

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260



W 3b

March 22, 1996

TO: COASTAL COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter M. Douglas, Executive Director
Steven F. Scholl, District Director
Bill Van Beckum, Coastal Planner

SUBJECT: **CITY OF HALF MOON BAY LCP CERTIFICATION REVIEW:** Concurrence with the Executive Director's determination that the action of the City of Half Moon Bay accepting the Commission's certification of the City's Local Coastal Program (LCP) Implementation Program with suggested modifications is legally adequate. (For Commission review at the meeting of April 10, 1996 in Carmel.)

BACKGROUND

The Land Use Plan (LUP) portion of the City of Half Moon Bay's Local Coastal Program (LCP) was certified by the Coastal Commission in September 1985. The City's submittal of the Implementation Program, which is necessary to complete the LCP, was filed on October 19, 1995. The Implementation Program, which applies to the entire City as the entire City is within the coastal zone, consists of revisions to the City's Zoning Code, Zoning Map, and Subdivision Code. On December 13, 1995, the Coastal Commission approved the Implementation Program with eighteen suggested modifications. Under Section 13542(b) of the California Code of Regulations, the Commission's certification is valid for six months, or through June 13, 1996.

EFFECTIVE CERTIFICATION

On January 16, 1996, the City Council of the City of Half Moon Bay adopted Resolution No. C-5-96 (attached Exhibit 1), whereby the City:

accepts and agrees to the Suggested Modifications adopted by Resolution (December 1995) of the Coastal Commission; agrees to take whatever formal action is necessary to implement the suggested modifications; and agrees to issue Coastal Development Permits for projects found to be in conformance with the Local Coastal Program.

Subsequent to the Council's adoption of Resolution No. C-5-96, and following local public hearings, the City's Planning Commission made the changes to the Implementation Program that reflect and encompass all of the Commission's eighteen suggested modifications. On March 19, 1996, the City Council ratified these changes, by formally adopting amendments to City ordinances, thus accomplishing the suggested modifications.

CITY OF HALF MOON BAY LCP CERTIFICATION REVIEW

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As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine if the action of the City, in response to the Commission's December 1995 certification with suggested modifications, is legally adequate to finalize Commission review of the LCP. The Executive Director has reviewed the City's action and has determined it to be legally adequate.

Regulations Section 13544 further requires this determination to be reported to the Commission for Commission concurrence. The LCP is deemed certified if the Commission concurs with the Executive Director's determination.

The City will assume coastal development permit authority as soon as the LCP is "effectively certified." This "effective certification" will take place when the Secretary for Resources, pursuant to Public Resources Code Section 21080.5(d)(2)(V), files the Commission's Notice of Determination that the Commission has certified the LCP. Normally the Secretary for Resources files the Notice of Determination three weeks to one month from the date the Commission certifies the LCP. Therefore, if the Commission certifies the Half Moon Bay LCP at the April 10-12, 1996 meeting, the LCP likely will be effectively certified by mid May, 1996.

STAFF RECOMMENDATION

The staff recommends that the Commission concur with the determination of the Executive Director that the action of the City of Half Moon Bay accepting the Commission's certification of the LCP with suggested modifications is legally adequate.

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45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260



April , 1996

Mayor Deborah Ruddock
City of Half Moon Bay
501 Main Street, P.O.Box 338
Half Moon Bay, CA 94019

RE: Effective Certification of the City of Half Moon Bay Local Coastal Program

Dear Mayor Ruddock:

The Executive Director of the Coastal Commission has reviewed City Council Resolution No. C-5-96 for effective certification of the Half Moon Bay Local Coastal Program (LCP). The City's resolution indicates that the City acknowledges receipt of and accepts the Commission's resolution for certification of the LCP Implementation Program with suggested modifications, and that the City agrees to issue permits in conformance with the LCP.

The Executive Director has found that the City's resolution and ordinances fulfill the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(b) of the Regulations, the Director has determined that the City's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of April , 1996, in Carmel. Commission approval of the LCP is now complete. The City may assume coastal development permit authority as soon as the LCP is "effectively certified," which will occur once the Secretary for Resources files the Notice of Determination that the Commission has certified the LCP. Normally the Secretary for Resources files the Notice of Determination, in accordance with Section 13544(d) of the Code of Regulations, three weeks to one month from the date of the Commission's certification.

We will notify the City once the Notice of Determination has been filed. If you have any questions, please contact Bill Van Beckum in our San Francisco office.

Sincerely,

STEVEN F. SCHOLL
District Director

cc: Chris Gustin, Planning Director

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RESOLUTION NO. C- 5-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY ACKNOWLEDGING THE RECEIPT OF THE RESOLUTIONS AND FINDINGS OF THE COASTAL COMMISSION, ACCEPTING AND AGREEING TO THE SUGGESTED MODIFICATIONS; DETERMINING THE NEED TO TAKE ADDITIONAL ACTION TO AMEND THE ZONING ORDINANCES AND ZONING MAP FOR CONSISTENCY WITH THE SUGGESTED MODIFICATIONS; AND AGREEING TO ISSUE COASTAL DEVELOPMENT PERMITS ONLY WHEN A FINDING THAT THE ISSUANCE IS IN CONFORMANCE WITH THE LOCAL COASTAL PROGRAM.

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 the Zoning Map to ensure consistency and conformity with the Land Use Plan Map; and

WHEREAS, after a public hearing the City Council directed Staff to forward the Implementing Ordinances and Zoning Map to the Coastal Commission for Certification; and

WHEREAS, at its meeting of December 13, 1995, the Coastal Commission unanimously approved the Implementing Ordinances with Suggested Modifications; and

WHEREAS, the Half Moon Bay City Council considered the actin of the Coastal Commission at its meeting of January 16, 1996; and

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

EXHIBIT NO. 1
APPLICATION NO. Half Moon Bay LCP
City Resolution
 California Coastal Commission

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

NOW THEREFORE BE IT RESOLVED that the City Council accepts and agrees to the Suggested Modifications adopted by Resolution of the Coastal Commission; agrees to take whatever formal action is necessary to implement the Suggested Modifications; and agrees to issue Coastal Development Permits for projects found to be in conformance with the Local Coastal Program.

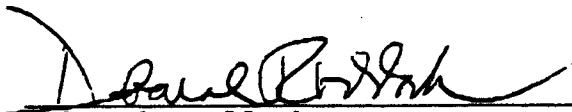
PASSED AND ADOPTED by the City Council of the City of Half Moon Bay at its meeting thereof held on the 16th day of January, 1996, by the following vote:

AYES, COUNCIL MEMBERS: Coleman, Donovan, Patridge & Mayor Ruddock

NOES, COUNCIL MEMBERS: _____

ABSENT, COUNCIL MEMBERS: _____

ABSTAIN, COUNCIL MEMBERS: _____


Deborah Ruddock, Mayor

Attest:


Dorothy Robbins
City Clerk

PASSED AND ADOPTED AT THE
COUNCIL MEETING OF
1-16-96

CITY CLERK

April , 1996

Mayor Deborah Ruddock
City of Half Moon Bay
501 Main Street, P.O.Box 338
Half Moon Bay, CA 94019

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Sincerely,

STEVEN F. SCHOLL
District Director

cc: Chris Gustin, Planning Director

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EXHIBIT NO. 2
APPLICATION NO. Half Moon Bay LCP
Certification Letter
 California Coastal Commission