:

1. Education and research;

2. Consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code;

3. Fish and wildlife management activities;

4. Trails and scenic overlooks on public land(s);

5. Necessary water supply projects;

6. Restoration of riparian vegetation.

B. **Permitted Uses, where no feasible or practical alternative exists:**

1. Stream-dependent aquaculture provided that non-stream-dependent facilities locate outside of corridor;

2. Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development;

3. Bridges when supports are not in significant conflict with corridor resources;

4. Pipelines and storm water runoff facilities;

5. Improvement, repair, or maintenance of roadways or road crossings;

6. Agricultural uses, provided no existing riparian vegetation is removed, and no soil is allowed to enter stream channels

C. **Standards.** Development shall be designed and constructed so as to ensure:

1. That the removal of vegetation is minimized;

2. That land exposure during construction is minimized and that temporary vegetation or mulching is used to protect critical areas;

3. That erosion, sedimentation, and runoff is minimized by appropriately grading and replanting modified areas;

4. That only adapted native or non-invasive exotic plant species are used for replanting;

5. That sufficient passage is provided for native and anadromous fish as specified by the State Department of Fish and Game;

6. That any adverse effects of waste water discharges and entrainment are minimized;

7. That any depletion of groundwater supplies and substantial interference with surface and subsurface waterflows are prevented;

8. That waste water reclamation is encouraged;

9. That natural vegetation buffer areas which protect riparian habitats are maintained;

10. That any alteration of natural streams is minimized.

D. **Riparian Buffer Zone.** Defined as:

1. Land on both sides of riparian corridors which extends from the "limit of riparian vegetation" 50 feet outward for perennial streams and 30 feet outward for intermittent streams;

2. Land along both sides of riparian corridors which extends 50 feet from the bank edge for perennial streams and 30 feet from the midpoint of intermittent streams, where no riparian vegetation exists.

E. Permitted Uses within Riparian Buffer Zones:

1. Uses permitted in riparian corridors;

2. Crop growing and grazing, provided no existing riparian vegetation is removed and no soil is allowed to enter stream channels;

3. Timbering in "streamside corridors" as defined and controlled by State and County regulations for timber harvesting.

F. Permitted Uses within Riparian Buffer Zones, where no feasible alternative exists:

1. The construction of new structures on existing legal building sites, set back 20 feet from the limit of riparian vegetation, only if no other building site on the parcel exists;

2. The creation of new parcels only if the only building sites available are those within in buffer area, if the proposed parcels are consistent with existing development in the area, and if the building sites are set back 20 feet from the limit of riparian vegetation, or if there is no vegetation, 20 feet from the bank edge of a perennial stream or 20 feet from the midpoint of an intermittent stream.

G. Development Standards within Riparian Buffer Zones. Development shall be designed and constructed so as to ensure:

1. That the removal of vegetation is minimized;

2. That development conforms to natural topography and that erosion potential is minimized;

3. That provisions have been made to (i.e. catch basins) keep runoff and sedimentation from exceeding pre-development levels;

4. That native and non-invasive exotic vegetation is used for replanting, where appropriate;

5. That any discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor is prevented;

6. That vegetation in or adjacent to man-made agricultural ponds is removed if the life of the pond is endangered;

7. That dredging in or adjacent to man-made ponds is allowed if the San Mateo County Resource Conservation District, or any similar or successor agency or entity, certifies that siltation imperils continued use of the pond for agricultural water storage and supply.

H. **Exceptions for Development within Riparian Buffer Zones.** An Exception may be issued by the Planning Commission for an exception to buffer zone requirements if the six required Exception Findings contained in Subsection I below can be supported, in the following cases:

1. If the imposition of the minimum buffer area would render a previously subdivided parcel unusable for its designated use; or

2. If there are special circumstances or conditions affecting the property,

I. **Exception Findings for Development within Riparian Buffer Zones.** The following Exception Findings shall be supported by the contents of the required Biological Report:

1. That there are special circumstances or conditions affecting the property;

2. That the Exception is necessary for the proper design and function of some permitted or existing activity on the property;

3. That the granting of the Exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;

4. That the granting of the Exception will not significantly reduce or adversely impact the sensitive habitat, or there is no feasible alternative which would be less damaging to the environment;

5. That the granting of the Exception is in accordance with the purpose of this Chapter and with the objectives of the L.C.P. Land Use Plan;

6. That development on a property which has its only building site located in the buffer area maintains a 20-foot buffer from the limit of riparian vegetation, or if no vegetation exists, a 20-foot buffer from the bank edge of a perennial stream and a 20-foot buffer from the midpoint of an intermittent stream.

18.38.080 Wetlands.

A. Permitted Uses:

1. Education and research;

2. Passive recreation such as bird-watching;

3. Fish and wildlife management activities.

B. Permitted Uses with approval of a Use Permit:

1. Commercial mariculture where no alteration of the wetland is necessary;

2. Bridges;

3. Pipelines and storm water runoff facilities;

4. Improvement, repair or maintenance of roadways.

C. **Standards.** The Riparian Corridor Standards listed in this Chapter shall apply to Wetlands.

D. **Wetlands Buffer Zone.** The minimum buffer surrounding lakes, ponds, and marshes shall be 100 feet, measured from the high water point, except that no buffer is required for man-made ponds and reservoirs used for agricultural purposes.

E. **Permitted Uses within Wetlands Buffer Zones.** The Riparian Buffer Zone Uses listed in this Title shall apply to Wetlands Buffer Zones.

F. **Permitted Uses within Wetlands Buffer Zones, where no feasible alternative exists.** The Riparian Buffer Zone Uses listed under this Title shall apply to Wetlands Buffer Zones.

G. **Development Standards within Wetlands Buffer Zones.** The Riparian Buffer Development Standards listed under this Title shall apply to Wetlands Buffer Zones.

H. **Exceptions for Development within Wetlands Buffer Zones.** The Riparian Buffer Zone Development Exceptions listed under this Title shall apply to Wetlands Buffer Zones.

I. **Exception Findings for Development within Buffer Zones.** The Riparian Buffer Zone Exception Findings listed under this Title shall apply to Wetlands Buffer Zones.

18.38.085 Habitats for Rare and Endangered Species.

A. **Rare and Endangered Species.** The potential exists for any of the following Rare and Endangered Species to be found within the San Mateo County Coastal Area and therefore within the City of Half Moon Bay:

1. **Animals:** the San Francisco Garter Snake, California Least Tern, California Black Rail, California Brown Pelican, San Bruno Elfin Butterfly, San Francisco Tree Lupine Moth, Guadalupe Fur Seal, Sea Otter, California Brackish Water Snail, Globose Dune Beetle;

2. **Plants:** Rare Plants known in San Mateo County are the Coast rock cress, Davy's bush lupine, Dolores campion, Gairdner's yampah, Hickman's cinquefoil, Montara manzanita, San Francisco wallflower, and Yellow meadow foam (botanical names are listed in the City's LCP/LUP).

B. **Permitted Uses.** In the event that a Biological Report indicates the existence of any of the above species in an area, the following uses are permitted:

1. Education and research;

2. Hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat;

3. Fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.

C. **Permitted Uses within Critical Habitats.** Within the critical habitat as identified by the Federal Office of Endangered Species, permitted uses are those which are deemed compatible by the U.S. Fish and Wildlife Service in accordance with the provisions of the Endangered Species Act of 1973, as amended.

D. **Buffer Zones.** The minimum buffer surrounding a designated habitat of a rare or endangered species shall be 50 feet.

E. **Standards:**

1. **Animals:** Specific requirements for each rare and endangered animal are listed in Chapter 3 of the Local Coastal Program Land Use Plan.

2. **Plants:** When no feasible alternative exists, development may be permitted on or within 50 feet of any rare plant population, if the site or a significant portion of the building site shall be returned to a near-natural state to enable re-establishment of the plant, or a new site shall be made available for the plant to inhabit and, where

feasible, the plant population shall be transplanted to that site.

F. **Habitat Preservation.** Rare and endangered species habitats shall be preserved according to the requirements of the specific Local Coastal Program Land Use Plan policies tailored to each of the identified rare and endangered species and LCP/LUP implementing ordinances.

18.38.090 Habitats for Unique Species.

A. **Unique Species.** Unique species are those organisms which have scientific or historic value, few indigenous habitats, or some characteristics that draw attention or are locally uncommon.

1. Existing unique animals are: Raptors (owls, hawks, eagles and vultures), the Red-legged Frog, Sea Mammals (whales, dolphins, seals, and sea lions;

2. Existing unique plants are: The California Wild Strawberry and Monterey Pine.

B. **Permitted Uses:**

1. Education and research;

2. Hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat;

3. Fish and wildlife management to the degree specified by existing governmental regulations.

C. **Habitat Preservation**, Critical Habitats.

1. Development, trampling or other destructive activity which would destroy any unique plant species shall be prevented, and plants identified as being valuable shall be successfully transplanted to some other suitable site;

D. **Eradication of Invasive Plants.** Pampas grass, weedy thistles, French broom, Scotch broom, and other weedy

plants which are identified to be destructively invasive.

1. On public lands: invasive plants shall be removed from public lands by the appropriate public agencies, to the point feasible,

2. On private land: the City shall encourage voluntary cooperation of farmers and landowners to remove invasive plants,

3. Plants sold by retail nurseries on the coast: the city shall encourage voluntary cooperation of retail nurseries to prevent the sale of brooms and pampas grass.

E. **Control of Blue Gum Eucalyptus.** It is not desirable to encourage wholesale removal of existing stands of blue gums, however:

1. Landowners shall be encouraged to remove blue gum seedlings to prevent the slow, natural spread of the species.

2. The City shall not allow the planting of blue gum trees on public lands, and shall discourage private landowners from planting blue gums on private property.

18.38.095 Archaeological Resources.

A. **Site Protection.** Development within an area designated on the Map of Potential Archaeological Resources shall include such designs and methods of construction as will offer protection for any potential archeological site.

B. **Public Projects.** As a part of any project to construct new roads, trails, sewer or water lines, or other public projects involving substantial excavation which could destroy archaeological resources within the areas designated on the Map of Potential Archaeological resources, provision shall be made for a qualified archeologist to conduct an archaeological survey and to sample and salvage the site as a part of the construction project.

C. **During Construction.** The developer of a project shall notify the City when an archaeological site is discovered during construction of a project. The City shall require that all work that, in the determination of the Planning Director, could degrade the archaeological resources on the site be suspended until the completion of an investigation of the archaeological resources by a qualified professional. The City shall call for such a investigation within 15 days of its notification. If the investigation does not find significant archaeological resources on the site, the investigation shall be completed within 30 days. If the investigation finds significant archaeological resources on the site, the investigation shall be completed within 90 days.

18.38.100 Development Conditions. The Planning Commission shall impose development conditions on proposed projects within or adjacent to designated Coastal Resource Areas that require a Coastal Development Permit and are subject to the provisions of this chapter. These conditions shall include the mitigation measures recommended in required reports or the Environmental Impact Report if the Planning Director accepts it in lieu of required reports, as Development conditions in the Coastal Development Permit for the proposed project. The Planning Commission may modify or eliminate conditions where it is found that the modification is consistent with the purposes of this chapter and the California Coastal Act.

18.38.105 Fees. The City shall require, as a condition of approved private development, the improvement or financial participation in the improvement of all primary and secondary beach access routes indicated on the Land Use Plan Map where development is permitted adjacent to such access route or is served by it.

18.38.110 Notice. Notice of the preparation of a required Biologic or Archaeological Report shall be given as required in this Title for Local Coastal Development Permits.

18.38.115 Appeals. Appeals to the findings of any required report or development conditions shall be made as part of the Coastal Development Permit process provided for in this Title.

file:CHAP1838:March 14, 1995

CHAPTER 18.39

HISTORIC RESOURCES PRESERVATION

Sections:

18.39.005	Intent and Purpose
18.39.010	Definitions
18.39.015	Applicability
18.39.020	Exemptions
18.39.025	Land Use Regulations
18.39.030	Alteration of Any Historic Resource on the Inventory
18.39.035	Historic Preservation Permit
18.39.040	Findings for Approval for any Alteration
18.39.045	Demolition of Any Historic Resource on the Inventory
18.39.050	Adoption of State Historic Building Code
18.39.055	Fees

18.39.005 Intent and Purpose. The intent and purpose of this Chapter is to:

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 of Half Moon Bay;

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 of Half Moon Bay to qualify as a Certified Local Government as defined in the National Historic Preservation Act of 1966.

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

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

F. "Demolition" is 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" is 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" are 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" is the first, last, only or most significant of a type in a region, over fifty (50) 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" is 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" is 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" include 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.

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 18.39.070 shall be followed.

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 18.39.075 shall be followed.

18.39.020. Exemptions. The provisions of this Chapter do not apply to the following:

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 ordinance 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. 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. 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. 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.

18.39.025 Land Use Regulations.

A. 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. 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 effects the ability of the property owner to restore an identified Historic Resource and qualify for consideration as an Historic Landmark.

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.

C. In those cases where a property owner desires to modify a designated Historic Resource in an 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.

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. 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. 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 30 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.

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 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. 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. The Planning Director shall forward a copy of the Historic Preservation Permit application and plans to the Spanishtown Historical Society at least 21 days prior to the date the Planning Commission considers the application. The Spanishtown Historical Society shall submits any comments or recommendations to the Planning Department at least seven days prior to the date the Planning Commission considers the application.

C. The Planning Commission serving as the Historic Preservation Commission shall review the recommendations of the Architectural Review Committee and Spanishtown 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.

D. 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.

E. 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.

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 of Half Moon Bay. An Historic Preservation Permit for alteration of a designated Historic Resource shall be approved only upon finding by the Architectural Review Committee, and Planning Commission serving as the Historic Preservation Commission, that:

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.

18.39.045 Demolition of Any Historic Resource on the Inventory.

A. 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:

1. 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

2. 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

3. 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.

B. Documentation of Historic Resource to be demolished:

1. 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.

2. Within 30 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.

18.39.050 Adoption of State Historic 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 of Half Moon Bay. 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.

18.39.055 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.

file:CHAP1839:August 2, 1995

CITY COUNCIL STAFF REPORT

DATE: March 15, 1994

TO: MAYOR AND CITY COUNCIL

FROM: Chris Gustin, Planning Director

ccc rec'd 9/15/95

SUBJECT: Draft Revised Subdivision Code, Title 17

BACKGROUND:

The City Subdivision Ordinance consists of several Chapters related to the processing of Subdivision Maps, Condominiums, and Park Dedication. Those portions of the City Subdivision Code pertaining to the processing of subdivision maps are actually the County of San Mateo Subdivision Code which were adopted by reference in 1969. The City has not adopted any major or substantive revisions to this Code since its adoption, even though the State Subdivision Map Act has been amended annually.

As a part of the L.C.P. Implementation process, certain amendments to the Subdivision Ordinance are required. These required amendments are outlined in Section III of the Land Use Plan (copy attached).

During the process of reviewing the existing Subdivision Ordinance to determine the nature and extent of amendments necessary to implement the L.C.P., it became obvious that the entire Subdivision Ordinance was in need of a major overhaul to become consistent with the current Subdivision Map Act as well as City policies outlined in the L.C.P.

City Staff has undertaken a complete revision to those sections of the Subdivision Code addressing the processing of Subdivision Maps to be consistent with the Map Act and the L.C.P.

At its meeting of February 10, 1994, the Planning Commission reviewed and considered the first Draft of the revised Subdivision Ordinance, Title 17 of the Municipal Code. At this meeting, several items were discussed and direction was given to make certain changes to the text.

At its meeting of February 24, 1994, the Planning Commission considered the revisions suggested at the previous meeting as well as the proposed new Chapter addressing Lot Line Adjustments.

After discussion, the Planning Commission adopted Resolution P-05-94, recommending that the City Council adopt the

revised Subdivision Code in its entirety as the new Title 17, Subdivisions, of the Municipal Code.

DISCUSSION:

The following summarizes the proposed changes suggested by Staff and required by the L.C.P., as recommended for adoption by the Planning Commission. The first step was to prepare a Table of Contents that is cohesive and understandable. The following discussion is based upon the revised Table of Contents.

GENERAL PROVISIONS:

Chapter 17.02 General Provisions (New):

This is a new Chapter that essentially sets the ground rules for subdividing land in the City. Of particular importance are portions of Sections 17.02.030 and 17.02.110, as follows:

Section 17.02.030 Advisory Agency:

The Planning Commission, as the Advisory Agency of the City on Subdivisions, has requested the inclusion of a specific provision that states the Planning Commission "... shall review and approve any amendment to this Title prior to adoption by the City Council." Neither the Government Code nor the Subdivision Map Act require Planning Commission Approval of amendments to the Subdivision Code.

Section 17.02.110 Availability of Sewer and Water Capacity to Serve the Subdivision:

This new section requires that sewer and water capacity be available to serve the intended uses within the subdivision prior to the approval of a Parcel Map, Tentative Map, or Vesting Tentative Map, or specific conditions of approval must be imposed precluding the processing of a final map or the recording of a parcel map until such infrastructure is available. Multiple final maps may be processed if infrastructure is available to serve the intended uses within each final map.

Building and/or grading permits may not be issued unless evidence is presented to the Planning Director confirming adequate sewer and water supplies for the intended uses.

In addition, Section 17.02.060, Divisions of Land Within the Open Space Reserve District, and Section 17.02.070, Divisions of Land Within the Urban Reserve Districts, are required as apart of the L.C.P. Implementation process.

Revised Subdivision Code, Title 17

17.04 Definitions (Major revisions)

The Definitions in this Chapter have been expanded and updated to reflect current definitions in the Subdivision Map Act.

17.06 Residential Dwelling Unit Building Permit Allocation System Ordinance (Previously adopted as Chapter 17.30)

The only change to the previously adopted Ordinance was to Section 17.06.215 Application Form for New Residential Development. Subsection B.3 was amended to add the text from the City Tree Ordinance requiring the Site Development Plan to show "all existing trees over ten inches in diameter 48 inches above grade". This text conforms to the City Tree Ordinance.

17.08 Exceptions to Requirements (New)

This is a new Chapter outlining the process and required Findings for approving exceptions to any of the requirements of the Subdivision Code.

17.10 Enforcement (New)

This is a new Chapter outlining the penalties for non-compliance with the Subdivision Code. In addition to other provisions, Section 17.10.010 Penalty allows for civil penalties to be collected from violators and for the City to seek reimbursement of all administrative costs associated with securing compliance with this Title.

SUBDIVISIONS

17.20	Tentative Maps (New)
17.22	Vesting Tentative Maps (Major revisions to Chapter 17.27)
17.24	Final Map (New)
17.26	Parcel Maps (New)
17.28	Lot Merger (Previously adopted as Chapter 17.62)
17.30	Lot Line Adjustments (New)

All of these Chapters are either new or have undergone major revisions to comply with the Subdivision Map Act. In addition, the revisions clearly specify the information that must be submitted for each application, the procedural requirements, and the Findings for approval or denial.

Revised Subdivision Code, Title 17

DESIGN AND IMPROVEMENT STANDARDS

17.40	Design Standards (New)
17.42	Improvements (New)
17.44	Preliminary Soils Report (Previously adopted as Chapter 17.12)
17.46	Storm Drainage Improvement Fees (Previously adopted as Chapter 17.08)
17.48	Land Dedicated for Park and Recreation Purposes (Previously adopted as Chapter 17.16)

Chapters 17.40, Design Standards, and Chapter 17.42, Improvements, are new Chapters which define the type and criteria for the public and/or private improvements included within each new subdivision.

As noted, Chapters 17.44, Preliminary Soils Report, Chapter 17.46, Storm Drainage Improvement Fees, and Chapter 17.48, Land Dedicated for Park and Recreation Purposes were all previously adopted by the City.

CONDOMINIUMS

17.60	Condominiums-Generally-Definitions-Scope (Previously adopted as Chapter 17.18)
17.62	Condominiums-Permits-Applications-Requirements for Conversion (Previously adopted as Chapter 17.20)
17.64	Condominiums-Building Standards (Previously adopted as Chapter 17.22)
17.66	Vacancy Surplus (Previously adopted as Chapter 17.24)

No changes to any of the Chapters addressing Condominiums were suggested except the re-numbering.

RECOMMENDED ACTION:

It is suggested that the City Council open the public hearing, receive a presentation from Staff, and accept all relevant testimony from those in attendance desiring to be heard. The City Council may desire to discuss any provisions of the Draft Revised Subdivision Ordinance as recommended for adoption by the Planning Commission.

Should the City Council be satisfied that the proposed changes are adequate to implement the L.C.P. and to meet the current requirements of the Subdivision Map Act, the City Council may desire to Introduce the Ordinance next in order at this meeting and set the Ordinance for adoption at its meeting of April 5, 1994.

Revised Subdivision Code, Title 17

It should be noted that Staff is suggesting that the Draft L.C.P. Implementing Ordinances not be formally adopted until after the Zoning Maps are prepared and the Coastal Commission Staff had completed their initial review. The Revised Subdivision Code, Title 17, may be adopted by the City even though a portion of the Ordinances are a part of the L.C.P. Implementation process. The reason the Revised Subdivision Code can be adopted at this point is because the specified procedures apply to all divisions of land regardless of the status of the L.C.P. Implementation process.

Respectfully Submitted:

Chris Gustin
Planning Director

Approved:

Mark Weiss
City Manager

Attachment: Section III of the L.C.P.

Draft Ordinance for Introduction

Revised Draft Subdivision Ordinance, Title 17 (City Council only)

file:SUBCCSR1:March 8,1994

TITLE 17
SUBDIVISIONS

GENERAL PROVISIONS:

17.02	General Provisions
17.04	Definitions
17.06	Residential Dwelling Unit Building Permit Allocation System Ordinance
17.08	Exceptions to Requirements
17.10	Enforcement

SUBDIVISIONS

17.20	Tentative Maps
17.22	Vesting Tentative Maps
17.24	Final Map
17.26	Parcel Maps
17.28	Lot Merger
17.30	Lot Line Adjustments

DESIGN AND IMPROVEMENT STANDARDS

17.40	Design Standards
17.42	Improvements
17.44	Preliminary Soils Report
17.46	Storm Drainage Improvement Fees
17.48	Land Dedicated for Park and Recreation Purposes

CONDOMINIUMS

17.60	Condominiums-Generally-Definitions-Scope
17.62	Condominiums-Permits-Applications-Requirements for Conversion
17.64	Condominiums-Building Standards
17.66	Vacancy Surplus

CHAPTER 17.02

GENERAL PROVISIONS

SECTIONS:

17.02.010	Intent and Purpose
17.02.020	Applicability
17.02.030	Advisory Agency Designated
17.02.040	Compliance Required
17.02.050	Conformance with the Local Coastal Plan, the General Plan and its Elements, and the Zoning Code Required
17.02.060	Divisions of Land Within the Open Space Reserve Districts
17.02.070	Divisions of Land Within the Urban Reserve Districts
17.02.080	Phasing of New Residential Development
17.02.090	Prerequisite to Grading and/or Building Permit Issuance
17.02.100	Prerequisite to Maintenance
17.02.110	Availability of Sewer and Water Capacity to Serve a Subdivision Pursuant to this Title.
17.02.120	Commencement of Construction Work
17.02.130	Final Inspections of Buildings or Improvements
17.02.140	Maintenance of Improvements

17.02.010 Purpose and Intent. This subdivision ordinance serves the purpose of promoting the public health, safety, convenience and general welfare of the City of Half Moon Bay by setting standards for the form and content of tentative, final and parcel maps; to adopt standards to regulate the division of land; and to establish procedures for the review of subdivision maps by the Planing Commission and City Council.

The procedures to be followed in securing official approval of subdivision maps shall be governed by the provisions of the laws adopted by the Legislature of the State of California and the additional provisions of this Ordinance. All divisions of land shall comply with the provisions of the City's Local Coastal Program, the General Plan and its Elements, and the Municipal Code.

17.02.020 Applicability. The provisions of this Title shall apply to the following:

A. When any parcel of land within the City is to be divided into two or more separate lots or parcels; or

B. Where the lot lines between contiguous parcels are proposed to be adjusted; or

C. Where two or more parcels of land are proposed to be merged into a lesser number of parcels; or

D. Where a condominium, community apartment project, stock cooperative project, or other form of common interest project is proposed, including the conversion of existing units into condominium projects as defined in this Title; or

E. Where a reversion to acreage is proposed.

17.02.030 Advisory Agency. The City Planning Commission is hereby designated as the Advisory Agency with respect to subdivisions as provided for in the Subdivision Map Act. The Planning Commission shall have all the powers and duties with respect to tentative, and parcel maps, and the procedures relating thereto, which are specified by law and by this ordinance, and shall review and approve any amendment to this Title prior to adoption by the City Council.

17.02.040 Compliance Required.

A. It shall be unlawful for any individual, firm, association, trust, syndicate, co-partnership, corporation, or any other legal entity, as a principal, agent, or otherwise to offer to sell, to contract to sell, or to sell any subdivision of land or any part thereof in the City of Half Moon Bay, unless and until all the requirements of this Title have been complied with.

B. Any offer to finance, lease, sell or contract to sell, or any financing of a division of land, lease or sale contrary to the provisions of this Title shall be a misdemeanor, and any person, firm, corporation, partnership or co-partnership, upon conviction thereof, shall be punishable by a fine of not more than five hundred ($500) dollars or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the City of Half Moon Bay or other political subdivision or person, firm, corporation, partnership or co-partnership may otherwise be entitled and the City of Half Moon Bay or

any other political subdivision, or person, firm, corporation, partnership or co-partnership may file an action in the Superior Court of the State of California, in and for the County of San Mateo to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Title.

C. Any transfer or conveyance, or purported transfer or conveyance, or agreement to transfer or convey any parcel of land without compliance with the terms of this Title shall be voidable at the option of the transferee in accordance with the provisions of Sections 11540 and 11540.1 of the Business and Professions Code of the State of California, as the same may be amended from time to time.

17.02.050 Conformance with the Local Coastal Plan, the General Plan and its Elements, and the Zoning Code Required. In all respects, any proposed division of land shall conform to the Local Coastal Plan, the General Plan and its Elements, the Zoning Code, any Specific Plans, and all policies of the City, or any part thereof, including but not limited to the type, density, and intensity of use established for the site, any phasing requirements, and reservations of utility and infrastructure service capacities.

The Land Use Plan, General Plan, and Zoning District designations shall be adhered to in any subdivision application unless applications for amendments thereto are processed concurrently with the subdivision application. In those cases where an amendment to the Land Use Plan, General Plan, and/or Zoning District designation is processed concurrently with the subdivision application, the Parcel Map or Final Map for any division of land may not be recorded with the County Recorder until the action on the proposed amendment to the Land Use Plan, General Plan, and Zoning District designation is final as provided for in Title 18 and State law.

17.02.060 Divisions of Land Within the Open Space Reserve Districts. Any lands designated Open Space Reserve by the Local Coastal Plan, the General Plan or any of its Elements, and/or the Zoning District Map may not be subdivided for urban uses until all other land in the City suitable for urban development has been developed or committed to other uses. Divisions of land in the Open Space Reserve District are permitted only when the use or uses proposed on the lands to be divided are permitted by the General Plan and its Elements, the Land Use Plan, and Title 18, the Half Moon Bay Zoning Code.

17.02.070 Divisions of Land Within the Urban Reserve Districts. Any lands designated Urban Reserve by the Local Coastal Plan, the General Plan or any of its Elements, and/or on the Zoning District Map may not be subdivided for urban uses unless the City Council makes specific findings that substantial development has occurred in areas designated for development on the Land Use Plan Map.

17.02.080 Phasing of New Residential Development. All new residential developments created by a subdivision approved in accordance with this Title shall conform to any phasing requirements of this Title and Title 18, the Half Moon Bay Zoning Code.

17.02.090 Prerequisite to Grading and/or Building Permit Issuance. Compliance with the provisions of this Title is a condition precedent to the issuance of a grading and/or building permit by the City for the use, erection, construction, enlargement, alteration, repair, improvement, removal, conversion or demolition of any building or structure on any lot or parcel of land in the City.

17.02.100 Prerequisite to Maintenance. Compliance with the provisions of this Title is a condition precedent to City maintenance of streets of all subdivisions, the improvements of which have not been accepted, and from all areas offered for dedication to the public which have not been accepted, by the City Council.

17.02.110 Availability of Sewer and Water Capacity to Serve a Subdivision Pursuant to this Title.

A. Prior to the approval of any Parcel Map, Tentative Map, or Vesting Tentative Map pursuant to this Title, sewer and water capacity shall be available to serve all of the intended uses within the site area or specific conditions of approval shall be imposed precluding the recording of a Parcel Map or the approval of a Final Map until sewer and water service is available to serve the intended uses within the site area. This requirement shall not preclude approval of multiple Final Maps based upon the availability of infrastructure capacity to serve the development within the boundaries of each Final Map.

B. Prior to issuing any grading and/or building permits for any development created by a division of land pursuant to this Title, proof of water and sewer capacity availability to meet the requirements of all of the proposed uses within the project area shall be submitted to the Planning Director.

17.02.120 Commencement of Construction Work. The Subdivision improvement work shall not be commenced until after the final map is approved and recorded and not until after all improvement plans and profiles for such work have been submitted to and approved by the City Engineer.

17.02.130 Final Inspections of Buildings or Improvements. There shall be no final inspections until curb, gutter, sidewalk, driveway approach, base rock and underground utilities are in place and all required electroliers are installed and connected to electrical circuits from the subdivision entrance to and including the lot in question. Final inspection of all residential, commercial and industrial units shall be withheld until all underground utilities, curb and gutter, sidewalk, street lights, and required base rock are installed from an existing improved street to and including the frontage of the lot in question.

17.02.140 Maintenance of Improvements. The City shall not maintain any streets within any subdivision when the improvements for that subdivision have not been accepted, and from all areas dedicated to the public which have not been accepted, by the City Council.

CHAPTER 17.04

DEFINITIONS

SECTIONS:

17.04.010	Purpose and Applicability
17.04.020	Rules for Construction and Language
17.04.030	Definitions

17.04.010 Purpose and Applicability. The purpose of this Chapter is to ensure precision in interpretation of the words and terms used throughout this Title. The meaning and construction of words and phrases defined in this Chapter shall apply throughout this Title, except where the context clearly indicates a different meaning or construction.

17.04.020 Rules for Construction and Language. In addition to the General Provisions of the Municipal Code, the following rules of construction shall apply:

A. The particular shall control the general.

B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected words or provisions shall apply.

2. "Or" indicates that the connected words or provisions may apply singly or in any combination.

3. "Either...or" indicates that the connected words or provisions shall apply singly but not in combination.

C. In case of conflict between the text and a diagram, the text shall control.

D. All references to departments, commissions, boards, or other public entities are to those of the City of Half Moon Bay, unless otherwise indicated.

E. All references to public officials are to those of the City of Half Moon Bay, and include designated deputies of such officials, unless otherwise indicated.

F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or City holiday, it shall be extended to the next working day.

G. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope meaning or intent of any section hereof.

H. The present tense includes the future, and the future the present.

I. The singular number includes the plural and the plural the singular.

J. References in the masculine and feminine genders are interchangeable.

K. The words "activities" and "facilities" include any part thereof.

17.04.030 Definitions.

Advisory Agency: The Advisory Agency shall be the Planning Commission of the City of Half Moon Bay and the Advisory Agency shall be as referred to in the California Subdivision Map Act.

Appeal Board: The Appeal Board shall be the City Council of the City of Half Moon Bay and the Appeal Board shall be as referred to in the California Subdivision Map Act.

Arterial Street: As defined in the Circulation Element of the General Plan, arterial streets primarily serve intra-city travel, carrying traffic from collector streets to and from other parts of the City. Access to abutting property is subordinate to the primary function of moving traffic between residential neighborhoods and the Downtown and commercial areas. Direct access driveways are to be minimized.

Collector Street: As defined in the Circulation Element of the General Plan, collector streets directly or indirectly link local streets with arterials, and are designed to primarily serve residential and recreational traffic. Collectors are not intended to accommodate cross-town traffic. Direct access driveways should be minimized on high-volume collectors such as those along Highway 1 at

signalized locations for purposes of traffic safety and residential livability.

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

Dedicated Easement: Dedicated easement shall mean an easement dedicated to and accepted by the City or another qualified and responsible agency, to be used for public purposes, including but not limited to pedestrian accessways, vehicular access, and utilities.

Design: Design includes but is not limited to street alignments, grades, and widths; the alignment and widths of easements and rights-of-way for drainage, sanitary sewers, water, utilities and other facilities for public use or benefit; the size, configuration, and location of park, open space, and recreation sites; and the lot area, width, depth, shape and pattern as may be required or otherwise provided for in this Title, Title 18 of the Half Moon Bay Municipal Code, any Specific Plans or Planned Unit Development Plans, the City's Local Coastal Program, and the General Plan and any of its Elements.

Final Map: Final Map refers to a map showing a subdivision for which a tentative and final map is required by the Subdivision Map Act and this Title, prepared in accordance with the Subdivision Map Act and this Title, which is designed to be recorded with the San Mateo County Recorder.

Improvement: Improvements include but are not limited to streets, curbs, gutters, sidewalks, drainage facilities, sanitary sewer facilities, utilities, landscaping, parks, or other improvements to be installed, or agreed to be installed by the subdivider on the land or land appurtenant thereto, to be used for public streets, highways, ways, easements, park and recreation facilities or as otherwise may be necessary for the general use or benefit of the lot owners in the subdivision and the surrounding area as a condition precedent to approval and acceptance of the final map, or parcel map thereof.

Improvement also refers to such specific improvement or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities, or by a combination thereof, are necessary or convenient to ensure conformity with or implementation of the Local

Coastal Plan, the General Plan and any of its Elements, Title 18, the Half Moon Bay Zoning Code, or any Specific Plans or Planned Unit Development Plans.

Lot or Parcel: Lot or parcel shall mean a parcel of land established or to be established by procedures as provided for in this Title and the Subdivision Map Act.

Lot Depth: The horizontal distance from the midpoint of the front to the midpoint of the rear lot line.

Lot Depth, Average: The sum of the length of the two side lines of the lot divided by two. In the case of irregularly-shaped lots having four or more sides, "average lot depth" shall be the sum of the length of two lines, drawn perpendicular to the front lot line at the widest and narrowest portions of the lot, divided by two.

Lot Line, Front: 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, except in those cases where the latest recorded tract deed restrictions, approved as part of a subdivision approval, specify another line as the front lot line.

Lot Line, Rear: A lot line which is not a front or side lot line as defined herein, which is parallel or approximately parallel to and opposite the front lot line. In the case of an irregular-shaped lot, a line within the lot most nearly parallel to and at the farthest distance from the front lot line.

Lot Line, Side: Any lot line not a front lot line or a rear lot line as defined herein.

Lot Width, Average: The sum of the length of the front and rear lot line divided by two. In the case of irregularly-shaped lots having four or more sides, "average lot width" shall be the sum of the length of two lines, drawn perpendicular to one side line at the widest and narrowest portions of the lot, divided by two.

Minor Street: A street which is used primarily for access to abutting properties.

Owner: The individual(s), or entity(ies), having sufficient proprietary interest in the land sought to be subdivided, and to commence and maintain proceedings to subdivide the same under the law of the State of California and this Title.

Parcel Map: Parcel Map refers to a map showing the division of land as described in the following cases:

A. Any parcel or parcels of land which is to be divided into four or fewer parcels; or

B. The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street and no dedications or improvements are required; or

C. Any parcel or parcels of land divided into lots or parcels, each of a gross area of twenty (20) acres or more, and each of which has an approved access to a maintained public street; or

D. Any parcel or parcels of land divided into lots or parcels, each of which is forty (40) acres or more; or

E. Any parcel or parcels of land having approved access to a public street which comprises part of a tract of land zoned for industrial development and which has the approval of the governing body as to street alignments and widths, provided however, that the Advisory Agency may require the filing of a tentative and final map on such industrially-zoned land where it deems it in the public interest. Each map shall be filed and approved in accordance with the procedures of this Title and the Subdivision Map Act.

Pedestrian Way: An easement exclusively for pedestrian use.

Planting Strip: The strip between the curb line and the property line.

Reserve Strip: A strip of land not less than one foot in width deeded or dedicated to the City for the purpose of regulating access to a partially improved or dedicated or dead-end, alley, street or highway, or to any arterial street.

Subdivider: A person(s), or entity(ies), who causes land to be subdivided into any number of parcels.

Subdivision: Subdivision shall mean any real property improved or unimproved, or portion thereof, shown on the latest equalized County Assessment Roll as a unit or as contiguous units, which is proposed to be divided by a subdivider, including condominiums and community apartment projects, for the purpose of sale, lease, or financing,

whether immediate or future, by any subdivider within any period. The following, however, are not subdivisions with the meaning of this Ordinance:

A. Financing or leasing of industrial buildings, stores, offices, apartments or similar space within a building or spaces within a trailer park.

B. Mineral, Oil or Gas Leases, Cemeteries.

Subdivision Map Act: The Subdivision Map Act of the State of California.

Tentative Map. Tentative Map shall mean any map made for the purpose of showing the design of a proposed subdivision of any kind containing five or more parcels or five or more condominium units, showing the existing conditions in and around it, prepared in accordance with this Title and the Subdivision Map Act.

Vesting Tentative Map: Vesting Tentative Map refers to any tentative map with the words "Vesting Tentative Map" printed conspicuously on its face prepared in accordance with this Title and the Subdivision Map Act.

CHAPTER 17.06

Residential Dwelling Unit Building Permit Allocation System Ordinance

SECTIONS:

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17.06.005 Purpose and Intent.

A. The stated purpose of Adopting this Ordinance and Residential Building Permit Allocation System is to implement the policies and guidelines of the City of Half Moon Bay as established by the General Plan, its Elements, and the Local Coastal Program Land Use Plan, based upon the mandate of Measure A, the Residential Growth Initiative. This purpose is to be accomplished by City control of the rate and quality of future development on a year to year basis.

B. The stated intent of adopting this Ordinance and Residential Dwelling Unit Building Permit Allocation System is to:

1. Establish procedures and criteria for the allocation of Building Permits for new residential units in the City of Half Moon Bay.

2. Establish procedures for the review of all new residential development proposals by all City Departments and any affected outside agency to ensure that all new residential development meets and addresses the needs of both existing and future residents.

3. Ensure that the City of Half Moon Bay retains control over the rate and quality of all new residential development in order to:

   i. preserve the quality of life in the community;

   ii. protect and enhance the available public and private open space and parks and recreation facilities and opportunities;

iii. ensure that adequate public school facilities will be available to serve new development;

iv. provide for the orderly development of the City at a rate of population growth that does not exceed a maximum of 3% annually as mandated by Measure A, the Residential Growth Initiative and as provided for herein, while addressing the housing needs of all economic segments of the community; and

v. protect the health and safety of existing and future residents by controlling the rate of future residential growth in the City during periods of infrastructure capacity constraints, particularly those related to water supply, sewage treatment capacity, school facilities, open space, parks, and streets and highways.

17.06.010 Applicability. The provisions of the Ordinance shall apply to the issuance of Building Permits for all new residential units. The following Categories of new residential development are hereby established:

A. Residential Infill Projects as defined in Section 17.06.100.

B. New Residential Projects as defined in Section 17.06.200.

17.06.015 Exemptions. The following residential projects shall be exempt from the dwelling unit limitations and procedures specified herein:

A. Replacements of existing dwelling units on a one-for-one basis.

B. Units provided pursuant to State of California Density Bonus Law.

C. Any "Second Dwelling Unit" as defined in Chapter 18.57 of the Half Moon Bay Municipal Code or the California Government Code.

D. Any residential development with a Development Agreement adopted prior to May 21, 1991.

E. Any residential development for which a Vesting Tentative Map is either in process or has been approved prior to May 21, 1991.

17.06.020 Establishment of Number of Building Permits to be Allocated Annually.

A. The City Council, by Resolution, shall establish the maximum number of new dwelling units for which Building Permits may be issued under each Category of residential projects in the upcoming calendar year in accordance with the procedures and methodology established herein prior to December 31 of the preceding year. When applying the formula to establish the annual maximum number of new dwelling units for which Building Permits may be issued in each Category, in those cases where a fraction of a dwelling unit occurs, any fraction less than 0.5 shall be rounded down to the nearest whole number; any fraction of 0.5 or more is rounded up to the next whole number.

B. The number of new dwelling units for which Building Permits may be issued shall be based upon a maximum annual increase in population of three percent (3%). The formula and base data is as follows:

1990 Base Population: 8,886 persons

1990 Dwelling Unit Count: 3,402 dwellings

1990 Persons per Household: 2.61

Building Permits Issued in 1990: 75

1991 Allocation: 104 new dwelling units.

Building Permits Issued in 1991: 31

1992 Allocation: 105 new dwelling units

Building Permits Issued in 1992: 22

1993 Allocation: 106 new dwelling units

C. In establishing the number of Building Permit Allocations for new residential units in the upcoming year, the City Council shall also consider:

1. The number of Building Permits allocated in the current year;

2. The number of Building Permits allocated in the preceding year but not necessarily issued.

3. The number of future Building Permit Allocations awarded in accordance with a Development Phasing Plan and Agreement as provided for in Section 17.06.055.

4. The information and data contained in the Annual Fiscal Impact analysis as provided for in Section 17.06.035 Fiscal Impact Analysis Required.

D. The City recognizes that since the adoption of Measure A by the voters in May of 1991 there has been a sewer moratorium severely limiting any new residential development. The population growth rate in the City has and will be substantially less than 3% until the sewer plant expansion comes on line. The sewer plant expansion is projected to now be in 1996. As a result there has been an inability of the City to meet its Housing Goals under the Housing Element of its General Plan, including its share of regional housing and the construction of affordable housing. In addition, there has been an economic hardship for those owning property who have been unable to build due to the sewer moratorium.

The City recognizes that there are approximately 400+/- residential units from development under existing Vesting Tentative Maps that are exempt from Measure A and this Allocation Ordinance. It is anticipated that the Vesting Tentative Map developments will come forward rapidly after the sewer permits become available (in 1996 or later).

There is a need, due to the circumstances stated, to allow Infill Residential units and New Residential projects to obtain some level of development when the sewer plant expansion comes on line.

Therefore, under the Allocation Plan, the City will allow the following residential development subject to this Allocation Ordinance in the four (4) years immediately after the sewer plant expansion comes on line:

1. Infill Residential units: One-third of the total units derived each year from the Allocation computation under Section 17.06.020 Establishment of Number of Building Permits Allocated Annually.

2. New Residential Projects: One-third of the total units derived each year from the Allocation computation under Section 17.06.020.

3. There shall be no further Allocations allowed in any year in which the number of residential units from the Vesting Tentative Maps that apply for a Building Permit exceeds the remaining one-third of the total of the units derived each year from the Allocation computation under Section 17.06.020.

The City Council finds that even with the interim policy established hereunder for Infill and New Residential Projects that the 3% population growth policy under Measure A will have been met for the period of time from adoption of Measure A in May of 1991. At the end of the said four year period under this Section, new units from projects with Vesting Tentative Maps shall be deducted annually from the total annual Allocation number calculated under Section 17.06.020.

Notwithstanding the provisions of this Section, the City shall limit pro rata the Allocations for Infill and New Residential Projects in any year where the allowance of such units would result in exceeding a 3% population growth rate since the adoption of Measure A in May of 1991.

17.06.025 Emergency Situations.

A. In the event the City Council determines that an emergency situation directly effecting the health and safety of the residents of the City of Half Moon Bay exists due to a lack of available sewage treatment capacity, available water for domestic purposes or for fire suppression, or that roadway capacity is not available to accommodate new residential development, or any other endangerment to the public health or safety, the City Council may adopt a Resolution establishing the necessity for setting the number of residential building permit allocations in the upcoming year at less than 3%. The Resolution establishing the emergency shall clearly identify the specific nature and extent of the emergency situation and its effect on the health and safety of the residents of the City.

B. If it is determined that there shall be no Building Permit allocations for the upcoming year due to health and safety reasons, the City Council shall adopt an Urgency Ordinance in accordance with the applicable Sections of the California Government Code.

17.06.030 Establishment of Allocation System.

A. The City Council shall establish criteria and a system to review and allocate Building Permits for all new residential units subject to the provisions of this Ordinance.

B. When an application for a Residential Dwelling Unit Building Permit Allocation has been accepted as complete by the Planning Director, the applicant shall be subject to the provisions of this Ordinance that were in effect at that time.

C. The provisions of Subsection B. above shall not apply to the number of allocations available in any given year in the event the City Council determines that an emergency exists as provided for in Section 17.06.025.

17.06.035 Amendments to the Established Residential Dwelling Unit Building Permit Allocation System.

The Residential Dwelling Unit Building Permit Allocation System established herein shall not be amended at any time except during the process of the City Council establishing the maximum allocation for the upcoming year or as provided for in Section 17.06.025 Emergency Situations. Any proposed amendments to this Ordinance shall be accomplished prior to December 31, of any year.

17.06.040 Processing Fee Established. The City Council, by Resolution, shall establish a fee for processing an application for an allocation as provided herein. The City Council may adjust the fee in conjunction with the adoption of the Resolution establishing the number and distribution of Building Permits to be allocated for the upcoming year.

17.06.045 Fiscal Impact Analysis Required. The City Council shall conduct an on-going Fiscal Analysis in order to monitor the fiscal impact of new residential development to the City. The City Council shall prepare an annual report identifying the effects of new residential development on City finances and its ability to adequately provide services to the residents. The information presented in the annual Fiscal Impact Analysis shall be considered by the City Council in setting the number of Building Permits to be allocated in the upcoming year. The fees assessed for processing an application for a Building Permit allocation under the provisions of this Ordinance shall include a pro-rata share of the costs to the City for preparing an annual report.

17.06.050 Timing of Building Permits Issued Pursuant to this Ordinance.

A. Except as may be provided for in conjunction with an approved Development Phasing Plan pursuant to Section 17.06.055, within one year from the date an allocation for a Building Permit for a new residential unit is awarded under the provisions of this program, a complete building permit application shall be submitted to the Building Department.

B. All conditions for a Building Permit to be issued must be met within six months of the date a Building Permit application is submitted.

C. One six month extension of the Building Permit may be granted by the Building Official as provided for in the Uniform Building Code.

D. Upon the expiration of the six month extension, an Applicant with a valid allocation may request that the City Council, as a part of its annual determination of the total allocation for the upcoming year, consider granting an additional period of time not to exceed one calendar year for the allocation. Should the City Council grant the extension, all required Building Permit fees will be paid in accordance with the provisions of the Uniform Building Code.

E. Upon expiration of the one year extension if granted by the City Council, or if a Building Permit has not been issued and construction diligently commenced, the allocation shall become null and void and the formula for the next years maximum allocation will be adjusted to reflect that the allocation has not been used.

F. In the event an applicant has received a Building Permit allocation and other approvals are required by the City of Half Moon Bay or other agencies, any time spent in securing the required approvals from any agency shall be added to the time that the Building Permit allocation is valid provided that:

1. Written documentation is submitted by the applicant clearly indicating the date an application or other form of request for approval was submitted to the agency;

2. A detailed description of the reason for any delay in the issuance of approvals by the agency.

17.06.055 Development Phasing Plans and Agreements.

A. Phasing of development projects over a period of greater than one year shall be based upon specific provisions of a Development Phasing Agreement approved by the City Council at a duly noticed public hearing, the form and content of which shall be subject to the review and approval by the City Attorney.

B. Any Development Phasing Agreement shall address the effects such a Phasing Plan will have on any other reasonably anticipated development proposals and applications for Building Permit Allocations under the provisions of this system. A Phasing Plan may provide for an applicant to receive a greater number of annual allocations in any Category than the 50% maximum provided for herein upon adoption of specific findings by the City Council that by awarding a greater number of allocations to an individual developer, that no other developer will be unreasonably precluded from receiving all or part of any allocations that developer may be reasonably entitled to receive during the term of the Development Phasing Plan.

C. As a part of any request for consideration of a Development Phasing Agreement for a Phasing Plan as provided for herein, the Planning Director shall provide the Applicant with the names and mailing addresses of any other developer or developers reasonably expected to be effected by such a Development Phasing Agreement so that adequate notice of the proceedings can be provided to those developers. The City Council shall consider any written responses or oral testimony from effected developers or other interested party received at any public hearing on the Development Phasing Agreement.

D. Any future annual allocations awarded in conjunction with the approval of a Development Phasing Agreement shall be deducted from the available allocations of any given year during the expected life of the Development Phasing Agreement. No other applicants for Allocations during the life of the Development Phasing Plan and Agreement shall compete for points against a development with an approved Development Phasing Plan and Agreement.

17.06.060 Timely Performance Required. Prior to the City Council establishing the number of new residential units for which Building Permits may be allocated in the upcoming year, the Planning Director shall review each development which has received a Building Permit Allocation

to determine whether or not satisfactory progress is being made with the processing of the appropriate plans.

A. Should a developer fail to comply with the development schedule submitted with the application, or should the developer fail to initiate the processing of the appropriate plans, or should the development deviate significantly from the description provided for in the application, the Planning Director shall report such failure or deviation to the City Council.

B. At a duly noticed public hearing, after receiving testimony from all interested and affected parties, the City Council may rescind all or part of the allocations granted to the applicant on the basis of noncompliance with the approved Development Phasing Agreement or project plans or any other provision of this Ordinance.

C. Any such Building Permit Allocations awarded but not issued that are rescinded by the City Council for noncompliance with the provisions of this New Residential Dwelling Unit Building Permit Allocation System may be awarded to any applicant that has complied with the procedures set forth herein and received less than the number of allocations requested so long as the maximum number of allocations for that calendar year is not exceeded.

17.06.065 Priority Established for Residential Infill Projects. Except as otherwise provided for herein or as a result of City Council approval of a Development Phasing Plan and Agreement, Residential Infill Projects as defined in Section 17.06.100 shall have a higher priority than New Residential Projects as defined in Section 17.06.200.

17.06.100 Residential Infill Projects - Defined. The procedures specified in this Section shall apply to any proposed residential development within any Zoning District on a legally subdivided lot or contiguous lots under one ownership with a recorded Final Map or other similar instrument as established in the Subdivision Map Act prior to May 21, 1991, and where all required infrastructure such as vehicular access, sewer, water, natural gas, electrical, and communication service is available to serve the subdivision.

17.06.105 Annual Allocation for Residential Infill Projects. Except as provided for herein or as otherwise may be adopted by the City Council as a part of adopting the Resolution establishing the annual allocation for the upcoming year, no more than 50% of the total annual allocation shall be awarded to development in this category.

Any applicant must have water and sewer available to serve the site in order to receive a Residential Infill Allocation.

Allocation:

50% of total 1993 annual allocation of 106 units.

1993 Residential Infill Allocation:

53 dwelling units

17.06.110 Application Form for Residential Infill Projects.

A. An application form for Residential Infill Projects as defined herein shall be developed and approved by the City Council which incorporates all of the components of this Ordinance applicable to this category of new residential projects.

B. In the event it is necessary to assign points for a Residential Infill Project Allocation based upon the criteria specified herein, the application for a Residential Infill Project Allocation shall include a site plan indicating the location of any surrounding development, the location and a detailed description of any infrastructure necessary to serve the site, and a description of the roadway providing access to the site.

C. The City Council shall review the Allocation Application form in conjunction with its annual review of other aspects of the Allocation System.

17.06.115 Application Period for Residential Infill Projects. Applications for Residential Infill Project Allocations shall be submitted between January 1 and January 31 of each year. If the number of applications for Residential Infill Project Allocations received during this initial period is less than the number of allocations allowed in this category, additional applications may be submitted at any time prior to September 1, or until applications equalling the maximum number of allocations in this category have been received, whichever is earlier.

17.06.120 Distribution of Residential Infill Project Allocations.

A. During the initial period between January 1 and January 31 of each year, no more than one Residential Infill

Project Allocation may be awarded to any individual, corporation, or other entity unless the number of applications received for Residential Infill Project Allocations in this category by January 31 is less than the number of Allocations available.

B. In the event there is more than one applicant seeking multiple Allocations during the initial period, the Planning Director shall distribute the available Allocations equitably to the applicants, except as otherwise may be provided for herein.

C. No more than five Allocations for Residential Infill Projects may be awarded to any individual, corporation, or other entity in any one calendar year unless the number of applications received for Allocations in this category prior to September 1 is less than the number of Allocations available.

D. If the maximum number of applications for Allocations in this category have not been received by September 1, any unused Allocations shall be transferred to either the Residential Projects In-Process or Approved Prior to May 21, 1991, or New Residential Projects categories on an equal basis. Building Permits may be awarded to any applicant based upon the procedures established for those categories.

E. If the number of applications received between January 1 and January 31 for Allocations in this category is greater than the Allocations in this category, the Planning Director shall assign points to each application, assigning no more than the maximum number of points specified in each category to any one proposed project according to the following criteria:

1. For each contiguous side of a building site with existing development (including across any public or private right of way):

   5 points

2. For each contiguous side of a building site for which a building permit has been allocated but development not completed under the provisions of this system (including across any public or private right of way):

   5 points

3. Where all water and sewer lines and other public utilities have been installed to serve the site:

5 points

4. Where there is an existing all-weather road surface providing vehicular access to the site constructed to City standards or otherwise acceptable to the City Engineer:

   5 points

5. Declaration provided by the Applicant that the dwelling unit will be owner-occupied for a minimum of one year after completion:

   5 points

6. For those applications for development on a site that meets all of the established development standards for the Zoning District and no Variance or other discretionary applications ar required:

   5 points

7. For those Applicants that have submitted complete Building Permit applications and, when required, have received Architectural Review Committee approval, and a Coastal Development Permit was either in process or subject to delays by the Coastal Commission, but Building Permits were not issued due to either the Sewer or Substandard Lot Moratorium:

   15 points

8. Tie Breaking Procedure:

   a. In the event of a tie between proposals based upon the criteria specified in Items E.1. through E.7. of this Section, the Architectural Review Committee shall review the proposed site development and architectural design of the applications receiving the same number of points. At a minimum, the Architectural Review Committee shall base their review and award points on the quality of the architecture, innovative site design techniques, and the diversity of design in relation to the neighborhood.

   b. The Applicant with the highest overall rating based upon both subjective and objective

criteria shall receive the maximum number of points to break the tie.

2 points maximum

F. Allocations for Building Permits shall be awarded to the Applicants receiving the highest number of points (maximum available 45 + 2) in descending order of the total points awarded until the total number of allocations for this category have been exhausted.

17.06.125 Appeal of Distribution of Residential Infill Project Allocations.

A. Anyone aggrieved by the points awarded and/or Building Permits allocated to projects in this Category may appeal the decision to the Planning Commission within ten days of the Planning Directors final determination.

B. The decision of the Planning Commission may be appealed to the City Council.

C. At the first regular City Council meeting after the action of the Planning Commission is taken, the City Council, by majority vote of Council Members in attendance, may request that the decision of the Planning Commission be reviewed by the City Council at a duly noticed public hearing.

D. All appeals of points awarded and Building Permits allocated under this Category shall be heard at a duly noticed public hearing as expeditiously as possible given legal notification requirements and Staff constraints.

17.06.200 New Residential Projects-Defined. The provisions of Sections 17.06.200 through 17.06.290 shall apply to any proposed new residential development for which a subdivision application was submitted after May 21, 1991, or for which an application for a Vesting Tentative Map had not been accepted as complete prior to May 21, 1991.

17.06.205 Annual Allocations for New Residential Projects.

A. Except as otherwise may be adopted by Resolution of the City Council as a part of establishing the annual Allocations for each category for the upcoming year no more than 50% of the available annual allocations may be awarded to development in this category.

Allocation:

50% of total 1993 annual allocation of 106 units.

1993 New Residential Projects Allocation:

53 dwelling units

B. Except as may be provided for in a Development Phasing Plan and Agreement adopted by the City Council pursuant to Section 17.06.055, no more than 50% of the annual Allocations in this Category may be awarded to any individual, corporation, or other entity unless the number of applications received by June 30 of each year for Allocations in this category is less than the number of Allocations established by the City Council.

17.06.210. Initial Consultation Required. Prior to submitting an application for a subdivision map for a New Residential Project as defined in Section 17.06.200, the applicant shall consult with the following City Departments and outside agencies in order to establish the conformance and consistency of any proposed residential development with all applicable plans, programs, policies, and ordinances as well as the projects relation to and impact upon local public facilities and services:

A. City of Half Moon Bay Planning Department

B. City of Half Moon Bay Public Works Department

C. City of Half Moon Bay Finance Department

D. City of Half Moon Bay Police Department

E. City of Half Moon Bay Parks and Recreation Department

F. Coastside County Water District

G. Granada Sanitary District, if applicable

H. Half Moon Bay Fire Protection District

I. Caltrans

J. Cabrillo Unified School District

17.06.215 Application Form for New Residential Projects.

A. An application form for an Allocation in this category shall be developed and approved by the City Council which incorporates all of the components of the Residential Dwelling Unit Building Permit Allocation system applicable to this category.

B. The application form shall provide adequate space for an applicant to detail those elements of a proposed development that serve as the basis for the awarding of competitive points, and for the appropriate City Department or outside agency to comment on the proposal, and shall also include the following:

1. Vicinity map to show the relationship of the proposed development to adjacent development, the surrounding area, and the city.

2. Site use layout map showing the extent, location and type of proposed residential use or uses, the nature and extent of open space, and the nature and extent of any other uses proposed.

3. Site Development Plan, including proposed lot layout to preliminary subdivision map standards, including topography; lot sizes; street alignments, showing coordination with city street system; existing and proposed buildings where possible; all existing trees ten inches in diameter or greater measured at 48 inches above grade; existing trees to remain; landscaped areas; open space; bicycle paths; equestrian trails or pathways; and any other information deemed appropriate by the Planning Director and/or City Engineer.

4. Unless the proposed residential development is to consist of lots for custom homes, preliminary architectural site plans, floor plans, and elevations; types and numbers of dwelling units; proposed color of buildings;

5. Preliminary or Rough Grading Plans. A general indication of type, extent and timing of grading, including location and amounts of cut and fill, haul routes, and where applicable, borrow and disposal sites.

6. Erosion Control Plans. Any appropriate provisions to address erosion or winterization of the site

during rough grading activities or prior to the installation of landscaping to protect the site from possible erosion.

7. Preliminary Landscape Plans of common areas with sufficient detail for review by the Architectural Review Committee.

8. Housing Marketability and Price Distribution. Expected ranges of rental amounts or sales prices, low and moderate income housing to be provided and the projects consistency with the Housing Element.

9. School Facilities. Needed schools and/or school sites, permanent or relocatable buildings to be provided by the applicant, or other mitigation measures to be provided.

10. Park and Recreation Facilities Proposed and/or In lieu Funds to be contributed. The location, size, and configuration of any public and/or private recreation sites or facilities to be provided, and/or an estimate of the dollar amount of in lieu fees to be offered by the applicant.

11. Circulation plan, including the size and location of any new streets, required and/or proposed improvements to existing streets or State Highways, and any on-site or off-site improvements to the pedestrian, equestrian, or bicycle trail system.

12. Proposed schedule of development, including development phasing.

13. Any other information as may be required by the Planning Director

17.06.220 Application Period for New Residential Projects.

A. Applications for Building Permit Allocations may be processed concurrently with any other required discretionary permit application.

B. Unless processed concurrently with any other required discretionary applications, initial applications for Residential Building Permit Allocations shall be submitted between January 1 and January 31 of each year. If the number of applications for allocations in this category received during this initial period is less than the available allocations in this category,

applications may be submitted at any time prior to September 1 or until applications equalling the maximum number of available allocations in this category have been received.

C. If the maximum number of applications for allocations in this category have not been received prior to September 1, any unused allocation shall be transferred to the Residential Infill Projects Allocation or, if applicable, Residential Projects In-Process or Approved Prior to May 21, 1991, categories on an equal basis. Building Permits may be awarded to any Applicant based upon the procedures established for those categories.

17.06.225 Evaluation and Allocation Procedures Based Upon Design and Amenity Criteria and Contribution to Public Facilities.

A. Each proposed development shall be examined for its relation to and impact upon local public facilities and services as provided for herein.

B. The appropriate City Department or outside public agencies shall provide recommendations to the Planning Director and the Planning Director shall evaluate each development on the extent of contribution to public welfare and amenities and the quality of design.

C. The Planning Director shall examine each proposed development and shall rate each development by the assignment of no more than the maximum number of points allowable in each of the project components as set forth in this Title.

D. If the number of applications for allocations in this category in any year is greater than the number of allocations in this category, the Planning Director shall allocate Building Permits to the Applicants receiving the highest number of points in descending order of points awarded until the total number of Allocations for this category has been exhausted.

17.06.230 Water. Each subdivision application shall be reviewed by the Coastside County Water District and City Engineer. A written report shall be prepared that addresses:

A. The applicants estimate, prepared by a qualified engineer, of the amount of water required for the project to provide adequate potable water for domestic purposes, the amount of water needed to maintain any proposed landscaping in common or public areas, and the amount of water necessary for adequate fire protection.

B. The ability and capacity of the water system to provide for the needs of the proposed development and that the provision of water to the proposed development by the Coastside County Water District will not tax any part of the existing system.

C. The need for extension of water system and delivery facilities to serve the proposed development.

D. In the event that groundwater is proposed to be used to serve all or a part of the proposed residential development, a report from a qualified hydrogeologist or similar professional licensed by the State of California shall also be submitted that, at a minimum, addresses the all of the criteria specified by the City Engineer in conjunction with the Initial Consultation required by Section 17.06.310.

E. The points specified herein have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of 20 points are available in this category. Points shall be awarded as follows:

1. Developer funded improvements that upgrade existing water service for domestic uses and fire protection in the general neighborhood beyond that required to meet the immediate needs of the proposed development, as determined by the Director of Public Works and the Coastside County Water District:

   10 points

2. The use of Coastside County Water District water instead of groundwater:

   10 points

17.06.235 Sewer. Each subdivision application shall be reviewed by either the Granada Sanitary District or the City Engineer, whichever is applicable. A written report shall be prepared that addresses:

A. The applicants estimate, prepared by a qualified engineer based upon sewage generation factors established by the City Engineer, of the amount of waste anticipated to be generated by the proposed development upon occupancy.

B. The ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste of the proposed development without system extensions or expansions.

C. The nature and extent of any modifications to the existing treatment plant or transmission lines which are necessary to serve the proposed development and which the developer has consented to provide.

D. No points shall be awarded for any development that requires the expansion of the treatment plant or transmission facilities in order to accommodate the proposed development.

E. The points specified herein have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a subdivision. A total of 20 points are available in this category. Points shall be awarded as follows:

1. Developer funded improvements that upgrade existing sewer lines or facilities in the general neighborhood beyond that required to meet the immediate needs of the proposed development, as determined by the Director of Public Works and appropriate Sewer Authority:

   10 points

2. Where contributions to the proposed expansion of the sewage treatment plant are provided as required by any Assessment District or similar mechanism, and/or the applicant irrevocably agrees to participate in any future funding mechanism for the treatment plant expansion:

   10 points

<u>17.06.240 Drainage.</u> The City Engineer shall review the Drainage Plans and prepare a written report that addresses:

A. The Drainage Plan submitted by the applicant prepared by a licensed engineer detailing the ability and capacity of any existing and/or proposed drainage facilities to adequately dispose of the surface runoff of the proposed development.

B. No points shall be awarded for any improvements to the on-site or off-site drainage facilities necessary to accommodate runoff from the proposed development.

C. The points specified herein have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of 15 points are available in this category. Points shall be awarded as follows:

1. For developer funded on-site or off-site improvements designed and constructed to accommodate run-off from adjacent developments or to enhance the drainage facilities not directly related to the proposed development:

   10 points

2. Where appropriate, storm drainage from the development is accommodated through on-site open space areas:

   5 points

17.06.245 Schools. If participation in the Residential Building Permit Allocation System is desired by the Cabrillo Unified School District, each subdivision application shall be reviewed by the Cabrillo Unified School District Staff for determination of impact on school classrooms and facilities. As a part of the review process, the Cabrillo Unified School District shall provide a written report addressing the following:

A. The potential number of children per household anticipated by the proposed development according to the district wide averages.

B. The capacity of the appropriate school or schools to absorb the children expected to inhabit a proposed development.

C. That neither double sessions or unusual scheduling or classroom overcrowding currently exist, nor will the proposed subdivision create double sessions or unusual scheduling or classroom overcrowding upon completion and occupancy of the project.

D. That double sessions or unusual scheduling or classroom overcrowding exist prior to the subdivision application, and mitigation measures result in fewer

students on double session or unusual scheduling or classroom overcrowding.

E. That the proposed subdivision would create double sessions or unusual scheduling or classroom overcrowding.

F. Double sessions or unusual scheduling or classroom overcrowding exist prior to the subdivision application, and mitigation would result in the same or a greater number of students on double sessions or unusual scheduling or classroom overcrowding.

G. If it is determined that mitigation is necessary to address the identified impacts of a proposed development to the Cabrillo Unified School District, points shall be assigned as specified herein. The points specified herein have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of 78 points are available in this category. The following rating system shall be used:

1. The dedication of sufficient land to provide a site for a new school:

   25 points

2. The provision of needed school rooms in the form of permanent or relocatable buildings or the provision of other mitigating measures, as attested by agreement with the School District:

   20 points

3. The provision of any school busses needed to serve the children expected to inhabit a proposed development:

   15 points

4. Based upon written agreement between the applicant and the Cabrillo Unified School District, the providing of any other facilities, equipment, or other appropriate items necessary to mitigate the additional school children from the proposed development:

   10 points

5. Provides good school bus access and adequate turnaround areas:

   2 points

6. Provides and maintains a covered school bus shelter where appropriate:

   2 points

7. Provides safe pedestrian connections to school sites or is located such that students can access the school site without crossing major streets:

   2 points

8. Provides an open space buffer zone between the project and existing or designated future school sites:

   2 points

17.06.250 Fire Protection. The Half Moon Bay Fire Protection District shall review each subdivision application. As a part of the review process, the Half Moon Bay Fire Protection District shall provide a written report addressing the following:

A. The ability of the Half Moon Bay Fire Protection District to provide fire protection to the proposed development according to the established response standards.

B. The necessity of establishing a new station or requiring the addition of major equipment to an existing station to provide fire protection for the proposed development.

C. The necessity for additional personnel to provide fire protection for the proposed development.

D. That based upon the proposed design of the subdivision, adequate provisions have been made for fire protection.

E. That the basic required fire flow as established by the Uniform Fire Code will be provided at the project site prior to the commencement of construction activities.

F. The points specified herein have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the

future residents of a proposed subdivision. A total of 35 points are available in this category. If it is determined by the Half Moon Bay Fire Protection District that mitigation is necessary to ensure adequate fire protection for a proposed development, the following rating system shall be used:

1. The provision of a new fire station and/or the dedication of land for a fire station to provide adequate fire protection within the established response times as attested by the Half Moon Bay Fire Protection District:

   20 points

2. Participation in an Assessment District to fund additional equipment and/or manpower to provide adequate fire protection for the proposed development:

   10 points

3. Structures are designed to exceed minimum safety standards for fire hazards, earthquakes, and accidents:

   5 points

17.06.255 Police Department Services. The Half Moon Bay Police Department shall review each proposed development. As a part of this review, the Chief of Police shall provide a written report addressing the following:

A. The ability of the Police Department to provide adequate patrols for residential and traffic safety upon the occupancy of the proposed development.

B. The necessity of acquiring new equipment or personnel to provide adequate patrols for residential and traffic safety upon the occupancy of the proposed development.

C. That based upon the proposed design of the subdivision, adequate provisions have been made for police protection.

D. The points specified herein have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of 55 points are available in this category. If it is

determined by the Half Moon Bay Police Department that mitigation measures are necessary to ensure adequate police patrols and traffic safety for a proposed development, the following rating system shall be used:

1. The provision of a new police station and/or the dedication of land for a police station to provide improved police protection within the City.

   20 points

2. Developer contribution of major equipment such as patrol cars to assist in the provision of police services to a new development:

   15 points

3. Developer funding of additional manpower to provide police services beyond the needs of the proposed development:

   10 points

4. Development plans uses site planning and architecture to enhance security by arranging entries, access paths, building, planting, corridors, indoor and outdoor lighting to allow observation along circulation routes:

   5 points

5. Structures are designed to exceed minimum safety standards for accidents and intrusions:

   5 points

17.06.260 Streets, State Highways, and Pedestrian Improvements and Amenities. The City Engineer and where appropriate Caltrans or other agency with an interest in transportation issues, shall review the traffic and circulation systems and pedestrian amenities of each proposed development, including required and optional or offered on-site and off-site improvements. The City Engineer shall provide a written report addressing the following:

A. The number of average daily vehicle trips to be generated by the proposed development.

B. The ability and capacity of major streets and/or State Highways to provide for the needs of the proposed

development without substantially altering the existing street or State Highway system.

C. The need for modifications to the existing City street system and/or State Highways to accommodate the average daily vehicle trips to be generated by the proposed development.

D. The need for constructing new public roadways to provide access to the proposed development.

E. Any proposal to provide an internal circulation system that consists of any streets that do not conform to standard City design criteria.

F. Any on-site or off-site improvements to accommodate pedestrians and/or bicyclists.

G. The need for or any proposal to install public improvements related to public transportation.

H. The points specified herein have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. Points shall not necessarily be awarded on the basis of the applicant providing roadway or other circulation system improvements necessary to serve the proposed development, but for improvements and/or cash contributions over and above those required to serve the project. A total of 45 points are available in this category. Points shall be awarded based upon the following criteria:

1. The provision of needed improvements to the public street or State Highway system offered by the applicant that are over and above any requirements to accommodate the proposed development, such as street connectors necessary to create more efficient circulation patterns for all applicable transportation modes:

   20 points

2. The arrangement of the site and configuration of the internal street system for efficiency of circulation, on-site and off-site traffic safety:

   5 points

3. The on-site circulation system and subdivision design promotes the privacy of residential neighborhoods, and unless a part of a planned street system as shown on the Master Plan of Streets and Highways, residential street layouts are designed for use primarily by local residents:

   5 points

4. For the following design considerations that are included in the final subdivision plans:

   a. Interior collector streets are designed to discourage fast through traffic;

   b. Within the subdivision, minor streets enter major streets at right angles, with a minimum of one hundred twenty-five feet separation between the minor streets;

   c. Provision of public foot or bicycle paths, equestrian trails, or other non-vehicular pathways, either on-site, off-site, or both

   d. Provision of private foot or bicycle paths, equestrian trails, or other non-vehicular pathways;

   e. Provides approved street lights installed for residential streets and intersections which are expected to have pedestrian traffic after sunset to the satisfaction of the City Engineer and Chief of Police;

   f. Encourages the use of public transportation in residential areas through the following:

      i. Locates bus stops as part of the development, to reduce the distances from residence to bus stop;

      ii. Provides bus pullout areas and waiting areas for users;

   g. The location and number of guest parking spaces outside of the vehicular right of way are adequate to ensure safe and convenience use;

   h. Utilizes adequate off-street parking to reduce on-street congestion, such as through the use of driveways having a depth of at

least 18 feet long, as measured from back of sidewalk;

15 points

17.06.265 Open Space. The Planning Director and Parks and Recreation Director shall review each proposed development. The Planning Director and Parks and Recreation Director shall prepare a written report that addresses the following:

A. The amount of public and/or private usable open space, and, where applicable, greenbelts to be provided.

B. The location and a detailed description of any perennial or intermittent stream adjacent to or within the boundaries of the proposed development.

C. The existence of any natural conditions such as wildlife habitats and resources that would be enhanced as a part of a dedicated open space area.

D. The location and a detailed description of any environmentally sensitive habitat areas, riparian corridors or species, and wildlife habitats adjacent to or within the boundaries of the proposed development as defined in the City of Half Moon Bay General Plan and any of its elements, and/or the City's Land Use Plan.

E. Each development application shall be reviewed to determine compliance with all applicable policies of the General Plan, its elements, and the Land Use Plan to determine that all minimum requirements are met. Points shall be awarded based upon the direct cost to the applicant to provide open space over and above the minimum requirements of the General Plan, its Elements, and the Local Coastal Program Land Use Plan. A total of 35 points are available in this category. In those cases where proposed development exceeds the minimum standards specified above, points shall be awarded as follows:

1. The provision of public usable open space, and where applicable, greenbelts (except for mandatory buffer zones):

   10 points;

2. The provision of private usable open space, and where applicable, greenbelts (except for mandatory buffer zones):

5 points;

3. The provision of buffer zones around environmentally sensitive habitat areas or riparian species or corridors in excess of minimum requirements:

   5 points

4. Uses various design and development techniques such as:

   a. Cluster housing and low-density development to project the open space value of key areas such as ridge lines, creeks, hillsides, and any adjacent agricultural land:

   b. Provides public access to either on-site or off-site public open space areas where appropriate;

   c. Provides open space areas adjacent to school and park sites, where appropriate, by using open space networks and trails to help provide low-maintenance pedestrian access to school sites from residential areas;

   d. Preserves identified ground permeability recharge areas by minimizing large expanses of impervious surfaces:

   e. Private open space and dedicated public open space is maintained by a Homeowners Association:

      15 points

17.06.270 Park and Recreation Facilities. The Planning Director and Parks and Recreation Director shall review each development application to evaluate how it addresses the Park and Recreation needs of future residents of the proposed development. The Planning Director and Parks and Recreation Director shall prepare a written report that addresses the following:

A. The minimum amount of usable public park and recreation facilities required by the Half Moon Bay Park and Recreation Element.

B. In those cases where State Law precludes the requirement of dedicating land for public park and recreation facilities, the amount of in lieu fees required.

C. The amount and location of land to be dedicated for public park and recreation facilities offered by the applicant on the Tentative Subdivision Map.

D. The nature and extent of any improvements to the land offered for dedication by the applicant for public park and recreation facilities.

E. The amount and location of land set aside for private park and recreation facilities offered by the applicant.

F. The nature and extent of any improvements to the land set aside by the applicant for private park and recreation facilities.

G. The points specified herein have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of 40 points are available in this category. Points shall be awarded as follows:

1. Siting and designing of any proposed public park and recreation facilities so as to benefit the community, not solely the new residents of a subdivision:

   5 points

2. Construction of public park and recreation facilities in addition to the dedication of the required land for park and recreation facilities:

   10 points

3. Dedication of land for public park and recreation purposes in excess of the minimum required:

   10 points

4. Dedication of easements for public trails for pedestrians, equestrians, and/or bicycles within and through a proposed development, in addition to land dedicated for Park and Recreation purposes:

5 points

5. Construction of public trails for pedestrians, equestrians, and/or bicycles within and through a proposed development:

5 points

6. Construction of off-site public bicycle, equestrian, or pedestrian paths that will connect with an established network of similar facilities or trails:

5 points

17.06.275 Housing. The Planning Director shall review each subdivision application to determine conformance and compliance with all applicable provisions of the Half Moon Bay Housing Element. The Planning Director shall prepare a written report addressing:

A. The total number of dwelling units proposed.

B. A breakdown of the total number of market rate units, as well as any units affordable to very low, low, and moderate income households as defined in the Half Moon Bay Housing Element.

C. In those cases where dwelling units are proposed at below market rates, a description of the location, terms, and tenure of the affordable units.

D. The points specified herein have been established on the basis of the amount of direct cost to the applicant of providing for housing opportunities over and above those required by the General Plan and the Housing Element. A total of 40 points are available in this category. Points shall be awarded as follows:

1. The proposed development provides a range and diversity of housing types:

10 points

2. The proposed development exceeds the minimum requirements of the Half Moon Bay Housing Element pertaining to providing housing opportunities for

very low, low, and moderate income households and senior citizens:

15 points

3. The developer offers to contribute a sum greater than the minimum required by any affordable housing fund that may be established by the City of Half Moon Bay:

15 points

17.06.280 Architectural Design and Landscaping. The Planning Director and the Architectural Review Committee shall review each development application to ensure the highest quality design is maintained throughout the City. A written report shall be prepared that addresses:

A. Architectural design quality, as indicated by the quality of construction and by the architectural elevations of the proposed buildings, judged in terms of architectural style, size, and height:

B. Site design quality, as indicated by lot layout, orientation of the units on the lots, and similar site-design considerations.

C. Site design quality in adapting the development to the setting, including the preservation of existing vegetation, trees, natural terrain, and other natural and environmental features.

D. The extent to which the proposed project creates buildings that are responsive to the needs of its users and the environment, while also accomplishing it in an appealing and attractive manner. The overall project design should be compatible and harmonious with existing adjacent residential neighborhoods and land uses, while still maintaining its own special character.

E. The extent to which the proposed landscaping, trees, shrubs, ground cover, walls and fences, mounding, landscape furniture, paths, lighting, etc., is compatible with the topography and other characteristics of the site, the character and quality of adjacent landscaping, and the architectural features of adjacent structures.

F. The extent to which the proposed development adapts itself to the environment by "blending in" the development to the surroundings.

G. Points shall be awarded in this category on the basis of design excellence, and other criteria specified herein. A total of 20 points are available in this category, based upon the following objective and subjective criteria:

1. Provides harmonious use of exterior building materials and varying elevations by using an assortment of building materials to finish surfaces;

2. Creates visual interest by the use of quality design, architecture and construction;

3. Uses design and construction that conserve resources, such as active and/or passive solar heating and cooling, and energy-conserving building materials and appliances are incorporated into the construction;

4. Uses materials and construction techniques that exceed current Uniform Building Code standards or requirements;

5. Site design quality as indicated by lot layout, orientation of the units on the lots, and similar site design consideration;

6. Variations in lot sizes, configurations, and layout take place to accommodate changes in natural terrain or to protect existing trees and vegetation, and encourage a corresponding variation in house designs and orientations;

7. Avoids excessively deep or narrow lots, in order to provide adequate side yards, to avoid crowding, and to enhance spatial relationships;

8. Avoids excessive use of sharp-angled lots which waste land and constitute poor building sites;

9. Desirable views and vistas from the site are preserved by proper lot layout;

10. Avoids creating lots which require excessively long driveways for access;

11. Designs lots and buildings for noise control;

12. Varies sidewalk surfaces and dimensions to avoid monotony;

13. Varies building setbacks and angles from minimum zoning standards to create changes in relief along residential streets;

14. Foundation types are designed to minimize grading of the site;

15. Uses common driveways where appropriate to reduce driveway cuts;

16. Clusters dwelling units to restrict the amount of runoff caused by impervious surfaces and the covering of land area suitable for percolation, where applicable;

17. Site and architectural design addresses the uses of landscaping materials to provide privacy and screen trash and storage areas;

18. Uses landscaping to enhance the site, screen adjacent streets, promote sound control, prevent erosion, and screen lighting sources from direct view;

19. Uses drought-tolerant native plants and trees;

20. Uses earthen berms to delineate the use of spaces, provide privacy, reduce noise pollution, control winds, mitigate flood hazards, insulate walls, frame views, and offer aesthetics;

21. Group parking areas are planted to achieve shading and visual screening of the buildings;

22. Varied landscaping plans are to be made available to the home buyer;

    20 points

17.06.285 Planning Commission Review of Points Awarded and Building Permits Allocated.

A. All initial applications and supporting documents shall be reviewed, points awarded, and Building Permit allocations assigned by April 1.

B. The Planning Director shall forward to the Planning Commission the final determination of points and

Building Permit allocations at the first scheduled Planning Commission meeting in April, or as soon thereafter as possible.

C. The Planning Commission may ratify or modify the final determination of points and Building Permit allocations at this public meeting.

17.06.290 Appeals.

A. Anyone aggrieved by the points awarded and/or Building Permits allocated to projects in this category may appeal the decision to the City Council within ten days of the Planning Commissions final action.

B. At the first regular City Council meeting after the action of the Planning Commission is taken, the City Council, by majority vote of Council Members in attendance, may request that the decision of the Planning Commission be reviewed by the City Council at a duly noticed public hearing.

C. All appeals of points awarded and Building Permits allocated under this category shall be heard at a duly noticed public hearing as expeditiously as possible given legal notification requirements and Staff constraints.

D. If the Planning Director, Planning Commission, or City Council determines that any appeal filed may effect the status of any Building Permits to be allocated as a result of the points awarded, no Building Permits shall be issued in this category until the appeal process has been completed.

CHAPTER 17.08

EXCEPTIONS TO REQUIREMENTS

SECTIONS:

17.08.010	Application
17.08.020	Public Notice Requirements
17.08.030	Planning Commission and City Council Action

17.08.010 Application. The Planning Commission may recommend that the City Council authorize conditional exceptions to any of the requirements and regulations set forth in this Title where the size, shape, topography, ownership patterns and title restrictions impose practical difficulties upon the subdivider that conformance with the provisions of this Title results in an unreasonable hardship. Application for any such exception shall state fully the grounds of the application an the facts relied upon by the petitioner. Such petition shall be filed with the Parcel Map or Tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the Planning Commission and/or City Council shall find the following facts with respect thereto:

A. That there are special circumstances or conditions affecting said property that results in an unusual hardship to the subdivider if strict adherence to the standards of this Title is required.

B. That the exception(s) is (are) necessary for the preservation and enjoyment of a substantial property right of the subdivider.

C. That the granting of the exception(s) will not be detrimental to the public welfare or injurious to other property in the vicinity in which said property is situated.

17.08.020 Public Notice Requirements. In addition to the requirements for the contents, publication, and distribution of notices of public hearings set forth in this Title, the public notice for any public hearing on a subdivision for which an Exception is requested shall also include a brief summary of the Exception requested.

17.08.030 Planning Commission and City Council Action on Exceptions.

A. Parcel Maps.

1. Prior to taking action on a Parcel Map for which an Exception is requested, the Planning Commission shall hold not less than one public hearing, at which the application for Exception and the grounds for granting or denying the request are considered.

2. The Planning Commission shall make the specific findings required by this Title in approving, conditional approving, or denying the Exception.

3. The Planning Commission may impose any reasonable conditions deemed necessary and appropriate to secure the goals, objectives, and policies of the City in conjunction with the granting of any Exception.

B. Tentative Maps

1. Prior to taking action to forward a recommendation to the City Council on a Tentative Map for which an Exception is requested, the Planning Commission shall hold not less than one public hearing, at which the application for Exception and the grounds for granting or denying the request are considered.

2. The Planning Commission shall make the specific findings required by this Title prior to forwarding a recommendation to the City Council to approve, conditional approve, or deny the Exception as a part of the Tentative Map.

3. The City Council shall hold not less than one public hearing, at which the application for Exception and the grounds for granting, granting with conditions, or denying the request are considered.

4. The City Council shall make the specific findings required by this Title prior to taking action to approve, conditionally

approve, or deny the Exception as a part of the Tentative Map.

5. The City Council may impose any reasonable conditions deemed necessary and appropriate to secure the goals, objectives, and policies of the City in conjunction with the granting of any Exception.

CHAPTER 17.10

ENFORCEMENT

SECTIONS:

17.10.010	Penalty
17.10.020	Prerequisite to Building Permit Issuance
17.10.030	Prerequisite to Maintenance
17.10.040	Commencement of Construction Work
17.10.050	Final Inspections of Buildings
17.10.060	Maintenance of Improvements

17.10.010 Penalty.

A. Any offer to finance, lease, sell or contract to sell, or any financing of a division of land, lease or sale contrary to the provisions of this Ordinance shall be a misdemeanor, and any person, firm, corporation, partnership or co-partnership, upon conviction thereof, shall be subject to punishment by a fine of not more than five hundred ($500) dollars, or any other civil penalties, or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such penalties, fine, and imprisonment, and the City may seek to recover any administrative costs associated with securing compliance with this Title, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the City of Half Moon Bay or other political subdivision or person, firm, corporation, partnership or co-partnership may otherwise be entitled and the City of Half Moon Bay or any other political subdivision, or person, firm, corporation, partnership or co-partnership may file an action in the Superior Court of the State of California, in and for the County of San Mateo to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Ordinance.

B. Any transfer or conveyance, or purported transfer or conveyance, or agreement to transfer or convey any parcel of land without compliance with the terms of this Ordinance shall be voidable at the option of the transferee in accordance with the provisions of Sections 11540 and 11540.1 of the Business and Professions Code of the State of California, as the same may be amended from time to time.

17.10.020 Prerequisite to Building Permit Issuance. Compliance with the provisions of this Ordinance is a condition precedent to the issuance of a building permit by

the City for the use, erection construction, enlargement, alteration, repair, improvement, removal, conversion or demolition of any building or structure on any lot or parcel of land in the City.

17.10.030 Prerequisite to Maintenance. Compliance with the provisions of this Ordinance is a condition precedent to City maintenance of streets of all subdivisions, the improvements of which have not been accepted, and from all areas offered for dedication to the public which have not been accepted by the City Council.

17.10.040 Commencement of Construction Work. Subdivision improvement work shall not be commenced until after the final map is approved and recorded and not until after all improvement plans and profiles for such work have been submitted to and approved by the director of public works.

17.10.060 Final Inspections of Buildings. There shall be no final inspection of any building until curb, gutter, sidewalk, driveway approach, base rock and underground utilities are in place and all required electroliers are installed and connected to electrical circuits from the subdivision entrance to and including the lot in question. Final inspection of all residential, commercial and industrial units shall be withheld until all underground utilities, curb and gutter, sidewalk, street lights, and required base rock are installed from an existing improved street to and including the frontage of the lot in question.

17.10.070 Maintenance of Improvements. The City defines its policy to be that the City will withhold the maintenance of streets of all subdivisions when the improvements for it have not been accepted, and from all areas dedicated to the Public which have not been accepted by the City Council.

CHAPTER 17.20

TENTATIVE MAPS

SECTIONS:

17.20.010	Applicability
17.20.015	Public Hearing Required
17.20.020	Tentative Map Data Required and Design
17.20.025	Statements
17.20.030	Filing Requirements
17.20.035	Date of Filing
17.20.040	Distribution of Copies
17.20.045	Reports
17.20.050	Action by Planning Commission and City Council
17.20.055	Findings for Denial of a Tentative Subdivision Map
17.20.060	Improvement Plans, All Subdivisions
17.20.065	Reversion to Acreage
17.20.070	Expiration and Extensions of Time

17.20.010 Applicability. Except as otherwise provided for in this Title, the procedures set forth in this Chapter shall apply to all subdivisions, parts of subdivisions or any division of land into five or more lots as prescribed under Section 17.10.020.

17.20.015 Public Hearing Required.

A. Consideration by the Planning Commission and City Council of any Tentative Map shall be at a duly noticed public hearing.

B. Notice of the place, time, and date of the public hearing and a brief description of the proposed subdivision and its location shall be according to the following procedures:

1. At least ten days prior to the public hearing, notice shall be published in a newspaper of general circulation within the City of Half Moon Bay.

2. Public notice conforming to the requirements of this Title shall be mailed to all property owners within 300 feet of the boundaries of the proposed subdivision.

3. A copy of the public notice shall be conspicuously posted on the site of the

proposed subdivision adjacent to every public street or access way at least ten days prior to the public hearing.

17.20.020 Tentative Map, Data Required and Design. The preparation of a tentative subdivision map or maps shall comply with all applicable provision of this Title and at a minimum shall include the following data:

A. Vicinity map that depicts the location of the property from nearest arterial road. This vicinity map is for directional aid only; no scale is required.

B. Name and address of record owner and subdivider.

C. Name, address and license number of licensed land surveyor, registered civil engineer or other qualified professional who prepared said tentative map.

D. Date, north point (generally up on the map) and scale. Minimum scale one inch = 100 feet for parcels more than 20 acres and one inch = 50 feet for parcels less than 20 acres. Minimum map size eighteen inches by twenty six inches (18 x 26).

E. Name or number of proposed subdivision, and of all adjacent subdivisions; locations of, names and width of adjacent streets, highways, alleys and ways, and easements of all kinds, together with the type and location of street improvements including fire hydrants and street light locations.

F. The contour of the land at intervals of one foot of elevation up to five (5) per cent slope; two (2) foot intervals up to ten (10) per cent slope and five (5) foot intervals over ten (10) per cent slope.

G. Sufficient data to define the boundaries of the tract, or a legal description of the tract and border on reverse side of map to indicate tract boundaries. If multiple final maps are proposed, the tentative map shall show the probable boundaries of each final map.

H. Width, approximate location and purpose of all existing and proposed easements and adjacent easements adjoining such land.

I. The width, approximate grade and name of all streets, highways, alleys and other rights-of-way proposed within the subdivision.

J. The approximate radii of all curves.

K. All lots and condominium air spaces numbered consecutively by block throughout the entire development; the approximate dimensions of all lots; approximate lot areas should be shown for all lots not rectangular in shape.

L. The approximate locations of areas subject to inundation by storm water overflow, and the location, width and direction of flow of all water courses existing and proposed.

M. The location and outline to scale of each existing building or structure including underground utilities within the subdivision, noting thereon whether or not such building or structure is to be removed from or remain in the development of the subdivision, and its existing and proposed future use.

N. Show elevation of street intersections.

O. The location, pipe size and grades of proposed sewers, water line and underground storm drains, including the proposed location of fire hydrants, street lights, gas mains, power and communication lines, and TV cables.

P. The location of all trees on the site over ten inches in diameter at a height of four feet from the base of the tree. Where stands of trees are located, individual trees need not be shown, but may be shown as a group.

Q. The location of existing fences, ditches, wells, pumps, cesspools, reservoirs, sewers, culverts, drain pipes, underground structures, utility lines or sand, gravel or other excavation within two hundred (200) feet of any portion of the subdivision, noting thereon whether they are to be abandoned or used.

R. Typical street sections and details.

S. All major cross sections of all cuts and fills before and after grading to determine the scope of

the work involved, including estimate of contemplated earth work.

T. If the tentative map or the final map indicates any grading which involves a removal of earthen material from the proposed subdivision, the subdivider shall show the elevations of the property by contour lines. The subdivider shall file with the tentative map a written application for grading and excavation, if any, in conformity with the provisions of the Municipal Code.

Original elevations shall be indicated by solid lines not greater than five (5) feet, and the proposed elevations shall be shown by broken lines upon completion of the grading and excavation.

U. Proposed public areas, if any.

17.20.025 Statements. Accompanying the tentative map, or on said map, shall be statements by the subdivider as follows:

A. Statement of existing zoning and existing and proposed use or uses.

B. Statement and report on soil tests by a registered geotechnical engineer as required by this Title.

C. Statement as to intention of subdivider to control erosion and improvements to be constructed by him, as required by this Title and any other applicable ordinances of the City.

D. Statement indicating building setback lines.

E. Proposed source of water supply and method of sewage disposal.

F. Proposed type of tree planting and landscaping including indication of any existing trees to be removed or left in place.

G. Proposed public areas to be dedicated or scenic easements proposed.

H. Type and location of street lighting proposed in conformance with the adopted standards of the City of Half Moon Bay.

I. Statement as to development of lots whether for sale as lots or fully developed house and lot lease or financing purposes).

J. Preliminary title report prepared by a qualified Title Insurance firm.

K. Justification and reasons for any exceptions to provisions of this Title.

L. The subdivider shall submit with the tentative map, a copy of a letter to each serving utility and agency requesting submission of utility easement requirements and a copy of the reply of each affected utility and agency.

M. A geological report shall be required in any area, so determined by the City Engineer, where there are known geological hazards.

N. Existing conditions, restrictive reservations or covenants and any which are proposed shall be attached to the above statement.

O. A completed application form for Residential Building Permit Allocations as required by the Residential Dwelling Unit Building Permit Allocation System Ordinance.

P. Any additional information as may be deemed necessary by the Planning Director.

17.20.030 Filing Requirements. Twenty-two (22) copies of the tentative map and any statements or other information required by this Title relating to the proposed subdivision of land shall be presented to the Secretary of the Planning Commission at least 60 days prior to the Planning Commission meeting, together with a fee set by Resolution of the City Council.

17.20.035 Date of Filing. The Planning Director shall review all tentative map applications and supporting information to determine whether all necessary information has been submitted. Within thirty (30) days of receipt of any such map, the Director of Planning shall notify the applicant indicating whether the application is complete. Any parts which are incomplete shall be specified and the manner in which they can be made complete shall be indicated. In the case of any subdivision which requires the preparation of an Environmental Impact Report (EIR), Negative Declaration or is categorically exempt, no application shall be deemed complete until the final

decision maker has certified the EIR or Negative Declaration to be adequate or the project qualifies for a categorical exemption. The date upon which notice is given to the applicant that the application is complete shall be deemed the date of filing of the application; provided that, if at any stage of processing the map, a decision maker determines that an EIR or Negative Declaration is required, the date of filing shall be revised to the date upon which that EIR or Negative Declaration is required, the date of filing shall be revised to the date upon which that EIR or Negative Declaration is certified by the final decision maker.

17.20.040 Distribution of Copies. Upon the filing with the Secretary of the Planning Commission of a tentative map and the requisite number of copies, copies shall be transmitted to the following departments or officers: City Manager, City Attorney, City Planning, City Engineer, Building Official, Director of Recreation and Parks, Police Chief, City Clerk (seven copies), Chief of the Half Moon Bay Fire Protection District, the San Mateo County Planning Department, the Regional Water Quality Control Board, if affected, and each serving utility.

17.20.045 Reports. Within a period of not more than fifteen (15) days from the receipt of a copy of a tentative map and supporting information, each officer or department to which such copy shall have been transmitted shall file with the Planning Director any written comments on such tentative map showing what changes are recommended to make such map conform to the requirements of the Subdivision Map Act and the City of Half Moon Bay General Plan, Local Coastal Plan, Zoning Ordinance and this Ordinance, coming within the jurisdiction of such officer or department. If such comments and recommendations are not made before the expiration of the fifteen-day period, the map shall be deemed to be approved by such officer or department.

17.20.050 Action by Planning Commission and City Council.

A. The Planning Commission shall hold at least one public hearing on any tentative map within sixty (60) days of the date the application is deemed complete, unless this time period is extended by mutual consent of the subdivider and the Planning Director. The Planning Commission shall be notified of any extension of time agreed upon and the reasons for the extension.

B. The Planning Commission shall determine whether a tentative map is in conformity with the provisions of the Subdivision Map Act and of this Title, the General Plan and its Elements, the Local Coastal

Plan, and Zoning Ordinance and upon that basis approve, conditionally approve, or disapprove said map, and shall report such action directly to the City Council and the subdivider.

C. The City Council shall set a public hearing to be no later than thirty (30) days after Planning Commission action on the tentative map unless this time period is extended by mutual consent of the subdivider and the Planning Director or City Manager. The City Council shall be notified of any extension of time agreed upon and the reasons for the extension.

17.20.055 Findings for Denial of a Tentative Subdivision Map. The Planning Commission shall not forward a recommendation of approval to the City Council and the City Council shall deny approval of a tentative subdivision map if it makes any of the following findings:

A. That the proposed map is not consistent with the City's General Plan or its Elements, the Local Coastal Plan and any other applicable plans.

B. That the design or improvement of the proposed subdivision is not consistent with the City's General Plan or its Elements, the Local Coastal Plan any other applicable plans.

C. That the site is not physically suitable for the type of development.

D. That the site is not physically suitable for the proposed density of development.

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be

provided, and that these will be substantially equivalent to one previously acquired by the public.

This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

H. That the discharge of waste water, including sewage and storm warder runoff, from the proposed subdivision would result in a violation of existing water quality requirements prescribed by the Regional Water Quality Control Board.

A governing body shall not deny approval of a final subdivision map pursuant to this section, if it has previously approved a tentative map for the proposed subdivision, if it finds that the final map is in substantial compliance with the previously approved tentative map.

17.20.060 Improvements Plans, All Subdivisions. After approval by the City Council of the tentative map of any subdivision, the subdivider shall furnish the following Improvements Plans to the Secretary of the Planning Commission:

A. Three (3) copies of a grading plan consisting of typical cross sections and finished grades of all lots, roads, streets and highways in the proposed new subdivision.

B. Three (3) copies of plans and profile drawings of all streets, including sewer and drainage improvements; utilities may be shown in plan only. All tracings or duplicate tracings shall be filed with the City Engineer. Three (3) copies of Final Improvement Plans and Specifications. Scale of plans shall be one inch = 40 feet horizontally; one inch = four feet vertical in profile, unless otherwise approved by the City Engineer. Three (3) copies of all contract construction drawings.

C. Estimated costs of all infrastructure improvements or any other conditions or approval of the subdivision. Such estimates to be verified by the City Engineer.

D. Any other pertinent information required by the Conditional Approval of the Planning Commission, City Council, or by the City Engineer, including a soils report on previously filled areas or areas proposed to be filled; and in all street and alley rights-of-way at intervals not exceeding one thousand (1,000) feet and/or any change in soil conditions. The soils report and analysis will be in accordance with methods approved by the State of California for "R" values, sieve analysis and said equivalent.

E. No final map shall be submitted for consideration of the City Council until the improvement plans have been approved by the City Engineer. No improvements plans shall be considered finally approved until approval of the final map by the City Council.

17.20.065 Reversion to Acreage. A reversion to acreage shall be accomplished in conformance with Chapter 6 of the Subdivision Map Act. A parcel map may be filed for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under one ownership. All maps filed for the purpose of reverting land to acreage shall be conspicuously so designated under the title "The purpose of this Map is a Reversion to Acreage".

17.20.070 Expiration and Extensions of Time.

A. Except as may be provided for herein, a Final Map shall be submitted for processing within 24 months from the date of final action by the City Council to approve or conditionally approve a tentative map.

B. Where the City Engineer determines that a subdivider is required to expend more than $125,000 or more to construct or improve public improvements outside the boundaries of the tentative map that are reasonably related to the proposed development on said tentative map site, a Final Map shall be submitted for processing within 36 months from the date of final action by the City Council to approve or conditionally approve a tentative map.

C. The City Council may extend the expiration date of any tentative map for not more than 12 months at any one time.

D. A maximum of three such extensions permitted by Subsection C above may be granted.

E. All actions of the City Council to extend a tentative map shall be at a duly noticed public hearing in accordance with the provisions of this Title.

CHAPTER 17.22

VESTING TENTATIVE MAPS

SECTIONS:

17.22.010	Citation and Authority
17.22.015	Purpose and Intent
17.22.020	Consistency
17.22.025	Definitions
17.22.030	Application
17.22.035	Filing and Processing
17.22.040	Fees
17.22.045	Public Hearing Required
17.22.050	Expiration and Extension of Time
17.22.055	Vesting on Approval of Vesting Tentative Map

17.22.010 Citation and Authority. This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state (hereinafter referred to as the Vesting Tentative Map Statute) and may be cited as the vesting tentative map ordinance.

17.22.015 Purpose and Intent. It is the purpose of this chapter to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Subdivision Map Act and the subdivision ordinance. Except as otherwise set forth in the provisions of this chapter the provisions of the subdivision ordinance shall apply to the vesting tentative map ordinance.

17.22.020 Consistency. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan or any of its Elements, the Local Coastal Plan, and any applicable specific plan or not permitted by the zoning ordinance or other applicable provisions of this code or ordinance of the City.

17.22.025 Definitions.

A. A "Vesting Tentative Map" means a tentative map for a residential subdivision that has printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with this Title and is thereafter processed in accordance with the provisions hereof.

B. All other definitions set forth in Title 17, the Subdivision Ordinance are applicable.

17.22.030 Application.

A. This chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Title requires the filing of a tentative map or a tentative parcel map for a residential development, a vesting tentative map may be filed instead in accordance with the provisions hereof.

B. If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision permit for construction, or work preparatory to construction.

17.22.035 Filing and Processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this Title for a tentative map except as hereinafter provided:

A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words, "Vesting Tentative Map".

B. At the time a vesting tentative map is filed, a subdivider shall also supply the following information:

1. Detailed site plan including height, size and location of buildings;

2. Sewer, water storm drain and road details;

3. Detailed plans on the uses to which the buildings will be put, including elevations and floor plans;

4. Detailed grading plans;

5. Geological studies on landslide hazards and potential landslides hazards;

6. Flood control information, including, but not limited to, the effect of surface waters generated by the subdivision on adjoining and downstream properties;

C. Where the property to be subdivided is zoned PUD (Planned Unit Development), no map shall be accepted for filing unless an application for a Use Permit and a Planned Unit Development Plan have been filed for concurrent processing.

17.22.040 Fees. Upon the filing of a vesting tentative map, the subdivider shall pay the fees required for the filing and processing of a tentative map as established by Resolution of the City Council.

17.22.045 Public Hearing Required.

A. Consideration by the Planning Commission and City Council of any Tentative Map shall be at a duly noticed public hearing.

B. Notice of the place, time, and date of the public hearing and a brief description of the proposed subdivision and its location shall be according to the following procedures:

1. At least ten days prior to the public hearing, notice shall be published in a newspaper of general circulation within the City of Half Moon Bay.

2. Public notice conforming to the requirements of this Title shall be mailed to all property owners within 300 feet of the boundaries of the proposed subdivision.

3. A copy of the public notice shall be conspicuously posted on the site of the proposed subdivision adjacent to every public street or access way at least ten days prior to the public hearing.

17.22.050 Expiration and Extensions of Time.

A. Except as may be provided for herein, a Final Map shall be submitted for processing within 24 months from the date of final action by the City Council to approve or conditionally approve a vesting tentative map.

B. Where the City Engineer determines that a subdivider is required to expend more than $125,000 or more to construct or improve public improvements outside the boundaries of the vesting tentative map that are reasonably related to the proposed development on said vesting tentative map site, a Final Map shall be submitted for processing within 36 months from the date of final action by the City Council to approve or conditionally approve a vesting tentative map.

C. The City Council may extend the expiration date of any vesting tentative map for not more than 12 months at any one time.

D. A maximum of two such extensions permitted by Subsection C above may be granted.

E. All actions of the City Council to extend a tentative map shall be at a duly noticed public hearing in accordance with the provisions of this Title.

17.22.055 Vesting on Approval of Vesting Tentative Map.

A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

B. Notwithstanding subsection A of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;

2. The condition or denial is required, in order to comply with state or federal law.

C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided for in this Title. If the final map is approved, these rights shall last for the following periods of time:

1. An initial time period of one year from the date of recording the final map. Where final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded;

2. The initial time period set forth in subsection C.1 of this section, shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty days, from the date a complete application is filed;

3. A subdivider may apply to the City Council for a one-year extension at any time before the expiration of the initial time period set forth in subsection C.1 of this section;

4. If the subdivider submits a complete application for a building permit during the periods of time specified in Subdivisions 1 through 3 of this Subsection, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

CHAPTER 17.24

FINAL MAP

SECTIONS:

17.24.010	Filing
17.24.015	Form of Final Map
17.24.020	Certificates and Tax Bonds
17.24.025	Action on Final Map
17.24.030	Agreement and Bond for Improvements
17.24.035	Revocation of Approvals

17.24.010 Filing.

A. Within twenty-four (24) months after approval or conditional approval of the tentative map or vesting tentative map, the subdivider shall cause the subdivision or any substantial part thereof, to be surveyed and a final map prepared in conformance with the tentative map as approved or conditionally approved, otherwise all approvals of the tentative map shall expire.

B. The tracing and two blue line or black line prints of the final map shall be filed with the City Clerk together with a map checking fee set by resolution of the City Council to be paid to the City Clerk. A permanent, reproducible copy of the final map shall also be submitted. Prior to the recording of the final map with the County Recorder, this permanent reproducible final map shall bear all required signatures and the civil engineers wet stamp.

C. An extension of time, up to three (3) additional years, for the filing of a final map or parcel map may be granted by the City Council, provided that written application for such extension is made by the subdivider prior to expiration of the twenty-four (24) month period.

D. At the time of the filing of the final map with the City Clerk, the subdivider shall also file therewith the following:

1. A recordable instrument prohibiting traffic over the side lines of a major highway, parkway, street or freeway, when and if required under the provisions of this Title. A dedication of a planting strip may be accepted as a satisfactory alternative.

2. A copy of the deed restrictions applicable to the subdivision.

3. Sheets or drawings showing traverse closures and the computation of all distances, angles and courses shown on the final map, ties to existing and proposed monuments, and adjacent subdivisions, street corners, and/or highway stations.

4. Two copies of infrastructure improvement plans.

5. Subdivision agreement.

17.24.015 Form of Final Map. The final map, when submitted, shall comply with the following:

A. The final subdivision map shall be clearly and legibly drawn upon tracing cloth or polyester base of good quality. All lines, letters, figures, certifications, acknowledgments and signatures shall be made in black India Ink. Typewriting or rubber stamps shall not be used. The map shall be so made and shall be in such condition when filed that good legible blueprints and negatives can be made. The size of the sheets of tracing cloth or polyester base shall be eighteen by twenty six (18 x 26) inches leaving a margin of two (2) inches at the left edge and one (1) inch at the other three edges of the sheets. The scale of the final map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end.

B. When the final map consists of more than two sheets, the relation of sheets shall be indicated by note. Every sheet comprising the map shall bear the scale, north point, legend, sheet number and number of sheets comprising the map.

C. Wherever the City Engineer has established a system of coordinates then the survey shall be tied into such system. The map shall show clearly what stakes, monuments or other evidence found on the ground or were set to determine the boundaries of the subdivision. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, and other proper designation.

D. Sufficient data must be shown to determine readily the bearing and length of every lot line, block

line and boundary line and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. Lots containing one acre or more shall show total acreage to nearest hundredth. Bearing and lengths of straight lines, and radii and arc length for all curves as may be necessary to determine the location of the centers of curves and tangent points shall be shown. No lot shall be dimensioned to contain any part of an existing or proposed public right-of-way.

E. Whenever the City Engineer has established the center line of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown on the final map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the course and detail or relocation data used by the City Engineer shall be stated.

F. The map shall show the location and description of all monuments found in making the survey of the subdivision.

G. In addition, the final map shall be prepared in full compliance with the following requirements:

1. The final map shall show the line of high water for the 100-year flood, where the subdivision is adjacent to a stream, channel or any body of water and shall also show any area subject to periodic inundation by water.

2. The boundary of the subdivision shall be designated by a blue border applied to the reverse side of the tracing and on the face of the blue line prints. Such border shall not interfere with the legibility of figures or other data.

3. The maps shall show the lines of all streets, the total width of all streets, the width of the portion being dedicated and the width of existing dedications, also the width of any railroad rights-of-way, appearing on the map. Each street shall be named.

4. The map shall show the side lines of all easements to which the lots are subject. The easements must be clearly labeled and identified and if already of record, its recorded reference given. If any easement is

not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drain, sewers and other purposes shall be denoted by dashed lines. The width of the easement and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

5. City boundary lines crossing or bounding the subdivision shall be clearly designated and referenced.

6. Lot numbers shall begin with the number "1" in each block and shall be numbered in a clockwise direction from the upper left hand corner; north shall be generally up on the map.

7. Block numbers shall begin with the number "1" continuing consecutively without omission or duplication throughout the subdivision. The numbers or letters shall be solid and of sufficient size and thickness to stand out, shall be so placed as not to obliterate any fixture and shall be enclosed in a circle. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets with complete property line data.

8. The final map shall particularly define, delineate and designate all lots and condominium air spaces intended for sale or reserved for private purposes, all parcels offered for dedication for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case. Parcels offered for dedication but not accepted shall be designated by letter.

9. The map shall also show all other data that is or may be required by law, and any additional information that may be required by the City Engineer.

17.24.020 Certificates and Tax Bond. The following certificates and acknowledgments and all other now or

hereafter required by law shall appear on the final map or shall be otherwise made. Such certificates may be combined where appropriate.

A. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of said map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map.

1. Rights-of-way, easements or other interest none of which can ripen into a fee.

2. Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signature shall be set forth on the map.

3. Any subdivision map including land originally patented by the United States or the State of California, under patent reserving interest to either or both of these entities, may be recorded under the provision of this Code without the consent of the United States or the State of California thereto, or to dedication made thereon.

B. Dedication certificate. A certificate signed and acknowledged as above irrevocably offering for dedication all parcels of land shown on the final map and intended for any public use, except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

C. Engineer's certificate. A certificate by the registered civil engineer or licensed surveyor responsible for the survey and final map. The signature of such civil engineer or surveyor, unless accompanied by his seal, must be attested. Include date of license expiration.

D. A certificate for execution by the City Engineer including his State License number and date of expiration of the license.

E. A certificate for execution by the City Clerk stating that the body approved the map and accepted, subject to improvement, or rejected on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.

F. A certificate for execution by the County Recorder.

G. Prior to the filing of the final map with the governing body, the subdivider shall file with the Clerk of the Board of Supervisors of the county in which any part of the subdivision is located, a certificate from the official computing redemptions in San Mateo County and the City of Half Moon Bay, showing that according to the records of his office, there are no liens against the subdivision or any part thereof for unpaid state, county, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable. As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the Clerk of the Board of Supervisors mentioned, a certificate by each proper officer giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

H. Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes and files with the Board of Supervisors of the county wherein any part of the subdivision is located, a good and sufficient bond to be approved by the Board and by its terms made to inure to the benefit of the county and conditioned upon the payment of all state, county, municipal and local taxes and all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

I. Where any property is encumbered by assessments or similar instruments secured by the property, the subdivider shall prepare or cause to be prepared any assessment reapportionments necessary for the parcel. The reapportionments shall conform to the lots created by the subdivision such that each lot shall be a separate reapportionment. Prior to recording the final map, the subdivider shall submit any and all completed reapportionment diagrams and legal documents to the City Engineer for review, distribution, and recording.

17.24.025 Action on Final Map.

A. Approval by City Engineer. Upon receipt of the final map and other data, the map and data shall be referred to the City Engineer who shall determine whether the subdivision as shown is substantially the same as it appeared on the tentative map or vesting tentative map, with any approved alterations, and that all provisions of the conditions of approval and this Title applicable at the time of approval of the tentative map or vesting tentative map have been complied with, and that he is satisfied that the map is technically correct. If the City Engineer determines that full conformity has not been made, he shall advise the subdivider of the changes or additions. If the City Engineer determines that full conformity has been made, he shall so certify on the map and transmit the map to the City Clerk.

B. Approval by City Council. At its first regular meeting following the filing of said map with the City Clerk as aforesaid, or within thirty (30) days following the filing thereof, the City Council shall consider said map, the plan of subdivision and the offers of dedication. The City Council may reject any or all offers of dedication.

1. If the City Council determines that said map is in conformity with the requirements of the conditions of approval and this Title and that it is satisfied with the plan of subdivision, it shall approve said map provided it is in conformity with the tentative map. When the subdivider has filed with the City Clerk any agreement and bonds or deposits required, and when such agreement and bonds and deposits shall have been approved by the City Attorney and the City Engineer, the City Clerk shall certify the map. When all bonds, money or negotiable

bonds required under the provisions of this code to secure the payment of taxes and assessments which are a lien on some part of the subdivision but which are not yet payable have been deposited with and approved by the City Clerk, (s)he shall transmit the final map to the subdivider to record it in the office of the County Recorder.

2. If the City Council determines that the map is not in conformity with the requirements of this Article and the Map Act, it shall disapprove said map specifying its reason or reasons therefor and the City Clerk shall, in writing, advise the subdivider of such disapproval and of the reason or reasons for such disapproval.

3. Within thirty (30) days after the City Council has disapproved any map, the subdivider may file a map altered to meet for approval of the City Council. No map shall have any force or effect until the final map has been approved by the City Council and recorded in the Office of the County Recorder, and no title to any property described in any offer of dedication shall pass until the recording of the final map.

17.24.030 Agreement and Bond for Improvements.

A. Upon the approval by the City Council of the final map but before approval by the City Engineer, the subdivider shall execute and file an agreement between himself and the City and an agreement between himself and Coastside County Water District specifying the period within which he or his agent or contractor shall complete all improvement work to the satisfaction of the City Engineer and the Engineer of the Water District, and providing that if he shall fail to complete such work within said period, the City or Water District may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for installation of all improvements as shown on the approved plans and specifications for the project. Such agreement may also provide the following:

1. For the construction of the improvements in phases, if applicable and approved by the City Council.

2. For an extension of time under conditions therein specified.

3. For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the City Engineer to be at least the equivalent of the improvements specified in said agreement and required to be constructed by the subdivider.

4. For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided by the next succeeding section; provided however, that no such progress payment shall be made for more than ninety (90) per cent of the value of any installment of work and provided that each such installment of work shall be completed to the satisfaction of the City Engineer.

B. The subdivider shall also file with the aforesaid agreement, to assure his full and faithful performance, a bond for such sum as is deemed sufficient by the City Engineer to cover the cost of said improvements, engineering, inspection, and incidental expenses and to cover replacement and repair of existing streets, other improvements damaged in the development of the subdivision, and to cover fees, to guarantee the work for two years following completion against defective work and/or materials. A labor and materials bond in an amount satisfactory to the City Engineer is also required. Such bonds shall be executed by a surety company authorized to transact a surety business in the State of California and must be satisfactory to and approved by the City Attorney as to form and by the City Engineer as to sufficiency. In lieu of said bond, the subdivider may deposit with the City Treasurer cash in an amount fixed by the City Engineer.

C. In the event the subdivider fails to complete all improvement work in accordance with the provisions of this Title, including the installation of water services to the satisfaction of the Coastside County Water District and the City or the Water District completes it, or if the subdivider fails to reimburse the City or the Water District for the cost of inspection, engineering and incidental expenses for the work performed by them

respectively, and to cover the cost of replacement and repair of existing streets or other improvements damaged in the development of the subdivision, the City or the Water District or both of them shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursement. If the amount of the surety bond or cash deposit is less than all costs and expenses incurred by the City and the Water Districts or either of them, the subdivider shall be liable to the City for such difference and applicable attorney's fees.

D. No extension of time, progress payments from cash deposits, or releases of surety bond or cash deposit shall be made except upon certification by the City Engineer or the Engineer of the Water District or both that work covered thereby has been satisfactorily completed, and upon recommendation of the City Manager and approval of the City Council.

17.24.035 Revocation of Approvals. If no lots in a subdivision for which a final map has been approved and recorded under this Title prior to the effective date of this Title have been sold within five (5) years from the date of recording of the maps or if none of the improvements required to be made have been made within two (2) years from the date of recording, the City Council may on its own motion hold a public hearing, after notice to all property owners affected to determine whether the approval of such final map should be revoked. If it is determined that such approval should be revoked, the City Council shall by resolution revoke such approval without prejudice to the filing of a new map pursuant to this Article. Such revocation shall be effective upon recording of a certified copy of such resolution in San Mateo County and thereupon all streets, ways and other easements dedicated or offered for dedication by such map shall be of no further force or effect.

CHAPTER 17.26

PARCEL MAPS

SECTIONS:

17.26.010	Filing
17.26.015	Statements
17.26.020	Date of Filing
17.26.025	Public Hearing Required
17.26.025	Filing and Action by Planning Commission
17.26.030	Action on Tentative Parcel Maps
17.26.035	Appeal
17.26.040	City Council Action on Appeal
17.26.045	Recording Required
17.26.050	Limitation of Approval
17.26.055	Submission of Parcel Map for Recording

17.26.010 Filing. Where required by the provisions of this Title, tentative and final parcel maps, as defined and regulated in the California Subdivision Map Act, shall be prepared and filed with the Planning Commission together with a filing fee set by Resolution of the City Council.

A. Design and Improvements. Divisions of property in accordance with the provisions of this Chapter shall be governed as to design by all applicable provisions of this Title.

B. Tentative parcel map information. A legible tentative map drawn to scale on a sheet eighteen by twenty six (18 x 26) inches in size, on mylar or other reproducible paper shall be prepared and submitted showing:

1. Name, address and phone number of record owner and person filing the map; the parcel map number of the proposed subdivision, and the name and address of the licensed land surveyor, registered civil engineer, or other qualified professional who prepared said tentative map.

2. Name and legal description of lot and tract or grant in which the subdivision is located and ties to adjoining streets.

3. Any other data necessary for the intelligent interpretation of the conditions existing and the location of recorded points, lines and areas shown including but not limited to:

a. The contour of the land at intervals of one (1) foot of elevation up to five (5) per cent slope; two (2) foot intervals up to ten (10) per cent slope and five (5) foot intervals over ten (10) per cent slope.

b. Sufficient data to determine boundaries of division accurately.

c. Width, location, purpose of all existing and proposed easements.

d. The width, grade of all streets and other rights-of-way whether proposed for dedication or existing.

e. All lots and condominium air spaces numbered consecutively throughout the entire development; the approximate dimensions of al lots; approximate lot areas shall be shown for all lots not rectangular in shape.

f. The approximate radii of all curves.

g. The locations of areas subject to flood or inundation by a 100-year flood.

h. Approximate elevations of street intersections.

i. The location, size, grades of proposed sewers, water lines, storm drains.

j. Location of all proposed fire hydrants, street lights, easements.

k. Location of creeks, riparian setbacks and bluff setbacks.

l. Any additional information required by the City Engineer.

17.26.015 Statements. Accompanying the tentative map shall be the following statements by the subdivider:

A. A statement as to drainage, surfacing or other required improvements to be constructed by him;

B. A statement as to whether proposed roads, widenings or street openings are offered for separate dedication, and if so, copies of a preliminary title report on subject property shall be included;

C. A statement of existing zoning and proposed use;

D. A statement and report on soil tests or Geologic Report, if required by the City Engineer.

17.26.020 Date of Filing. The date of filing any tentative parcel map under this Chapter shall be as set forth in Section 17.20.035 of this Title.

17.26.025 Public Hearing Required.

A. Consideration by the Planning Commission and City Council of any Tentative Map shall be at a duly noticed public hearing.

B. Notice of the place, time, and date of the public hearing and a brief description of the proposed subdivision and its location shall be according to the following procedures:

1. At least ten days prior to the public hearing, notice shall be published in a newspaper of general circulation within the City of Half Moon Bay.

2. Public notice conforming to the requirements of this Title shall be mailed to all property owners within 300 feet of the boundaries of the proposed subdivision.

3. A copy of the public notice shall be conspicuously posted on the site of the proposed subdivision adjacent to every public street or access way at least ten days prior to the public hearing.

17.26.030 Filing and Action on Tentative Parcel Map by Planning Commission.

A. One reproducible tracing and 22 copies of the map and required statements and documents shall be filed with the Secretary of the Planning Commission at least 60 days prior to the time at which action by the Planning Commission is expected. The Secretary of the Planning Commission shall immediately transmit a copy of said map to

the City Engineer, Building Official, Half Moon Bay Fire District, Police Chief, Planning Director, City Clerk and to each public utility serving the general area of the proposed minor subdivision.

B. The Planning Director, with the aid of the above-mentioned Staff, shall review said map and shall make a report and recommendations, and present it to the Planning Commission.

C. The subdivider shall submit proof of the adequacy of the proposed easements at the time of filing the tentative parcel map, and any utility company concerned may make a report to the Planning Commission as to the adequacy of the proposed easements.

D. Any lots created by minor subdivision approved by the City shall eliminate any previously recorded lot lines which fall within said minor subdivision.

E. Partial width streets may be approved by the Planning Commission when lot owners are not able to coordinate development on adjacent lots, but in no case shall such street be less than twenty eight (28) feet of right-of-way and fourteen (14) feet of pavement.

17.26.035 Action on Tentative Parcel Maps. The Planning Commission shall at a public hearing determine whether the tentative parcel map is in conformity with the General Plan and its Elements, the Local Coastal Plan, the Zoning Ordinance, the provisions of the Subdivision Map Act, and this Title as to design, drainage, utilities, road improvements and offers of dedication or deed. Upon this basis they shall, within 60 days of the date of the application being deemed complete, approve, conditionally approve or disapprove the map. The Planning Commission shall report such action in writing to the subdivider. Any such approved tentative map shall meet the requirements for a parcel map.

17.26.040 Appeal. Appeal from the action of the Planning Commission shall be to the City Council and must be made in writing by the applicant within fifteen (15) calendar days from the date of mailing of notice of action of the Planning Commission. The payment of fee for the appeal as established by Resolution of the City Council shall be paid.

17.26.045 City Council Action on Appeal. The City Council shall hear any appeal promptly at a duly noticed public hearing as provided for in this Title. The City Council may sustain, overrule, or modify the action of the Planning Commission.

17.26.050 Recording Required. No building permit may be issued prior to recording of the parcel map.

17.26.055 Limitation of Approval.

A. The approval of a tentative parcel map shall be valid for a period of twenty-four (24) months from the date of approval by the Planning Commission, or City Council. Such approval or conditional approval may be extended for a period not to exceed three (3) additional one years periods by the Planning Commission upon written request, providing such request is made prior to the expiration of the two (2) year approval period.

B. Any failure to record a parcel map within two (2) years from the approval or conditional approval of the tentative parcel map, or any extension thereof granted, shall terminate all proceedings..

C. A parcel map shall be prepared in conformance with the approved tentative parcel map and presented to the City Clerk after a certificate has been executed by the City Engineer, and the registered civil engineer or licensed land surveyor who prepared the map, certifying compliance with all conditions of approval.

D. The parcel map shall meet all requirements of a parcel map as set forth in the California Subdivision Map Act and this Ordinance, and when improvements or dedications are required, shall be accompanied by a guaranty of title, any separate instruments of dedication or deeds and improvement agreement, all as set forth in this Title.

17.26.060 Submission of Parcel Map for Recording.

A. A parcel map shall be considered complete for recording when it complies with the conditions of approval, this Title, and the Subdivision Map Act and the following is filed with the City Engineer: Two (2) blue line prints, an original tracing or duplicate on mylar or polyester base of good quality, and a filing fee as set by resolution of the City Council.

B. The City Engineer shall determine that said map is in conformity with the tentative parcel map, the conditions of approval, this Title, and the Subdivision Map Act. If the map meets these requirements the City Engineer shall approve the map for recordation. In case the City Engineer determines the map is not in conformity with the requirements, he shall return the map to the subdivider for correction. If the map is approved, and after seals and signatures are affixed, the City Engineer shall transmit any irrevocable offers of dedication or agreements to the City Council for approval and acceptance.

C. After such approval the parcel map shall be transmitted to the City Clerk for filing with the County Recorder. No building permit shall be issued until the parcel map is filed with the County Recorder for record.

CHAPTER 17.28

LOT MERGER

SECTIONS:

17.28.010	Merger of Parcels
17.28.015	Notification of Intention to Determine Status
17.28.020	Hearing To Determine Status Re: Merger
17.28.025	Determination of Status Re: Merger When No Hearing Requested
17.28.030	Exception to Merger

17.28.010 Merger of Parcels. Two or more parcels of real property may be merged by the Planning Commission when the following conditions are met:

A. The parcels are contiguous.

B. The parcels have the same ownership as of the date that notice of intention to determine status is recorded.

C. At least one of the parcels is nonconforming, having an area less than the minimum prescribed area for the zoning district in which they are located.

D. At least one of the parcels is either:

1. Undeveloped, having no structure on it for which a building permit is required (at the time of notice of intention to determine status), or

2. Developed only with an accessory building, or

3. Developed with a structure for which a building permit is required at the time of notice of determination of status, located partially on it, and partially on the contiguous parcel.

E. At least one or more of the conditions exist with respect to any affected parcel, at the time of notice of determination of status:

1. It comprises less than 5,000 square feet in area.

2. It was not created in conformance with applicable laws and ordinances in effect at the time of its creation.

3. It does not meet current standards for sewage disposal and domestic water supply.

4. It does not meet slope stability standards.

5. It has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

6. Its development would create health or safety hazards.

7. It is inconsistent with the General Plan, and any specific plan for reasons other than minimum parcel size or density standards.

17.28.015 Notification of Intention to Determine Status:

A. A written notice shall be sent to the owner(s) of the parcels affected, notifying them of the City's intention to determine status and describing the procedure and standards, as set forth herein, for merger to occur.

B. The Notice of Intention shall be sent by certified mail, return receipt requested to the owner(s) of the affected parcels.

C. A copy of the Notice of Intention shall be recorded with the County Recorder of San Mateo County on the same date the notice is mailed to the property owner(s).

D. The written Notice of Intention shall advise the owner(s) that a hearing before the Planning Commission may be requested, within thirty (30) days of the date of said Notice, by written application to the City's Director of Planning to determine the status of the affected parcels, and to present evidence that the said parcels do not meet the standards for merger.

E. Upon receiving an application for hearing on determination of status, the Director of Planning shall place the matter within sixty (60) days on the Planning Commission agenda and shall send the property owner(s) notice of the time and place of

hearing, by certified mail, return receipt requested.

F. All written notices shall be sent to the owner(s) of the affected parcels as they appear on the last Tax Assessor's Roll in San Mateo County.

17.28.020 Hearing to Determine Status Re Merger.

A. The Planning Commission shall receive evidence from the Director of Planning as to the affected property meeting the standards for merger, and shall allow the property owner(s) the opportunity to rebut said evidence, and to present any evidence that the affected property should or should not be merged. At the end of the hearing the Planning Commission shall make a determination whether the affected parcels do or do not meet the standards for merger and should be merged. The Director of Planning shall, within thirty (30) days of the decision, send written notice thereof to the affected property owners.

B. If the Planning Commission determines the parcels are to be merged, the Director of Planning shall within thirty (30) days of the decision, have recorded with the San Mateo County Recorder a "Notice of Merger" describing the real property, the owners, and the Planning Commission action.

C. If the Planning Commission determines that the parcels shall not be merged the Director of Planning shall, within thirty (30) days of the decision have recorded with the San Mateo County Recorder a Release of the Notice of Intention to Merge.

D. The merger of the affected parcels becomes effective on the recordation of the Notice of Merger.

17.28.025 Determination of Status Re Merger When No Hearing Requested. If within the thirty (30) day period specified in Section 17.28.020 the owner(s) of affected parcels do not request a hearing under said Section, the Director of Planning shall place the matter on the Planning Commission agenda and the Planning Commission shall determine whether the parcels affected shall be merged or not. The Director of Planning shall provide notice of the Planning Commission action to the property owner(s) affected, and record either a Notice of Merger, or release of Notice of Intention to Merge, whichever is appropriate, in accordance with the procedures in Section 17.28.020. The

Notice of Merger, or Release of Notice of Intention to Merge must be recorded with the San Mateo County Recorder within Ninety (90) days of the mailing and recording of the initial Notice of Intention to Merge.

Section 17.28.030 Exception to Merger. Parcels otherwise eligible for merger under the provisions of this ordinance shall be exempt if one of the following conditions exists:

A. On or before July 1, 1981, one or more of the contiguous parcels is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

B. On or before July 1, 1981, one or more of the contiguous parcels is timberland as defined in Subdivision (f) of Section 51104 of the Government Code, or its land devoted to an agricultural use as defined in Section 51201(b) of the Government Code.

CHAPTER 17.30

LOT LINE ADJUSTMENTS

SECTIONS:

17.30.010	Purpose
17.30.015	Filing
17.30.020	CEQA Applicability
17.30.025	Responsible Staff and Agency Review Required
17.30.030	Criteria for Review and Approval
17.30.035	Limitation on Review and Approval
17.30.040	Planning Commission Review Option
17.30.045	Action on a Lot Line Adjustment
17.30.050	Appeal of Staff or Planning Action
17.30.055	City Council Action on an Appeal
17.30.060	Recordation Required

17.30.010 Purpose. A Lot Line Adjustment is a transfer of land between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

17.30.015 Filing. Where permitted by the provisions of this Title, a Lot Line Adjustment application shall be prepared and filed with the Planning Director together on a form supplied by the City and the payment of a fee set by Resolution of the City Council. The applicant shall submit:

A. Name, address, phone number and signatures of the record owners of all lots involved.

B. Name, address, phone number and signature of the person filing the Lot Line Adjustment.

C. Name, address, phone number and signature of the licensed land surveyor or registered civil engineer who prepared the Lot Line Adjustment.

D. Title report, legal description, assessor parcel number, and address of each lot as it exists before adjustment.

E. Legal description of each lot as it will exist after adjustment.

F. A clear and accurate map, suitable for filing with the County recorder, showing the proposed Lot Line Adjustment which shall include:

1. An appropriate scale approved by the City Engineer, in black ink, on paper 81/2" X 11" or larger.

2. Date of preparation, scale, and north arrow.

3. Sufficient data to accurately determine the lot boundaries.

4. The dimensions of each lot and the area of each lot. Lot areas shall be given in square feet if they are less than one acre, in acres if they are one acre or more.

5. Existing property lines shown in solid lines, proposed property lines shown in dashed lines.

6. Width, location, and purpose of all existing and proposed easements.

G. A clear and accurate supplementary map, showing the lots as they will exist after the Lot Line Adjustment which shall include:

1. The locations of areas subject to flood or inundation by a 100-year flood

2. The location of any water wells and related water lines.

3. The location of any septic tanks, drain or leech fields, and expansion areas

4. Contour lines shown at no more than 10-ft. intervals.

5. Any reasonable additional information required by the City Engineer.

17.30.020 CEQA Applicability. Where the average slope of the land involved in the Lot Line Adjustment exceeds 20%, an environmental assessment fee shall also be collected at the time of application. The Planning Director shall review the application to determine if the Lot Line Adjustment is exempt from the provisions of CEQA. If the project is not

exempt, an Initial Study shall be conducted to determine whether a Negative Declaration shall be issued or an Environmental Impact Report shall be required.

17.30.025 Responsible Staff and Agency Review Required. Prior to taking any action on an application for a Lot Line Adjustment, the Planning Director shall transmit a copy of the Lot Line Adjustment application and maps to the City Engineer, Building Official, Half Moon Bay Fire Protection District, Police Chief, City Clerk, and to each public utility serving the general area of the proposed Lot Line Adjustment.

17.30.030 Criteria for Review and Approval.

A. Each Lot Line Adjustment application shall be reviewed with regard to the following criteria:

1. In Residential, Commercial, and Industrial Districts, the application shall be evaluated for the suitability of building sites created by the Lot Line Adjustment.

2. In Reserve Districts or Open Space and Conservation Districts, the Lot Line Adjustment shall be evaluated to determine the suitability of the re-configured sites for the permitted uses within those Districts.

3. All applications shall be evaluated for the provision for adequate pedestrian and vehicle access and emergency vehicle access to each lot that may be effected by the Lot Line Adjustment.

4. Existing legal non-conforming lots shall be evaluated to assure that the Lot Line Adjustment does not increase the degree or extent of non-conformity.

5. Each effected Staff member or agency shall review the proposed Lot Line Adjustment to determine the adequacy of existing easements and if necessary, shall make specific recommendations as to their requirements for additional easements, modifications to any existing easements, or the need for new easements.

B. The Planning Director, with the aid of responsible Staff and/or public utility or agency shall review the Lot Line Adjustment and shall enter a written report into the project record.

17.30.035 Limitation on Review and Approval.

D. Except as may be provided for herein, consideration of any Lot Line Adjustment by the Planning Director shall be a ministerial action, not requiring public notice or a public hearing.

A. Review and approval shall be limited to a determination of whether or not the parcels resulting from the Lot Line Adjustment will conform to local zoning and building ordinances, or to facilitate the relocation of existing utilities, infrastructure, or easements.

B. Reasonable conditions may be imposed to ensure that the lots subject to the application conform to any applicable zoning and building codes.

C. No tentative map, parcel map, or final map shall be required as a condition to the approval of a Lot Line Adjustment. The Lot Line Adjustment shall be reflected in a deed and a map, which shall be recorded.

D. No record of survey shall be required for a Lot Line Adjustment unless required by Section 8762 of the Business and Professions Code.

17.30.040 Planning Commission Review Option.

A. In the case of a complicated or controversial Lot Line Adjustment, the Planning Director may elect to refer the application to the Planning Commission for their review and decision making.

B. The Planning Commission shall not consider the Lot Line Adjustment until after the Planning Director has submitted the proposal to all responsible Staff and agencies as provided for herein. The Planning Director shall make a report and recommendation, and present it to the Planning Commission.

C. Consideration of a Lot Line Adjustment by the Planning Commission shall be a ministerial action not requiring public notice or a public hearing. However, the item shall appear on the duly posted meeting agenda. The Planning Commission shall not preclude appropriate and relevant public testimony

17.30.045 Action on a Lot Line Adjustment. The Planning Director or Planning Commission shall determine whether the Lot Line Adjustment is in conformity with the General Plan and its Elements, the Local Coastal Plan, the Zoning Ordinance, and Section 8762 of the Business and Professions Code. Upon this basis they shall, approve, conditionally approve or disapprove the Lot Line Adjustment. The Planning Director or Planning Commission shall report such action, in writing, to the applicant.

17.30.050 Appeal of Staff or Planning Commission Action. Appeal from the action of Staff shall be to the Planning Commission, and shall be filed within ten calendar days of the decision being rendered. An appeal of a decision of the Planning Commission shall be to the City Council and must be made in writing by the applicant within fifteen (15) days from the date of mailing of notice of action. The payment of fee for the appeal as established by Resolution of the City Council shall be paid.

17.30.055 City Council Action on an Appeal. The City Council shall hear any appeal of a decision of the Planning Commission promptly as provided for in this Title. The City Council may sustain, overrule, or modify the action of Staff or the Planning Commission. Any action of the City Council to overrule or modify the action of the Planning Director or Planning Commission shall be based upon the criteria specified in this Chapter.

17.30.060 Recordation Required. The deeds, maps, and legal descriptions shall not be recorded until all conditions of approval have been met or bonded for, as appropriate. The Lot Line Adjustment shall be effective when the deeds and legal restrictions have been recorded. No building permit shall be issued for development on any lot a part of a Lot Line Adjustment prior to recordation.

CHAPTER 17.40

DESIGN STANDARDS

SECTIONS:

17.40.010	Streets and Highways
17.40.015	Continuation of Streets
17.40.020	Intersections
17.40.025	Street Stubs
17.40.030	Intersection Corner Rounding
17.40.035	Curve Radius
17.40.040	Grades of Streets and Highways
17.40.045	Reserved Strips
17.40.050	Non-Access and Planting Strips
17.40.055	Acre or Large Lot Subdivisions
17.40.060	Street Names
17.40.065	Public Utility Easements
17.40.070	Lot Design
17.40.075	Divided Lots
17.40.080	Lot Frontage on Two Streets - Through Streets
17.40.085	Trails and Walkways
17.40.090	Pedestrian Access to Coastal Resources
17.40.095	Vehicular Access to Coastal Resources
17.40.100	Beach Dedication
17.40.105	Watercourses
17.40.110	Land Subject to Inundation
17.40.115	Solar Requirements
17.40.120	Trees
17.40.125	Drainage
17.40.130	Special Provisions for Lands of Ten (10) Percent or Greater Slope
17.40.135	Underground Utilities
17.40.140	Street lights

17.40.010 Streets and Highways.

A. The streets and highways to be provided or improved within or adjacent to any proposed division of land shall conform both in width and alignment to the Master Plan of Streets and Highways in the Circulation Element of the General Plan and the Access and Circulation Concept Plan in the Land Use Plan or any other Specific Plans as adopted by the City Council. Right-of-way for any such street or highway indicated on said General Plan/Coastal Land Use Plan shall be dedicated for public use.

B. New streets and highways not shown on the Master Plan of Streets and Highways or the Access and Circulation Concept Plan of the Land Use Plan shall not be of less width than the standards set forth in the Circulation Element for similar streets and highways to accommodate future traffic volumes.

C. Increased widths may be required where probable traffic conditions warrant such. Approval of determination of street or highway classification shall be made by the City Council.

17.40.015 Continuation of Existing Streets. All streets shall, as far as practicable, be in alignment with existing adjacent streets by continuations of the center lines thereof or by adjustments by curves and shall be in general conformity with the adopted General Plan/Coastal Land Use Plan for the most advantageous development of the area in which the subdivision lies.

17.40.020 Intersections. Streets shall be required to intersect one another at an angle as near to a right angle as is practicable.

17.40.025 Street Stubs. Where necessary to give access to, or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets shall have a temporary turn-around. Control of access across such dead-end street shall be vested in the City by dedication of a one (1) foot non-access strip across the entire right-of-way width. In all other cases, a turn-around having a minimum radius of forty-five feet (45) shall be required.

17.40.030 Intersection Corner Rounding. Whenever a arterial street or state highway intersects any other street or highway, the property lines at each block corner shall be rounded with a curve having a radius of not less than thirty (30) feet. On all other street intersections, the property line at each block corner shall be rounded with a curve having a radius of not less than twenty (20) feet. In either case, a greater curve radius may be required if streets intersect other than at right angles.

17.40.035 Curve Radius. The center line curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval by the City Engineer.

17.40.040 Grades of Streets and Highway. No street or highway shall have a grade of more than ten percent (10%)

unless because of topographical conditions or other exceptional conditions, the City Engineer determines that a grade in excess thereof is necessary. The minimum grade shall be one-half percent (1/2%). Any grade in excess of 10% shall be reviewed by the Half Moon Bay Fire Protection District and approved by City Council upon the positive recommendation of the City Engineer.

17.40.045 Reserved Strips. Reserve strips controlling the access to public ways or minimizing values for special improvement assessments will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the City under conditions approved by the City Council.

17.40.050 Non-Access and Planting Strip. When the rear of any lots border any arterial, collector street, or highway, the subdivider may be required to execute and deliver to the City the right of ingress and egress to the rear of such lots across the side lines of such streets or highways. When the rear of any lots border a state highway, the subdivider may be required to dedicate and improve a planting strip and masonry wall adjacent to such freeway.

17.40.055 Acre or Large Lot Subdivisions. Where a parcel is subdivided into lots of one acre or more, the City Council may require that the blocks shall be of such size and shape, and be so divided into lots, as to provide for the extension and opening of streets and alleys at such intervals that will not preclude a subsequent division of any parcel into lots.

17.40.060 Street Names. Prior to the approval of any Tentative Map or Parcel Map, the Half Moon Bay Chief of Police and the Half Moon Bay Fire Protection District Fire Chief shall approve all street names. Unless otherwise approved by the City Council, all new street names and any proposal to change the name of an existing street shall be in accordance with the following standards:

General Direction of Street	Long or Continuous Streets	Short or Discontinuous Streets
North & South	Streets	Places
East & West	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes

17.40.065 Public Utility Easements. Unless otherwise approved by the City Council upon the positive recommendation of the City Engineer, the subdivider shall grant easements not less than five (5) feet in width for public utility, sanitary sewer, and drainage purposes on each side of rear lot lines, along such lot lines, and in planting strips wherever necessary, provided easements of lesser width may be allowed when at the determination of the City Engineer, the Engineer of the Water District, or the Engineer of the Sewer Authority Mid-Coastside that the purposes of easements may be accomplished by easements of lesser width and provided further than in such determination the appropriate Engineer shall prescribe the width and location of such easements after consultation between them. Dedication of easements shall be to the City for the purposes as may be ordered or directed by the City Council.

17.40.070 Lot Design. The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.

17.40.075 Divided Lots. No new lot created subsequent to the effective date of this Title shall be divided by a city boundary line.

17.40.080 Lot Frontage on Two Streets - Through Lots. Lots, other than corner lots, shall not face on more than one street.

17.40.085 Trails and Walkways. The subdivider may be required to dedicate and improve trails and walkways at least ten (10) feet wide across long blocks or to provide access to schools, parks, open spaces or other public areas, and where such trails or walkways are shown on any map or diagram in the Local Coastal Program, the General Plan and any of its Elements, or on any Specific Plan of the City of Half Moon Bay.

17.40.090 Pedestrian Access to Coastal Resources.

A. All subdivision applications filed subsequent to the effective date of this Title located in whole or in part along the Shoreline Trail Alignment shown on the Access Improvements Map of the City's Local Coastal Plan or along the Pedestrian Trail provided for in the Park and Recreation Element of the General Plan shall provide a lateral easement for public access along the shoreline.

B. The requirement for dedication of a lateral easement set forth in Subsection A above may be

waived by the City Council if public land suitable for trail development intervenes between the proposed subdivision and the bluff edge. In the event the City Council determines it is appropriate to waive the dedication requirement, consideration shall be given to requiring the subdivider to contribute to the cost of improving that portion of the trail fronting the property.

C. Any division of land located between the shoreline and the first public road may be required to provide vertical and lateral access easements to ensure public access to the coastline. All easements shall be provided in accordance with the regulations contained in this Title and Title 18, the City Zoning Ordinance.

17.40.095 Vehicular Access to Coastal Resources. Vehicular access to coastal resources shall be provided where indicated on the Access Improvements Map of the City Local Coastal Plan, the General Plan and any of its Elements, and any Specific Plan. Primary access routes which end in public parking facilities shall not have new residential development fronting on the route and shall not be necessary for the local traffic circulation. All other regulations contained in this Title and Title 18, the City Zoning Code, shall be met.

17.40.100 Beach Dedication. In conjunction with any proposed division of land fronting on the ocean, bay, or a beach, all privately owned beach seaward of the base of any coastal bluff shall be dedicated for public access in accordance with the provisions of this Title and Title 18, the City Zoning Code.

17.40.105 Watercourses. The subdivider shall dedicate an easement for storm drainage purposes conforming substantially with the lines of any natural watercourse or channel, stream or creek within or contiguous with any subdivision, or at the option of the subdivider provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and storm waters.

17.40.110 Land Subject to Inundation. If any portion of any land within the boundaries shown on any subdivision map is subject to overflow, inundation, or flood hazard by storm waters, such fact and said portion shall be clearly shown on such final map enclosed in a border on each sheet of said map, and further, adequate storm drain system and/or levees, dikes and pumping systems shall be provided to the satisfaction of the City Engineer.

17.40.115 Solar Requirements. All major subdivisions shall provide to the extent feasible for future passive or natural heating or cooling opportunities in the subdivision, as required by Section 66473.1 of the Government Code.

17.40.120 Trees.

A. Existing trees shall be preserved on the site unless otherwise approved by the City Council as a part of the site development plans.

B. Unless specifically approved by the City Council, any tree removed shall be replaced on the site. Replacement trees shall be a minimum size of a 24 inch box of the same species unless specifically approved by the City Council.

17.40.125 Drainage. Unless otherwise approved by the City Council upon the positive recommendation of the City Engineer:

A. Storm drainage shall be designed by rational formula using City of Half Moon Bay rainfall curve for a three (3) year storm.

B. Surface gutter drainage shall not exceed 1200 linear feet along any street or road. When gutter flow exceeds 1 1/2 second feet, as calculated using the data above, water shall be carried by a subsurface storm drain. In no case shall surface drainage be allowed to cross any street or road. Subsurface storm drains must be used in place of surface cross gutters. Unless otherwise specifically approved by the City Engineer, all subsurface drains shall be undergrounded.

17.40.130 Special Provisions for Lands of Ten (10) Per Cent or Greater Slope. In the event a subdivision application is filed for any property with slopes of ten percent (10%) or greater, the following shall be provided:

A. Grading. With the preliminary parcel or tentative map, a grading plan must be submitted showing the following:

1. Existing contours at a maximum interval of five (5) feet.

2. Proposed finished contours at a maximum interval of five (5) feet. Finished contours shall show the following:

(a) Tops and toes of all banks.

(b) All side banks must be benched horizontally ten (10) feet for every vertical twenty-five (25) feet change in elevation.

(c) Maximum fill slopes 2 horizontal to 1 vertical (2:1).

(d) Maximum cut slope 2 horizontal to 1 vertical (2:1). Special conditions may require flatter slopes, if determined to be necessary by the City Engineer.

(e) Maximum height of a cut bank fifty (50) feet vertical; of a fill bank twenty-five (25) feet vertical.

3. Lot drainage shall be so arranged that water from upper lots does not flow across banks unless carried in a storm sewer or similar feature as otherwise may be approved by the City Engineer.

4. Estimate of the cubic yardage to be imported or exported.

5. Earth shall not be exported from the site without specific approval of the City Council. Necessity for substantial earth removal from the site must be demonstrated before any radical grading will be permitted. All haul routes and the disposal site shall be approved by the City Council.

6. Sufficient topsoil shall be stockpiled and returned to horizontal cut areas to cover a minimum of eight (8) inches.

7. Fill must have a certified relative compaction of ninety-five (95%) per cent state of California, Division of Highways Test Methods 216-9.

8. Rear and side lot lines shall occur at tops of banks rather than at center or toe of bank.

9. Adequate erosion control measures not limited to seeding.

10. Driveway to garage or carport shall not exceed ten (10%) per cent grade unless specifically approved by the City Engineer.

B. Streets

1. Maximum street grade shall be ten (10%) per cent, subject to the approval of the City Engineer.

2. Vertical and horizontal curves shall be such that a minimum of one hundred fifty feet (150) sight distance is provided at all points.

3. Horizontal curves. Minimum center line radius shall be one hundred feet (100).

4. Vertical curbs shall be required on slopes of over five (5%) per cent grade.

5. Cul-de-sacs:

(a) Property line radius - forty (40) feet minimum.

(b) Improvements radius - thirty (30) feet to face of curb.

(c) Minimum lot frontage at property line - forty (40) feet.

(d) Minimum lot width measured along setback line - sixty (60) feet.

(e) Length maximum - three hundred (300) feet.

17.40.135 Underground Utilities. All utilities shall be installed underground in accordance with the provisions of the Half Moon Bay Municipal Code. All underground utilities shall be installed before preparation of sub-grade for paving or any other site improvements that may effect the orderly installation of the underground utilities.

17.40.140 Street Lights. Street lighting shall be installed throughout the subdivision in accordance with the requirements of the City Engineer.

CHAPTER 17.42

IMPROVEMENTS

SECTIONS:

17.42.010	Standard Specification Conformance
17.42.015	Submittal of Plans
17.42.020	Notification of City Engineer
17.42.025	City Engineer Inspection and Approval
17.42.030	Utility Construction
17.42.035	Completion of Improvement
17.42.040	Changes
17.42.045	As-Built Plans
17.42.050	Improvements to be Installed
17.42.055	Off-site Improvements
17.42.060	Monuments

17.42.010 Standard Specification Conformance. All improvements mentioned in this Title shall conform to the requirements of the City Engineer and to the requirements of the "City of Half Moon Bay Standard Specifications, 1983 Edition" (or subsequent editions that may be adopted) prepared by the City Engineer, adopted by the City Council, copies of which are on file in the Office of the City Engineer. Similarly, improvements under the jurisdiction of the County Water District shall conform to its standards.

17.42.015 Submittal of Plans. Improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the City Engineer. Approval of such plans is required before approval of the Final Map unless otherwise approved by the City Council upon the positive recommendation of the City Engineer. All such plans and profiles shall be prepared on tracing cloth or mylar in accordance with the requirements of the City Engineer.

17.42.020 Notification of City Engineer. Improvement work shall not be commenced until the City Engineer has been notified by writing at least 24 hours in advance, and if work has been discontinued for more than 72 hours for any reason, it shall not be resumed until the City Engineer has been notified.

17.42.025 City Engineer Inspection and Approval. All required improvements shall be constructed under the inspection of and to the approval of the City Engineer.

Cost of inspection shall be paid by the subdivider. Facilities for distribution of water furnished to the subdivider by the Water District shall be constructed under the inspection and to the approval of the Engineer of the Water District, including cost of inspection to be paid by the subdivider.

17.42.030 Utility Construction. All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such street, service roads, alleys, or highways. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements, when service connections are made thereto.

17.42.035 Completion of Improvements. The subdivider, his engineer and his contractor shall develop plans and complete all improvement work in accordance with the provisions of this Title and to the approval of the City Engineer.

17.42.040 Changes. The subdivider shall install improvements in accordance with the general requirements set forth in this Title provided that the subdivider may apply to the City Council for changes in typical section and details if unusual conditions arise during construction to warrant such change in the interests of the City.

17.42.045 As-Built Plans. A reproducible transparency map of mylar or similar permanent material showing all improvements as built shall be filed with the City Engineer upon completion of said improvements.

17.42.050 Improvements to be Installed. Improvements to be installed by each subdivider shall include the following:

A. Streets, curbs, gutters, sidewalks, and walkways as may be shown on the Parcel Map or Tentative Map as approved by the Planning Commission and/or City Council.

B. Coastal accessways and signs if required where an easement offered for dedication has been or is reasonably expected to be accepted by one of the entities listed in the Local Coastal Plan, the General Plan or any of its Elements, the City Municipal Code, or any Specific Plan. All vehicular accessways to coastal resources on state property shall be constructed to the standards of

the State Parks and Recreation Department and the City of Half Moon Bay.

C. Water lines to serve each lot and stubbed to property line prior to paving. A "W" shall be stamped or otherwise permanently marked on the curb to identify stub locations.

D. Sanitary sewers and laterals to serve each lot and stubbed to property line prior to paving. An "S" shall be stamped or otherwise permanently marked on the curb to identify stub location.

E. Fire hydrants of a type and size approved by the Half Moon Bay Fire Protection District. Fire flows shall be as approved by the Fire District.

F. Storm sewers, drains and channel improvements.

G. Silt basins or other forms of erosion control when necessary.

H. Ornamental and safety street lights as required by this Title and the City Engineer.

I. Unless otherwise approved by the Planning Commission and/or City Council, street trees shall be installed to the following standards:

1. Not less than one (1) tree per lot with an average spacing of fifty (50) feet on center;

2. The type, size and location shall be approved by the City Engineer and indicated on the Final Map.

3. Said trees shall be maintained by the developer for a period of one (1) year, to the satisfaction of the City Engineer.

J. Street signs at all block number changes and at locations approved by the City Engineer.

K. Street end barricades, walls or facing where required by the City Engineer.

L. Stop or Yield Signs where street intersects with a major street or at other locations required by the City Engineer.

M. Utility distribution lines, including but not limited to electric, communications, street lighting and cable television shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this Title, and he shall make the necessary arrangements with the utility companies for the installation of such facilities. Minor exceptions to this Section may be granted by the City Engineer only when requested by the serving utility.

17.42.050 Off-Site Improvements. The following off-site improvements may be required if determined to be necessary by the City Engineer and required by the Planning Commission and/or the City Council as conditions of subdivision approval:

A. The subdivider shall pay the fee estimated by the Coastside County Water district for the improvement of any existing source of water supply of the Water District and the construction of transmission lines from that supply to the proposed development.

B. The subdivider shall pay the fee estimated by the City for the development of sewage disposal facilities or for the improvement of any existing sewage disposal system and the construction of transmission lines from the proposed improvements to the site of disposal.

C. When flood zones or other lawful special purpose zones are established by the City Council, the subdivider shall pay the fee set out for the particular zone in which the subject land lies.

D. Properly graded, drained and paved or otherwise improved access roads as may be required by the City Engineer.

E. The extension of any other utilities.

17.42.060 Monuments. The following monuments shall be installed to the satisfaction of the City Engineer:

A. Permanent iron pipe monuments of a type approved by the City Engineer shall be set at each boundary corner of the subdivision, along exterior boundaries at intervals of not over five hundred (500) feet, at the beginning and end of property

line curves, and at any other points as may be required by the City Engineer.

B. Concrete monuments depressed below street grade with cast iron ring and cover of a type approved by the City Engineer shall be set at intersections of street center line tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of centerline curve and/or offsets therefrom. The exact location of all such monuments shall be shown on the final map before approval is requested.

C. Any monument or bench mark, as required by this Code, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.

D. Monuments and bench marks shall be set before acceptance of all improvements by the City Council.

E. A three quarter (3/4) inch pipe eighteen (18) inches long, visibly marked or tagged with the registration number or license number of the civil engineer or land surveyor under whose direction the survey was made, shall be placed at the front corners of each lot or set in lieu thereof a permanent mark shall be made or set on the top of the concrete curb along with prolongation of the side lot lines of the lot to the street.

CHAPTER 17.44

PRELIMINARY SOILS REPORT

SECTIONS:

17.44.010 Report Required
17.44.015 Waiver

17.44.010 Report Required. At the time of submission of the tentative map or the tentative parcel map, the subdivider shall file with the Planning Department a preliminary soils and/or geologic report, prepared by a certified Geotechnical Engineer who is registered by the State of California. The report shall be based upon adequate test borings or excavations.

17.44.015 Waiver. The preliminary soils and/or geologic report may be waived if the Planning Department or City Engineer shall determine that, due to the knowledge of such department as to the soils qualities and geologic conditions of the subdivision, no preliminary analysis is necessary.

CHAPTER 17.46

STORM DRAINAGE IMPROVEMENT FEES

SECTIONS:

17.46.010	Fees - Credit against assessment
17.46.015	Fees - Non-refundable - When waived
17.46.020	Modifications
17.46.025	Deposit of funds

17.46.010 Fees - Credit against assessment. Prior to the City Council's approval of any final subdivision map, or the approval of any division of land into fewer than five lots, or if no such approval is required, then prior to the issuance of any building permit for new construction, other than an accessory building, or for any building permit for remodeling or reconstruction of a value in excess of fifty percent of the value of an existing structure, the owner or his authorized agent shall pay to the City Treasure a Storm Drainage Fee as hereinafter set forth based upon the gross area of the lot or subdivision, including streets to be dedicated:

R-1 zone	$ .03 per square foot
Multiple-family residential	$ .04 per square foot
Commercial-non-residential	$ .05 per square foot

The amount of the fee shall be recorded as a credit, apportioned to the lots of the entire subdivision and applied to the extent of the credit against any assessment or charge against such lots in any future drainage assessment proceeding which includes the property. In any case where a building permit is issued without the necessity of paying the fees set out above, the owner of the property shall execute an agreement to participate in the creation of a storm drainage assessment district.

17.46.015 Fees - Non-refundable - When waived. The fee required by Section 17.08.010 has been determined by experience as compensatory in a reasonable degree for the drainage expense created by such development and is non-refundable. Such fee may be waived, in the case of any subdivision or other division of land subject to the approval of the City Council, by the City Council, or in other cases by the building inspector, if it appears that satisfactory drainage provisions have been made for delivering and discharging the surplus water from such area into a channel previously designated by the Council as a major watercourse.

17.46.020 Modifications. In any case where there are extraordinary conditions affecting a parcel larger than one acre, the strict application of this chapter may be modified by the City Council. In any case, the applicant shall file an application in writing, stating the grounds therefor, with the City. Any modification of the strict application of this chapter shall be in harmony with the general purpose and objectives hereof upon such conditions and in such a manner as will protect the public health, safety and welfare of the people of the City, but in no case shall the area assessed be less than one acre.

17.46.025 Deposit of funds. The sums deposited as required by this chapter shall be placed in a special drainage deposit fund and shall be expended by the Council upon its finding that the improvement includes the drainage basin or area containing the property, or that benefit otherwise in fact accrues to the property for which a deposit has been made.

CHAPTER 17.48

LAND DEDICATED FOR PARK AND RECREATION PURPOSES

SECTIONS:

17.48.010	Findings
17.48.015	Dedication by Subdivider
17.48.020	Applicability
17.48.025	Relation of Land Required to Population Density
17.48.030	Population Density Determination
17.48.035	Amount of Land to be Dedicated or Fee In Lieu Thereof
17.48.040	Credit for Private Open Space
17.48.045	Dedication of Land or Fee or Both - Procedure
17.48.050	Time of Commencement to be Designated
17.48.055	Limitation on Use of Land and Fees
17.48.060	Applicability to Minor Divisions of Land
17.48.065	Applicability Where No Division of Land

17.48.010 Findings. The City Council finds, determines and declares as follows:

A. In 1965, the Legislature of the State of California amended the Subdivision Map Act (Section 11500 et seq. of the Business and Professions Code) so as to enable cities and counties to require either the dedication of land, the payment of fees, or a combination of both, for park or recreational purposes as a condition of approval of a subdivision map; and

B. Before a city or county may avail itself of said act, it must have a general plan containing a recreational element with definite principles and standards for the park and recreational facilities to serve the residents of the city or county; and

C. The City Council has adopted a general plan, including amendments thereto, containing such recreational element. (Ord. 10-72 1, 1972).

17.48.015 Dedication by subdivider. Every subdivider who subdivides land shall, at the option of the City, dedicate a portion of such land, pay a fee, or do both, as set forth in this chapter, for the purpose of providing park and recreational facilities to serve residents of the City. Only the payment of fees may be required in subdivisions containing fifty parcels or fewer.

17.48.020 Applicability. The provisions of this chapter shall apply to all subdivisions, as that phrase is defined in Section 66410 et seq. of the Government Code of this state except subdivisions for which tentative subdivision maps have been filed within thirty days after July 20, 1972; industrial subdivisions; condominium projects, which consists of the subdivision of air space in an existing apartment building which is more than five years old when no new dwelling units are added; and parcel maps for a subdivision containing fewer than five parcels for a shopping center containing more than three hundred thousand square feet of gross leasable area and no residential development or uses.

17.48.025 Relation of Land Required to Population Density. It is found and determined that the pubic interest, convenience, health, welfare and safety require that a minimum of seven acres of property for each one thousand persons residing within the City be devoted to park and recreational purposes. (Ord. 10-72 4, 1972).

17.48.030 Population Density Determination.

A. Population density for the purpose of this Chapter is determined as follows:

1. Single family units (R-1), 3.4 persons per D.U.
2. Two - four family units, 2.6 persons per D.U.
3. Five or more family units, 1.6 persons per D.U.
4. Mobile homes, 1.8 persons per D.U.
5. Residential hotels, 1.1 persons per D.U.
6. Transient hotels or tourist courts, 0.8 persons per D.U.

B. The basis for determining the total number of dwelling units shall be the number of such units permitted by the City on the property included in the subdivision at the time the final subdivision map is filed with the City Council for approval. If subsequent application is made for rezoning or other action to increase the total number of dwelling units the City Council may, in conjunction therewith readjust the amount of land to be dedicated or fee to be paid accordingly.

17.48.035 Amount of Land to be Dedicated or Fee In Lieu Thereof.

A. The amount of land required to be dedicated by a subdivider pursuant to this chapter shall be four acres per one thousand population.

B. 1. When a fee is to be paid in lieu of land dedication the amount of such fee shall be based upon the fair market value of the amount of land that would be required for dedication pursuant to subsection (A) of this Section. The fee shall be calculated by the following formula:

$$\text{In lieu fee} = \text{DU's} \times \text{POP} \times \frac{4 \text{ acres}}{1{,}000 \text{ People}} \times \frac{\text{FMV}}{\text{Buildable Acre}}$$

2. Definitions:

DU = Number of dwelling units in a subdivision.
POP = Population per dwelling unit.
FMV = Fair market value of the subject real property.

Buildable acre = A typical acre of the subdivision with a slope of less than ten percent, and located in other than an area on which building is excluded for any reason.

3. Determination of Fair Market Value. The fair market value (fmv) of the subject real property shall be determined by the City Engineer. The City Engineer's determination shall be based on a written appraisal by an MAI or SRA or state-licensed real estate appraiser, taken from a list of such qualified appraisers maintained by the City. The appraisal shall be made immediately prior to the approval of the final subdivision map by the City. The subdivider shall pay the cost of the appraisal. If the subdivider objects to the determined fair market value he/she may appeal said determination to the City Council. A request for appeal must be filed with the City Clerk within ten days after the City Engineer has mailed a notification of the appraisal results to the subdivider, first class mail, to the last

address shown in the City's file for the subdivider.

C. The fair market value of acceptable park lands contributed shall be credited against these fees. Fair market value shall be based on the value of the land within the development prior to full development, and shall be determined on said basis by a qualified real estate appraiser approved by the City and the subdivider, the expense of which is to be shared equally by the City and the subdivider.

D. Monies expended by the subdivider for actual development of park and recreation facilities may also be credited against these fees, provided the City Council finds it is in the public interest to do so. (Ord.1 3-90 2, 1990; Ord. 17-75 4, 197: Ord. 10-72 6, 1972).

17.48.040 Credit for Private Open Space. Where private open space for park and recreational purposes is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, such areas may be credited against the requirement of dedication for park and recreation purposes or fees paid in lieu thereof, to such an extent that the City council finds appropriate, in no event to exceed fifty percent, taking into account the mode of valuation set forth in this Title, provided the City Council finds it is in the public interest to do so, and that the following criteria are met:

A. That yards, court area, setbacks and other open areas required to be maintained by the zoning and building regulations are not included in the computation of such private open space;

B. That the private ownership and maintenance of the open space is adequately provided for by written agreement;

C. That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract, and which cannot be defeated or eliminated without the consent of the City Council;

D. That the percentage of credit recognized for private open space shall take into account such factors as size, shape, topography, geology,

access and locations and the parcel's suitability for use for park or recreational purposes, as distinguished from inactive or primarily aesthetic open space; and

E. That the facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the general plan, and are approved by the City Council. (Ord. 17-75 5, 1975: Ord. 10-72 7, 1972).

17.48.050 Dedication of Land or Fee or Both - Procedures.

A. Procedure. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both shall be as follows:

1. Subdivider. At the time of filing a tentative tract map for approval, the owner of the property shall, as a part of such filing indicate whether he desires to dedicate property for park and recreational purposes or whether he desires to pay a fee in lieu thereof. If he desires to dedicate land for this purpose, he shall designate the area thereof on the tentative tract map as submitted;

2. Action of Advisory Bodies. Prior to its consideration of the tentative map and the owner's proposal to dedicate land or pay fees in lieu thereof, the Planning Commission shall cause the same to be submitted to the Parks and Recreation commission for its consideration and recommendation. If the Parks and Recreation Commission fails to act thereon within forty-five days, the owner's proposal shall be deemed to be approved and the Planning Commission shall proceed on the basis of such recommendation.

The Planning Commission shall include among its recommendations to the City Council on the tentative map its recommended approval, disapproval or modification of the owner's proposal;

3. Action of City Council. At the time of the tentative tract map approval, the City Council shall tentatively determine, as a part of such approval, whether to require a

dedication of land within the subdivision, payment of a fee in lieu thereof, or a combination of both;

4. Prerequisites for Approval of Final Map. Where dedication is required it shall be accomplished in accordance with the provisions of the Subdivision Map Act and any additional requirements of the City. Where fees are required, the same shall be deposited with the City prior to the approval of the final tract map. Open space covenants for private park or recreational facilities shall be submitted to the City prior to approval of the final tract map and shall be recorded contemporaneously with the final tract map.

B. Determination. Whether the City Council accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

1. Recreation Element of the City's general plan; and

2. Topography, geology, access and location of land in the subdivision available for dedication; and

3. Size and shape of the subdivision and land available for dedication.

The determination of the City Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

17.48.055 Time of Commencement to be Designated. At the time the final subdivision map is approved, the City Council shall designate the time when development of the park and recreational facilities shall be commenced. Said time may be designated as a date certain or as conditional upon the occurrence of one or more events affecting such development such as the formation of an assessment district, the approval of a bond issue, the completion of a capital improvement program for other facilities in the area, or similar event.

17.48.060 Limitation on use of land and fees. The land and fees received under this chapter shall be used for the

purpose of providing park and recreational facilities to serve residents of the City.

17.48.065 Applicability to minor divisions of land. The requirements of this chapter shall in like manner apply to all lot splits and other divisions of land into four or fewer lots or parcels which do not constitute a subdivision of land under the provisions of state law.

CHAPTER 17.60

CONDOMINIUMS - GENERALLY - DEFINITIONS - SCOPE

SECTIONS:

17.60.010	Purpose
17.60.020	Definitions
17.60.030	Scope
17.60.040	Compliance Required
17.60.050	Fees
17.60.060	Application Approval - Conditions.

17.60.010 Purpose. Condominiums and community apartment projects combining a common ownership interest in a particular project with an ownership or right of occupancy in an individual unit in a particular project are different from conventional and familiar patterns of housing in the City of Half Moon Bay. While condominiums, community apartment projects, and stock cooperatives present benefits in the nature of increased amenities, opportunities for dwelling ownership, and leisure time, the special nature of such projects creates conditions that may result in neglect, deterioration, and lack of maintenance, causing a negative impact upon the public health, safety, welfare and economic prosperity of the City and its citizens. Because of the unique nature of the problems created by condominiums, community apartments, and stock cooperatives, it is the express intent of the City to treat such projects differently from other types of multiple family dwellings and to establish rules and standards therefor, regulating the construction of and conversion to condominiums, community apartment projects, and stock cooperatives in the City. It is further the purpose of the City in enacting the ordinance codified in Chapters 17.60, 17.62, 17.64, and 17.66 to preserve rental housing for the residents of the City and to provide an affordable housing source for low and moderate income residents of the City.

17.60.020 Definitions. For the purposes of this title, the following words shall have the following meanings:

A. "Apartment" means a dwelling or any structure designed or used to house two or more families as the term "family" is defined in Section 18.04.350 of this code, living independently of each other.

B. "Association" means the organization of persons who own a condominium unit or right of exclusive occupancy in a community apartment.

C. "Common area" is an entire project excepting all units therein.

D. "Community apartment" is an estate in real property consisting of an undivided interest in common in a parcel of real property and the improvements therein coupled with the right of exclusive occupancy for residential purposes of an apartment located thereon.

E. "Community apartment project" is a community apartment containing five or more units to which there is the right of exclusive occupancy for residential purposes and includes a conversion to such a project.

F. "Condominium" is 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 interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office of store. A condominium may include in addition a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either:

1. An estate of inheritance or perpetual estate;
2. an estate for life; or
3. An estate for years, such as a leasehold or sub-leasehold.

G. "Condominium permit" means that certificate issued by the City to a developer authorizing and approving a project.

H. A "condominium project" is a condominium containing five or more units for residential, industrial or commercial purposes and includes a conversion to such a project.

I. "Conversion" is a proposed change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, to a condominium, a community apartment, or a stock cooperative, regardless of the present or prior use of such land and structures and regardless of whether improvements have been made or are to be made in such structures.

J. "Developer" is the owner or subdivider with a controlling proprietary interest in a proposed project.

K. "Organizational documents" are the declaration of covenants, conditions, and restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management, or operation of all or any part of a project.

L. "Stock cooperative" is a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

M. "Unit" is the element of the community apartment project, a condominium project, or a stock cooperative project which is not owned in common with the owners of condominiums in the project or is an apartment in a community apartment project or stock cooperative project to which an owner of an undivided interest in common in the community apartment project or stock cooperative has a right of exclusive occupancy.

N. "Vacancy rate" means the number of apartments being offered for rent or lease in the City shown as a percentage of the total number of apartments offered for or under rental or lease agreement in the City.

O. "Vacancy surplus" means the number of apartments being offered for rent or lease in excess of a ten percent vacancy rate.

17.60.030 Scope.

A. The provisions of Chapters 17.60, 17.62, 17.64, and 17.66 shall be in addition to all other provisions relating to the subdivision of land, and shall apply to real estate developments as defined in Section 11003.1 of the Business and Professions Code, condominiums, community

apartments stock cooperatives, and conversions thereto.

B. No building or buildings shall be permitted to be converted into community apartment, projects, condominiums projects, or stock cooperative projects unless such project contains five or more units.

17.60.040 Compliance Required. All applications for a community apartment project, condominium project and stock cooperative project shall comply with all provisions of this Title and the Subdivision Map Act.

17.60.050 Fees. Community apartment projects, condominium projects, and stock cooperative projects, whether new construction or conversion, shall be subject to the assessment and payment of all fees required for new construction subdivisions. These fees shall be in the amount stipulated in the pertaining ordinances in effect at the time of a subdivision map approval. The timing of payment shall also be stipulated and the pertaining section of the existing ordinances. If a project paid any of the development fees which are currently required at the time that it was initially constructed, additional development fees as required for new subdivisions will be reduced by the amount previously paid.

17.60.060 Application approval - Conditions. No application for approval of a community apartment project, a condominium project or a stock cooperative project tentative subdivision map shall be approved for one year subsequent to final building inspection for issuance of an occupancy permit for any new building or structure unless the application for approval was submitted and approved prior to issuance of a building permit for the building or structure.

CHAPTER 17.62

CONDOMINIUMS - PERMITS - APPLICATION - REQUIREMENTS FOR CONVERSION

SECTIONS:

17.62.010	Administration
17.62.020	Permit - Required
17.62.030	Application
17.62.040	Additional Requirements for Conversion

17.62.010 Administration. The Planning Director of the City, or his designee, shall administer the provisions of this title.

17.62.020 Permit - Required. It is unlawful to construct one or more buildings or structures as a project or to convert one or more buildings or structures to a project without complying with the provisions of this title.

No project shall be permitted, nor shall a condominium permit be effective unless a planned unit development shall have been approved for such project pursuant to the provisions of Title 18 of this code. Every applicant for a condominium permit shall file an application for a planned unit development prior to, or concurrently, with the application described in Section 17.62.030.

17.62.030 Application. An application for condominium permit shall be filed with the Planning Director by the developer. The Planning Director, or his designee, shall submit each application for a condominium permit to the City Attorney, Building Official, Director of Public Works, Fire Chief, and Police Chief, together with that portion of the information submitted by an applicant within the purview of the aforementioned officers. Every application for a condominium permit shall include the following information:

A. A boundary map, which shall show the existing topography of the site and the location of all existing easements, structures, mature and/or scenic trees, and other improvements on the property;

B. Schematic plans, which shall consist of a site plan, garage plan, typical floor plan, building elevations showing natural grades, and a conceptual landscaping plan for the project as a whole and other plans necessary to show the location of the common areas, all facilities and

amenities to be located within said common area, and parking spaces. In addition to the foregoing, where the project involves the conversion of an existing structure to a condominium project, a community apartment project, or a stock cooperative project, complete as-built drawings shall be provide with an additional eight inch by ten inch color photograph showing the elevations of the project;

C. A copy of the application for a planned unit development for the project and a tentative subdivision map;

D. A copy of the organization documents which, in addition to such covenants, conditions and restrictions are, or may be required by the Department of Real Estate of the State of California pursuant to Title VI of the Civil Code or other state laws or policies, shall include the following:

1. The method and manner of conveying units,

2. A plan for assignment of parking spaces and management of common areas within the project,

3. A preliminary annual operating budget containing a sinking fund to accumulate reserve funds to pay for major anticipated maintenance, required repairs, or replacement expenses,

4. Rules and requirements for arriving at annual assessments upon units and their owners for maintenance and special assessments for capital improvements. such rules and requirements shall include;

   a. The amount of the regular annual assessment, and the procedure for its charge;

   b. The manner in which special assessment shall be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement within the common area;

c. The method of collection of both annual and special assessments, which may be monthly without billing;

d. The remedies which the association may seek for nonpayment of assessments, including penalties for late payment;

5. Provisions empowering and requiring the association to be responsible for maintaining and landscaping all common areas,

6. Provisions granting, authorizing, an empowering the City to:

a. Determine that a special assessment is necessary to repair the common area, or any part thereof, to the general prevailing standard in the neighborhood; and to levy a special assessment on the individual units for such repairs, at the City's discretion. In furtherance of such grant, authority or power, the City shall have the authority to prorate such lien on each unit in the project in an amount equal to the cost of such repairs,

b. Perform any work at the City's discretion in the common area, or any part thereof, to bring the common area into compliance with the applicable ordinances o the City in effect at the time such structure containing the proposed units was constructed. Such authority shall include the right of the City to perform any work in the common area, or part thereof, necessary to prevent the common area from becoming in violation of any ordinance of the City or from becoming in further violation of such ordinance,

7. A provision permitting the association at its discretion to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties, three months after the association assumes control of the project or any time thereafter.

17.62.040 Additional Requirements for Conversion. In addition to all other provisions of this chapter, an applicant for a condominium permit for a proposed conversion shall include in the application the following:

A. A report by a licensed architect and a licensed structural or civil engineer detailing the structural condition of all elements of the property including foundations, electrical, plumbing, utilities, walls, ceilings, windows, frames, recreational facilities, sound transmission of each building, mechanical equipment, and parking facilities;

B. A report by a licensed appliance repair contractor detailing the condition of each appliance element; the approximate date upon which each element will require replacement; the cost of replacing each element; and any variations of the physical condition of each element from the current zoning, building, housing, mechanical and fire codes in effect on the date of the application for the condominium permit;

C. A report by a licensed structural termite and pest control specialist certifying that the structures are free of infestation and structural damage caused by pests and dry rot;

D. A report by a licensed soils engineer on any known soil and geological conditions regarding soil deposits, rock formations, faults, groundwater and landslides in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures;

E. A report by a licensed painting contractor verifying the condition of the painting throughout the project, including building exterior surfaces and an estimate of the remaining physical life of the paint. A statement that new paint will be applied throughout and on all building exterior surfaces may take the place of this report requirement;

F. A report by a licensed roofing contractor verifying the condition of the roofs of all structures and an estimate of the remaining physical life of the roof. A statement that new roof material will be applied may eliminate the requirement of this report. This statement shall

include the type, grade and color of the proposed roofing material;

G. A list of the full names and addresses of each tenant occupying the building or buildings on the date of application;

H. An affidavit that each tenant of the building or buildings proposed for conversion has been or will be given one hundred twenty days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion;

I. An affidavit that each tenant of the building or buildings has been or will be given written notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. This right shall run for a period of not less than sixty days from the date of issuance of the subdivision public report pursuant to Business and Professions Code Section 11018.2, unless the tenant gives written prior notice of his intention not to exercise that right;

J. The developer shall provide moving expenses of two times the monthly rent to any tenant who relocates from the building to be converted after receipt of notification from the developer of his intent to convert, except when the tenant has given notice of his intent move prior to receipt of notification from the developer of his intent to convert;

K. A copy of the notice of intention to sell or lease and a copy of the completed questionnaire, as filed with the California Department of Real Estate under the provisions of Business and Professions Code Section 11010, et seq.

CHAPTER 17.64

CONDOMINIUMS - BUILDING STANDARDS

SECTIONS:

17.64.010	Conformance Required
17.64.020	Individual Meters and Sewer Laterals - Master Water Meter
17.64.030	Noise Insulation
17.64.040	Parking
17.64.050	Minimum Dwelling Unit Size
17.64.060	Outdoor Common Area
17.64.070	Storage Space
17.64.080	Shock Mounting of Mechanical Equipment
17.64.090	Fire Protection Requirements
17.64.100	Insulation
17.64.110	Laundry Facilities

17.64.010 Conformance Required. Each community apartment project, condominium project, and stock cooperative project, whether new construction or conversion, shall conform to the building standards set forth in this chapter.

17.64.020 Individual Meters and Sewer Laterals - Master Water Meter. Each unit within a project shall have a separate meter to register the consumption of gas, electricity and water within such unit so that each unit owner may be billed individually for such consumption. Each horizontal condominium unit shall have an individual sewer lateral. In any condominium project with eight units or more per building, the developer may utilize a master water meter. This section shall not be construed to prevent installation of metering for utilities utilized in the common areas, which billing may be to the association.

17.64.030 Noise Insulation. Walls, ceilings and floors and between units, vehicle parking areas, common ownership areas shall comply with all sound transmission standards of the Uniform Building Code adopted for use by the City at the time of the project application. All common walls must be caulked at the ceiling and floor. No electrical outlets shall be installed back to back in common walls. In no event shall plumbing be installed within a common wall in a horizontal dwelling unit. In vertical dwelling units, if plumbing is within a common wall such common wall shall be double-walled. Prior to construction of any new condominium dwelling units, or conversion of existing dwelling units, the developer shall submit a report from a licensed acoustical engineer.

17.64.040 Parking. Each dwelling unit in any community apartment project, condominium project, and stock cooperative project shall have two covered parking spaces, one of which shall be a garage. There shall be one guest parking space provided for each four dwelling units or fraction thereof.

17.64.050 Minimum Dwelling Unit Size. All projects shall contain the following minimum gross usable floor area, inclusive of walls, stairs within the unit, clothes closets, and cabinets:

One bedroom unit - 875 square feet;
Two bedroom unit - 1075 square feet;
Three bedroom unit - 1250 square feet;
Each additional bedroom over three - 1250 square feet plus 100 square feet each additional bedroom.

17.64.060 Outdoor Common Area. In all residential condominiums, community apartment projects, and stock cooperatives, the outdoor common area, exclusive of all structures, driveways and parking areas, shall contain a minimum land area per unit as follows:

A. For horizontal condominiums, seven hundred square feet per unit;

B. For vertical condominiums, where structures average two stories or less, four hundred square feet per unit; where structures average between two and three stories, three hundred square feet per unit; where structures average three stories or more, two hundred square feet per unit;

C. Each vertical dwelling unit shall be provided with a minimum sixty square foot deck. Horizontal dwelling units shall be provided within a one hundred fifty square foot minimum deck or private open space.

17.64.070 Storage Space. In addition to guest, linen, food pantry, and clothes closets customarily provided, each unit within a project shall have at least one hundred twenty-five cubic feet of enclosed, weatherproofed, and lockable private storage space. Such space shall be for the sole use of the unit owner and shall have a minimum horizontal surface area of eighteen square feet, and a minimum interior width dimension of two and seventy-five hundredths feet.

17.64.080 Shock Mounting of Mechanical Equipment. All permanent mechanical equipment, such as motors,

compressors, pumps and compactors which are determined by the building official to be a source of structural vibration or structure-borne noise shall be shock mounted on inertia blocks or bases and/or vibration isolators in a manner approved by the building official.

17.64.090 Fire Protection Requirements.

A. Smoke Detectors. Every dwelling unit shall be provided with a smoke detector. Installation shall comply with the National Fire Protection Association Pamphlet No. 74. The detector shall be mounted on the ceiling at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.

B. Fire Walls. Fire walls shall be installed in accordance with the standards contained in the Uniform Building Code as adopted by the City at the time of the project application.

C. Sprinkler system. Installation of a sprinkler system, fire alarms and other fire protection devices, when required, shall be in compliance with the Uniform Fire Code adopted for use at the time of construction as a project, or at the time of the conversion application.

17.64.100 Insulation. Energy conservation insulation shall be installed in all buildings including common ownership structures used for assembly purposes, in accordance with Title 24, of the California Administrative Code.

17.64.110 Laundry Facilities. A laundry area shall be provided in each unit. In such cases where the developer can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the Planning Commission.

CHAPTER 17.66

VACANCY SURPLUS

SECTIONS:

17.66.010 Determination
17.66.020 Required

17.66.010 Determination. In addition to the other requirements of this Title, a determination of vacancy surplus shall be made. By the last day of April and October of each year, the Planning Director shall determine the vacancy surplus, if any. New market price rental units available to the general public, for which a certificate of use and occupancy has been issued since the last vacancy survey, shall be added on a unit for unit basis to increase the vacancy surplus.

17.66.020 Required. No condominium permit shall be issued for a conversion project unless there is a determination of a vacancy surplus as of the most recent survey as required under Section 17.66.010.