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March 3, 2005

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Charles Lester, Deputy Director
Chris Kern, North Central Coast District Manager
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SUBJECT: **City of Half Moon Bay Major Local Coastal Program Amendment 1-05
(Changes in Permitting Procedures and Development Standards for
Residential Development on Substandard Lots)**

SUMMARY OF STAFF RECOMMENDATION

In July 2001 the Commission certified LCP amendment HMB-MAJ-01-00 enacting new residential development standards for development on substandard lots in the City of Half Moon Bay. While the majority of the zoning ordinances adopted in 2001 represented positive steps to preserve community character and reduce the size and bulk of residences, the procedural requirements for improvements to existing single-family residences on substandard lots have proven to be overly burdensome. In addition, the development standards have shown to be too restrictive, especially on adequately sized lots in the R-1-B-1 and R-1-B-2 Zoning Districts.

For example, the current Half Moon Bay Zoning Code requires a use permit for any development on lots with less than 95% of the required lot width and less than 100% of the required lot area for the zoning district, and, according to provisions of the LCP, a coastal development permit is required for any development requiring a use permit. Consequently, the City now requires both a use permit and coastal development permit for all improvements to existing single-family residences on substandard lots, even though such improvements are generally exempt from coastal development permitting requirements under the Coastal Act. In addition, the LCP requires that plans for such improvements must be stamped by a licensed architect. Furthermore, substandard lots in the R-1-B-1 and R-1-B-2 zoning districts that are at least 50 feet wide and 5,000 square feet in area are subject to stricter development standards than lots of the same size in the R-1 Zoning District (Exhibit 2 and 3).

The City is proposing to amend the Zoning Code to ease the residential development standards and permitting requirements for improvements to existing single-family residences on substandard lots in the City by: (1) eliminating the requirement that all plans for development on substandard and severely substandard lots are stamped by a licensed architect, (2) applying development standards for standard lots to residential development on lots with 95% of the required lot width and 100% of the required area (this standard has been applied in practice by

the City without a formal policy), (3) defining a new class of lots known as “exceptional” lots, (4) providing exemptions to the requirement for a use permit for improvements to existing single-family residences located on exceptional lots, (5) increasing the maximum allowable floor area ratio and lot coverage for improvements to existing single-family residences on exceptional lots, (6) reducing the setback requirements for additions to single-family residences on exceptional lots, and (7) providing exemptions to the requirement for a use permit for certain improvements to existing single-family residences located on substandard and severely substandard lots.

The City has stated in discussions with staff that the intended goals of the proposed LCP amendment are to: (1) conform the coastal development permitting exemption for improvements to existing single-family residences to the exemption for such development contained in the Coastal Act and the Commissions regulations, and (2) ease development standards for residential development that is exempt from coastal permitting requirements. However, the proposed amendment, as submitted, would not fully achieve these goals because it does not address provisions of the existing LCP that are inconsistent with the coastal development permitting provisions contained in the Coastal Act and the Commission’s regulations. Furthermore, the proposed amendment does not explicitly state that the changes in development standards would only apply to residential development exempt from coastal development permitting requirements.

Staff recommends that the Commission certify the LCP amendment with suggested modifications to more closely align the coastal development permitting and exemption provisions of the LCP to those contained in the Coastal Act and the Commission’s regulations, and to state clearly that the proposed changes in development standards would only apply to residential development exempt from coastal development permitting requirements.

The suggested modifications would make it clear that the proposed LCP amendment would not change coastal development permitting requirements or review standards for development requiring a coastal development permit but would only change certain use permit requirements and development standards for residential development exempt from coastal development permitting requirements under the Coastal Act.

Staff recommends that the Commission, upon completion of a public hearing, reject the proposed amendment as submitted and certify the amendment request with suggested modifications.

STANDARD OF REVIEW

Section 30513 of the Coastal Act states:

...

The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan.

...

The standard of review for the proposed Zoning Code amendment are the policies of the City's certified Land Use Plan. Therefore, to approve the proposed amendment to the Zoning Code, the

Commission must find that the Zoning Code as amended conforms with and is adequate to carry out the City's certified Land Use Plan.

STAFF RECOMMENDATION

RESOLUTIONS AND SUGGESTED MODIFICATIONS

I. MOTIONS, STAFF RECOMMENDATIONS, AND RESOLUTIONS FOR IP/ZONING CODE AMENDMENT NO. HMB-MAJ-1-05

A. DENIAL OF IP/ZONING CODE AMENDMENT NO. HMB-MAJ-1-05 AS SUBMITTED:

MOTION I: *I move that the Commission Reject IP/Zoning Code Amendment No. HMB-MAJ-1-05 as submitted by the City of Half Moon Bay.*

STAFF RECOMMENDATION TO DENY:

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

RESOLUTION I TO DENY CERTIFICATION OF IP/ZONING CODE AMENDMENT NO. HMB-MAJ-1-05 AS SUBMITTED:

The Commission hereby denies IP/Zoning Code Amendment No. HMB-MAJ-1-05 as submitted by the City of Half Moon Bay and adopts the findings set forth below on the grounds that the amendment does not conform with, and is not adequate to carry out, the provisions of the certified Land Use Plan. Certification of the IP/Zoning Code amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the IP/Zoning Code amendment as submitted.

B. CERTIFICATION OF IP/ZONING CODE AMENDMENT NO. HMB-MAJ-1-05 WITH SUGGESTED MODIFICATIONS:

MOTION II: *I move that the Commission certify IP/Zoning Code Amendment No. HMB-MAJ-1-05 for the City of Half Moon Bay if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the IP/Zoning Code amendment with suggested modifications and adoption of the following

resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION II TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies IP/Zoning Code Amendment No. HMB-MAJ-1-05 for the City of Half Moon Bay if modified as suggested and adopts the findings set forth below on the grounds that the IP/Zoning Code amendment with suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the IP/Zoning Code amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the IP/Zoning Code amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment.

SUGGESTED MODIFICATIONS

The City shall adopt the following Zoning Code change with additions underlined and deletions in ~~strikethrough~~.

18.06.050 Exceptions to Development Standards

F. Development Standards for Substandard and Severely Substandard Lots. This section sets forth additional development standards for development on Substandard or Severely Substandard Lots, which are defined in the Zoning Code Definitions in Section 18.02.040. The development shall meet all standards set forth in Tables E and F respectively, unless otherwise specified.

1. Use Permit Required. Planning Commission approval of a Use Permit is required for all development including additions and accessory structures, on any substandard or severely substandard lot or building site except as provided in Section ~~2~~ 3 below.
2. The exceptions to development standards for substandard, severely substandard, and exceptional lots set forth in Zoning Code Section 18.06.050.F shall only be applied to improvements to existing single-family residences that are exempt from coastal development permitting requirements pursuant to Section 30610(a) of the Coastal Act and Title 14 Section 13250 of the California Code of Regulations.
- ~~3~~ 2- Exceptions to the Requirement for a Use Permit. The following is a list of exceptions to the Use Permit requirement for development on Substandard and Severely Substandard lots:
...

H. Exceptions for Affordable Housing. Any of the development standards and regulations of this Chapter may be waived or relaxed by the Planning

Commission for an affordable housing project as defined in the City of Half Moon Bay Housing Element if the resulting development fully conforms with the policies of the certified Land Use Plan and all other applicable provisions of the Zoning Code.

18.20.25 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. The coastal development permitting requirements herein and exemptions in Section 18.20.30 shall be carried out in full conformity with Sections 30600 and 30610 of the Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations. Any conflicts between provisions in the Zoning Code and either the Coastal Act or Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations shall be resolved in favor of the California Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations.

- 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 must obtain a Coastal Development Permit from the City. The following list is provided for illustrative purposes and does not constitute an exclusive list.

- ...
4. ~~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.~~
- ...

18.20.30 Exemptions

The coastal development permitting requirements in Section 18.20.25 and exemptions herein shall be carried out in full conformity with Sections 30600 and 30610 of the Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations. Any conflicts between provisions in the Zoning Code and either the Coastal Act or Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations shall be resolved in favor of the California Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations. The following categories of projects are exempt from the requirement to secure approval of a Coastal Development Permit:

...

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.
- D. Any category of development that is exempt from coastal development permitting requirements pursuant to Section 30610 of the Coastal Act as implemented by Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations.

EFFECTIVENESS OF AMENDMENT

Coastal Act Section 30514(a) states that the local government may amend its certified LCP and implementing ordinances, regulations, and other actions, but until the Commission certifies the amendment, the amendment shall not take effect. In accordance with Section 13551 of the Commission regulations, if the Commission certifies the amendment as submitted, because the local government's resolution of submittal so requested, the amendment shall take effect immediately. However, if the Commission certifies the amendment with suggested modifications, the local government must subsequently approve the modifications suggested by the Commission, and the Executive Director in turn must concur with the local government's approval before the amendment becomes effective.

FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

RELEVANT LOCAL COASTAL PROGRAM POLICIES

Relevant Policies in Current Certified Land Use Plan

LUP Policy 1-3 states:

Where there are conflicts between the policies set forth in the Coastal Land Use Element and other elements of the City's General Plan or existing ordinances, on balance, the policies of this Coastal Land Use Element shall take precedence.

LUP Policy 1-4 states:

Prior to the issuance of any development permit required by this Plan, the City shall make the finding that the development meets the standards set forth in all applicable Land Use Plan policies.

LUP Policy 7-5 states:

All new development, including additions and remodeling, shall be subject to design review and approval by City Architectural Review Committee.

LUP/Coastal Act Policy 30250 states in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

LUP/Coastal Act Policy 30251 states:

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

Relevant Policies in Current Certified Zoning Code

Zoning Code Ordinance 18.21.010 states in relevant part:

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

- A. To determine whether proposed projects are in compliance with the regulations in this Chapter;*
- B. To promote the orderly and harmonious development of the City's existing and new residential neighborhoods;*
- C. To ensure that new development, alterations to existing structures and proposed demolition in the downtown historic area will be subjected to design review; and*

Zoning Code Ordinance 18.21.020 states in relevant part:

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.*
- ...
- 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 the Chapter that the Planning Director has determined may not be consistent with the Standards for Review set forth in this Chapter. ...*

Zoning Code Ordinance 18.21.030 states in relevant part:

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.*
- ...
- E. The size, location and arrangement of on-site parking and paved areas;*
- ...
- G. All of the above factors shall be related to the setting or established character of the neighborhood or surrounding area.*

Zoning Code Ordinance 18.21.035 states:

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, and 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.

SUGGESTED MODIFICATIONS TO CONFORM LCP COASTAL DEVELOPMENT PERMITTING REQUIREMENTS WITH THE COASTAL ACT

Permit Required

Section 18.20.25A(4) of the current Zoning Code requires coastal development permits for any development that requires a use permit, planned unit development plan, specific plan, variance, subdivision map, or any other legislative, adjudicatory, or discretionary action. A local government's authority to require use permits, plans, variances, and implement any other local legislative, adjudicatory, or discretionary action is separate from and is not derived from its authority to require coastal development permits under the Coastal Act. The Coastal Act does not include a provision requiring coastal development permits for development based on whether or not other local government permits or approvals are required by a local government. As such, Zoning Code Section 18.20.25A(4) may lead to conflicts between the LCP and the coastal development permitting requirements established in the Coastal Act. The Commission recommends deletion of 18.20.25A(4) to eliminate the requirement for a coastal development permit based on local approval requirements. Deletion of this provision would clarify that the need for a local approval does not determine whether a coastal development permit is required for the development, and that a coastal development permit is required for any development as defined in Section 18.20.020 of the Zoning Code unless such development is exempt from coastal development permitting requirements by Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations. As such, the proposed amendment to change use permit requirements on substandard lots would not affect coastal development permitting requirements.

To prevent conflicts between the City's LCP and the Coastal Act regarding requirements for coastal development permits, and to adequately carry out LUP Policies 1-3 and 1-4, the Commission also suggests adding a supercession clause to Zoning Code Sections 18.20.25 and 18.20.30, stating that any conflicts between the City's LCP and the either the Coastal Act or its implementing regulations regarding coastal development permitting requirements and exemptions shall be resolved in favor of the Coastal Act and its implementing regulations.

Exemptions for Applicability of Coastal Resource Conservation Standards

Section 18.38.015 applies Coastal Resource Conservation Standards to all developments except:

- 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.

- D. Any category of development that is exempt from coastal development permitting requirements pursuant to Section 30610 of the Coastal Act as implemented by Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations.

Finally, the Commission suggests that the City modify Section 18.38.015 of the Zoning Code to clarify that the Coastal Resource Conservation Standards are not applicable to any category of development that is exempt from coastal development permitting requirements pursuant to Section 30610 of the Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations.

PROPOSED AMENDMENT'S CONFORMITY WITH LUP AND COASTAL ACT

Amendment Description

The amendment as proposed would (1) eliminate the requirement that all plans for development on substandard and severely substandard lots are stamped by a licensed architect, (2) apply development standards for standard lots to residential development on lots with 95% of the required lot width and 100% of the required area (this standard has been applied in practice by the City without a formal policy), (3) define a new class of lots known as "exceptional" lots, (4) provide exemptions to the requirement for a use permit for improvements to existing single-family residences located on exceptional lots, (5) increase the maximum allowable floor area ratio and lot coverage for improvements to existing single-family residences on exceptional lots, (6) reduce the setback requirements for additions to single-family residences on exceptional lots to 20-foot front and rear and 5-foot side setbacks, and (7) provide exemptions to the requirement for a use permit for certain improvements to existing single-family residences located on substandard and severely substandard lots.

To ensure that the proposed development standards would not impact coastal resources or standards of review for coastal development permits, the Commission suggests adding Section 18.06.050.F.2 to the Zoning Code to clarify that only improvements to existing single-family residences that are exempt from coastal development permitting requirements would be allowed the exceptions to development standards for substandard, severely substandard, and exceptional lots set forth in Section 18.06.050.F of the Zoning Code. In addition, the Commission suggests modifying Section 18.06.050.H to ensure that any waivers or relaxation of the development standards described in Chapter 18.06 of the Zoning Code applied to affordable housing development would not conflict with and would be adequate to carry out the coastal resource protection policies of the certified Land Use Plan.

The list below briefly describes the proposed amendments as modified by Commission suggestion to the Zoning Code:

- Architect's Stamp (18.06.050.H) Removes the requirement of a licensed architect's stamp for all plans on development of any substandard and severely substandard.
- Development Standards on Lots that Meet the Requirement of the 95% Width Rule (18.06.050.F.3.a) Applies the development standards for standard lots to development on lots that provide at least 95 percent of the width and at least 100 percent of the area.

- Exception to Development Standards on Substandard and Exceptional Lots (18.06.050.F.2) Limits the exceptions to development standards specified in Section 18.06.050.F. The exceptions to development standards for substandard, severely substandard, and exceptional lots would only be applied to improvements to existing single-family residences that are exempt from coastal development permitting requirements pursuant to Section 30610(a) of the Coastal Act and Title 14, Section 13250 of the California Code of Regulations.
- Definition of Exceptional Lot (18.02.040): Defines exceptional lot as a lot in an R-1-B-1 or R-1-B-2 Zoning District that does not meet the minimum average width and/or lot area requirement for the Zoning District that the parcel is within, but provides at least 50 feet in average lot width and provide at least 5,000 square feet in gross lot area and has a residence that was constructed and completed (Certificate of Occupancy was issued for the structure or the structure was completed prior to the issuance of Certificates of Occupancy by the City) prior to December 7, 2004, the date the ordinance was adopted.
- Exceptional Lots and Development Standards (18.06.050.F.3.c) Creates a class of lots known as exceptional lots for substandard lots in R-1-B-1 and R-1-B-2 (single-family) zoning districts which are at least 50 feet in width and 5,000 square feet in lot area. Minor additions to existing residences on these “exceptional lots” would be exempt from a use permit. Allowable floor area ratio would be increased from that of substandard lots based on a “sliding scale” aimed to maintain the floor area ratio below that of standard lots. Allowable lot coverage would be increased according to the sliding scale for single-story residences and up to 35 percent (standard lot level) for multi-story residences.
- Setback Requirement on Exceptional Lots (18.06.050.F.3.d) Allows the reduction of side and front set backs for additions to existing residences on exceptional lots so that additions will not have to be notched to meet the setback requirements for substandard lots. The front setback would be reduced from 25 to 20 feet, the side set back for exceptional lots in the R-1-B-2 Zoning District would be reduced from 6 feet to 5 feet, and the rear set back would remain at 20 feet.
- Small Additions and Accessory Structures (18.06.050.F.3.b) Allows additions and accessory structures to existing residences on substandard lots that can not be classified as exceptional lots not exceeding 250 square feet or the applicable development standard for lot coverage and floor area ratio without a use permit. The exception could only be granted once during a 24-month period.

Once the coastal development permitting requirements have been modified as suggested (in Section 18.20.25 and 18.20.30) to better conform with the Coastal Act and its implementing regulations, then it becomes clear that the proposed amendment would only affect the use permit requirements for development on substandard lots, but would not affect coastal development permitting requirements. Whether a use permit is required is not determinative of coastal development permit requirements. As modified, it is clear that the proposed amendment would not impact coastal development permitting requirements.

Furthermore, the suggested modifications in Section 18.06.050.F.2 would assure that only improvements to existing single-family residences that are exempt from coastal development permitting requirements would be granted the exceptions to development standards for

substandard, severely substandard, and exceptional lots set forth in Section 18.06.050.F of the Zoning Code. Therefore, the exceptions to development standards that are proposed for substandard lots meeting the 95% width rule and the development standards for exceptional lots that increase allowable floor area and lot coverage and reduce setbacks would not apply to development requiring a coastal development permit.

The Commission finds that the proposed amendment as modified would not affect the standards of review for development requiring coastal development permits, and as such, would not conflict with and is adequate to carry out the policies in the certified LUP.

Removal of Requirement for Architect's Stamp

The proposed amendment to remove the requirement for an architect's stamp on plans for development on substandard or severely substandard lots would not conflict with any visual resources policies of the LUP. The original intent of 18.06.050.H is to ensure that development is accurately contained within the maximum building envelope and complies with the residential development standards of the Zoning Code. Removing the architect's stamp would not change the development standards. Development plans would still be subject to review by the Architectural Review Committee that enforces standards such as maximum lot coverage and floor to area ratio and assesses impacts to visual resources. The amendment would only eliminate a local permitting procedural requirement without changing development standards for review of any coastal development permit under the certified LCP. Therefore, the Commission finds that the proposed amendment is adequate to carry out policies of the certified LUP.

Development Standards for Substandard Lots that Meet the 95% Width Rule

The proposed amendment to Zoning Code 18.06.050.F.3.a would apply the development standards applicable to standard lots (Exhibit 2) to development on substandard lots that provide at least 95 percent of the required lot width and 100 percent of the required lot area in the underlying zoning district. For example, to qualify for the 95 percent width rule, a lot in the R-1 Zoning District would have to be 47.5 feet wide (instead of 50) and 5,000 square feet in area.

In the current Zoning Code, an exception for a use permit is provided for substandard lots that meet the 95% width rule. However, the Zoning Code is unclear as to which development standards (standard lot or substandard lot) apply to development on such lots. According to the City, in practice, the standard lot development standards are used to review development on lots that meet the 95% width rule even though there is no formal policy to such an effect. The proposed amendment would formalize the City's practice of treating lots that meet the 95% width rule as standard lots.

The lots that meet the 95% width rule are sufficient in size to allow the application of standard lot development standards and still maintain the proportionality of the residence to the lot size. Moreover, pursuant to Commission suggested modifications to Section 18.06.050.F.2, only improvements to existing single-family residences on lots that meet the 95% width rule which are exempt from coastal development permitting requirements would be granted the development standards applicable to standard lots. As such, the Commission finds that the

proposed amendment to Zoning Code 18.06.050.F.3.a would not conflict with and would be adequate to carry out the coastal protection policies of the certified LUP.

Exceptional Lots and Development Standards on Exceptional Lots

The proposed amendment to Zoning Code Section 18.06.050.F.3.c creates a class of exceptional lots for substandard lots in the R-1-B-1, and R-1-B-2 Zoning Districts that are at least 50 feet in width and 5,000 square feet in area. The dimensions for exceptional lots are based on the minimum size of a standard lot in the R-1 Zoning District. Additions to existing single-family residences on exceptional lots would be exempt from a use permit, which as modified above, would not impact coastal development permitting requirements.

For development standards on exceptional lots, instead of the proportionality rule, whereby on substandard and severely substandard lots, lot coverage and floor area is reduced by the ratio of the actual lot width or lot area to the required lot size in the zoning district (Exhibits 3 and 4), a sliding scale would be used to calculate the maximum allowable floor area ratio and lot coverage (single-story) for improvements to single-family residences on exceptional lots. Floor area ratio on exceptional lots would be 50 percent for the first 5,000 square, 30 percent for lot area between 5,000 to 7,500 square feet, and 20 percent for lot area above 7,500 square feet. As such, applying this standard to a 6,000-square foot, 55-foot wide exceptional lot in the R-1-B-1 District would allow the existing residence to expand to a maximum size of 2,800 square feet with a floor area ratio of 46.6 percent, instead of the 2,750 square feet and 45.8 percent floor area ratio allowed by the proportionality rule. The floor area ratio on exceptional lots would, however, result in house sizes smaller than that of standard lots (50 percent floor area ratio) for lots exceeding 5,000 square feet (Exhibit 5). Lot coverage on exceptional lots would be allowed to increase to 35 percent for multi-story residence and to the level of the floor area ratio based on the sliding scale for single-story residence. For the same size lot mentioned above, the maximum allowable lot coverage would therefore be 46.6 percent for a single-story house and 35 percent for a multiple story residence.

In accordance with the suggested modifications to the proposed amendment to Zoning Code 18.06.050.F, additions to existing single-family residences which are exempt from coastal development permit requirements would be allowed to extend existing, nonconforming setbacks, so long as the front and rear set backs are a minimum of 20 feet with a 5-foot side set back. This allowance would reduce the side setback requirement by 1 foot for lots in the R-1-B-2 Zoning District and reduce the front setback by 5 feet for all additions on exceptional lots. The proposed amendment would not allow an addition to encroach into a setback that is compliant with the zoning districts regulations. The allowance of this extension would not increase the bulk or height of the building and would reduce the instances of additions that need to be "notched," whereby, instead of being flush with walls of the existing house, new walls are required to recede farther to conform to setback standards (Exhibit 6).

Although inapplicable to improvements requiring a coastal development permit, the proposed amendment to Zoning Code Section 18.06.050.F.3.c and 18.06.050.F.3.d that creates exceptional lots and development standards for exceptional lots can be found consistent with and adequate to

carry out visual resources policies of the certified LUP. Visual Resources Policy 7-1 in the certified LUP states:

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

The proposed amendment would not increase height requirements and would create only a minor relief from development standards for certain additions to existing single-family residences in urban, residentially zoned areas. Moreover, suggested modification to Zoning Code Section 18.06.050.F.2 clarifies that this relief from development standards for exceptional lots would only apply to improvements to existing single-family residences that are exempt from coastal permitting requirements. Resulting development would not be out of scale with that of surrounding areas, nor impact coastal views, especially since the new development standards would only apply to residential, infill development areas where coastal development permits would not be required for improvements to existing single-family residences. As such, the proposed amendment would not change the standard of review for development that could potentially impact coastal resources, including scenic resources, and require coastal development permits.

The Commission finds that the proposed amendment would not conflict with the coastal resource protection policies of the LUP, would not change the criteria for when development requires coastal development permits nor impact the standard of review for development requiring a coastal development permit, and as such is consistent with and adequate to carry out the provisions of the certified LUP.

Small Additions and Accessory Structures (18.06.050.F.3.b)

The proposed amendment to Zoning Section 18.06.050.F.3.b to eliminate the use permit requirement for additions to existing single-family residences on substandard lots (that can not be classified as exceptional lots) not exceeding 250 square feet or the applicable development standard for lot coverage and floor area ratio would not conflict with the coastal resource protection policies of the LUP. This use permit exemption would not change the development standards for substandard and severely substandard lots in the certified zoning code. Lot coverage and floor area ratios would remain unchanged for residences on substandard and severely substandard lots. The proposed use permit exemption would only affect local permitting procedures but would not affect coastal development permitting requirements or coastal resources and public access protection policies of the LCP. As such, the Commission finds that the proposed amendment is consistent with and adequate to carry out the certified LUP.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Coastal Commission's review and development process for Local Coastal Programs and amendments has been designated by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does use any environmental information that the local government has developed.

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) 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 effects which the activity may have on the environment.

As discussed above, the City's proposal, as modified, is consistent with the Land Use Plan and will not have any significant adverse environmental impacts. The Commission incorporates its findings on land use plan conformity at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse effects of the project that have been received as of the writing of this report. Therefore, the Commission finds that approval of the Zoning Code will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

EXHIBITS

1. Text of Proposed Amendment/Adopted Ordinance No. O-04-04, O-05-04, O-06-04
2. Development Standards for Standard Lots
3. Development Standards for Substandard Lots
4. Development Standards for Severely Substandard Lots
5. Floor to Area Ratio Comparison between Standard and "Exceptional" Lots.
6. Plan Showing Single-Family Residence with "Notched" Wall

EXHIBIT NO.	1
APPLICATION NO.	HMB LCP-MAJ-1-05
Text of Proposed Amendment/Adopted	
Ordinance No.	0-04-04 0-05-04, 0-06-04

THE CITY OF HALF MOON BAY
ORDINANCE NO. O-04-04

**AN ORDINANCE AMENDING HALF MOON BAY MUNICIPAL CODE
SECTION 18.06.050 (EXCEPTIONS TO DEVELOPMENT STANDARDS)
DELETING THE ARCHITECT'S STAMP REQUIREMENT
FOR SUBSTANDARD AND SEVERELY SUBSTANDARD LOTS**

WHEREAS, pursuant to Resolution C-08-04, adopted on March 16, 2004, the City Council of the City of Half Moon Bay (the "City Council") initiated the process of amending the Half Moon Bay Municipal Code ("Zoning Ordinance") in order to alleviate certain unnecessary burdens on a large number of residents due to unintended consequences of amendments to the Zoning Ordinance in the year 2000; and

WHEREAS, the City is committed to the maximum public participation and involvement in matters pertaining to the City's Local Coastal Program Land Use Plan and General Plan and the Zoning Ordinance, such as the matter that is the subject of this ordinance; and

WHEREAS, the City Council believes that adopting the amendment described in this ordinance is essential to remedy one of these unnecessary burdens in the Zoning Ordinance--the requirement that all plans for development of any Substandard or Severely Substandard lot must be stamped by an architect licensed to practice in the State of California, as required by Section 18.06.050.H of the current Zoning Ordinance; and

WHEREAS, City Council believes the requirement for an architect's stamp places an unnecessary burden on owners of such lots, because it is both costly and time consuming for projects; and

WHEREAS, to alleviate this unnecessary financial and time burden, the City Planning Commission proposed and recommended an amendment to City Zoning Ordinance section 18.06.050 (via Resolution P-27-04), adopted on September 23, 2004; and

WHEREAS, the proposed amendment would delete the architect's stamp requirement in Municipal Code section 18.06.050.H., such that future plans or development on Substandard and Severely Substandard Lots would not be subject to any requirement to obtain an architect's stamp; and

WHEREAS, the City Council believes that the amendment to section 18.06.050 would make only minimal changes to the Zoning Ordinance as a whole; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on September 23, 2004 regarding the proposed amendments and provided all of those

in attendance an opportunity to present written or oral comments on the proposed amendment; and

WHEREAS, the City Council has held a duly noticed hearing to consider the proposed amendment; and

WHEREAS, all written and oral presentations received at or before said hearing have been duly considered by the City Council; and

NOW THEREFORE, THE CITY COUNCIL FINDS AS FOLLOWS:

WHEREAS, the proposed amendment to section 18.06.050 of the Zoning Ordinance is in conformance with all applicable policies of the City's Local Coastal Program Land Use Plan and General Plan, and the Half Moon Bay Municipal Code; and

WHEREAS, the City, in proposing the amendment to section 18.06.050, has complied with the California Environmental Quality Act (CEQA) by preparing an Initial Study and Mitigated Negative Declaration discussing the proposed amendment, which was posted at the County Clerk's office and State Clearing House on October 22, 2004 and the public review period ended on November 22, 2004. The Initial Study and Mitigated Negative Declaration was commented upon by the Planning Commission and adopted by the City Council on December 7, 2004; and

NOW THEREFORE, THE CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment to Municipal Code Section 18.06.050 (Exceptions to Development Standards)

Subsection H of Section 18.06.050 of Chapter 18.06 of Title 18 of the City of Half Moon Bay Municipal Code is hereby deleted as shown below:

~~**H. — Architect's Stamp.** All plans for development of any substandard or severely substandard lot shall be stamped by an Architect licensed to practice in the State of California.~~

The revised Sections 18.06.050(F)-(H), in its entirety, are attached hereto as Exhibit A.

Section 2. Submission to California Coastal Commission for Certification.

The City Clerk is hereby directed to transmit a copy of this ordinance to the California Coastal Commission for certification. The City Council of the City of Half Moon Bay hereby resolves that the Local Coastal Program, as amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act.

Section 3. Effective Date.

This ordinance amends the City of Half Moon Bay Local Coastal Program and shall become effective immediately upon certification by the California Coastal Commission. In the event that the Coastal Commission certifies the amendment subject to certain modifications, the amendment shall not be effective until the modifications have been approved by this Council and confirmed by the executive director of the California Coastal Commission.

Section 4. Publication.

The City Clerk shall cause this ordinance to be published and posted in accordance with the requirements of Section 36933 of the California Government Code.

Section 5. Severability.

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

INTRODUCED on this 7th day of December, 2004.


PASSED AND ADOPTED on this 21st day of December, 2004, by the following votes:

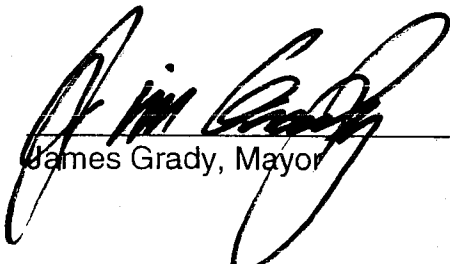
Ayes: Council members McCausland, Ferreira, Fraser, and Mayor Grady

Noes: Council member Taylor

Absent:

Abstain:

Attest: 
Siobhan Smith, Interim City Clerk


James Grady, Mayor

THE CITY OF HALF MOON BAY

ORDINANCE NO. O-05-04

**AN ORDINANCE AMENDING HALF MOON BAY MUNICIPAL CODE
SECTION 18.06.050 (EXCEPTIONS TO DEVELOPMENT STANDARDS)
EXEMPTING CERTAIN SMALL ADDITIONS AND ACCESSORY STRUCTURES
ON SUBSTANDARD LOTS FROM THE USE PERMIT REQUIREMENT**

WHEREAS, pursuant to Resolution C-08-04, adopted on March 16, 2004, the City Council of the City of Half Moon Bay (the "City Council") initiated the process of amending the Half Moon Bay Municipal Code ("Zoning Ordinance") in order to alleviate certain unnecessary burdens on a large number of residents due to unintended consequences of amendments to the Zoning Ordinance in the year 2000; and

WHEREAS, the City is committed to the maximum public participation and involvement in matters pertaining to the City's Local Coastal Program Land Use Plan and General Plan and the Zoning Ordinance, such as the matter that is the subject of this ordinance; and

WHEREAS, the City Council believes that adopting the amendment described in this ordinance is essential to remedy some of these unnecessary burdens in the Zoning Ordinance; and

WHEREAS, the City Council believes that one of the unnecessary burdens in the Zoning Ordinance is the requirement that owners of Substandard and Severely Substandard Lots must seek a Use Permit (and therefore also a Coastal Development Permit) for additions to or accessory structures on their existing residences; and

WHEREAS, the City Planning Commission estimates that the process of obtaining a permit for an addition or accessory structure on an existing residence is both time-consuming (taking approximately 3-6 months) and costly (approximately \$3,760 in application processing fees); and

WHEREAS, to alleviate this financial and time burden of obtaining a Use Permit and Coastal Development Permit, the City Planning Commission proposed and recommended an amendment to City Zoning Ordinance section 18.06.050 (via Resolution P-27-04), adopted on September 23, 2004; and

WHEREAS, the proposed amendment will remove the Use Permit requirement for owners seeking a permit for an addition or accessory structure, provided such addition or accessory structure does not exceed 250 square feet. This exception would not be available to a lot whereon square footage exceeds the applicable development standard for lot coverage or floor area. In addition, this exception would be available to a landowner no more than once in a 24-month period; and

WHEREAS, the City Council believes that the amendment to section 18.06.050 would make only minimal changes to the Zoning Ordinance as a whole; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on September 23, 2004 regarding the proposed amendment and provided all of those in attendance an opportunity to present written or oral comments on the proposed amendment; and

WHEREAS, the City Council has held a duly noticed hearing to consider the proposed amendment; and

WHEREAS, all written and oral presentations received at or before said hearing have been duly considered by the City Council; and

NOW THEREFORE, THE CITY COUNCIL FINDS AS FOLLOWS:

WHEREAS, the proposed amendment to section 18.06.050 of the Zoning Ordinance, as set forth in subsection F.2.b. below, is in conformance with all applicable policies of the City's Local Coastal Program Land Use Plan and General Plan, and the Half Moon Bay Municipal Code; and

WHEREAS, the City, in proposing the amendment to section 18.06.050, has complied with the California Environmental Quality Act (CEQA) by preparing an Initial Study and Mitigated Negative Declaration discussing the proposed amendment, which was posted at the County Clerk's office and State Clearing House on October 22, 2004 and the public review period ended on November 22, 2004. The Initial Study and Mitigated Negative Declaration was commented upon by the Planning Commission and adopted by the City Council on December 7, 2004; and

NOW THEREFORE, THE CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment to Municipal Code Section 18.06.050 (Exceptions to Development Standards).

Subsection F.2.b. of Section 18.06.050 of Chapter 18.06 of Title 18 of the City of Half Moon Bay Municipal Code is amended as follows:

18.06.050 Exceptions to Development Standards ...

F. Development Standards for Substandard and Severely Substandard Lots Development Exceptions. This section sets forth all of the additional development standards—exceptions—for development on ~~Substandard or Severely Substandard Lots that do not meet the requirements for either Lot Width or Lot Area of the Underlying Zoning District,~~ which are defined in the Zoning Code Definitions in Section 18.02.040. The

development shall meet all standards set forth in Tables E and F respectively, unless otherwise specified.

1. Use Permit Required. Planning Commission approval of a Use Permit is required for all development including additions and accessory structures, on any substandard or severely substandard lot or building site except as provided in Section 2 below.
2. Exceptions to the Requirement for a Use Permit. The following is a list of exceptions to the Use Permit requirement for development on Substandard and Severely Substandard lots:

a. . . .

b. Small Additions and Accessory Structures. An accessory building or addition to an existing building not exceeding the lesser of (1) two hundred fifty square feet in floor area or lot coverage or (2) the applicable development standard for lot coverage and floor area ratio. This exception may only be granted one time in a 24-month period. The 24-month period will begin on the date of the final inspection for the issued building permit. If the permit never received a final inspection by the City, no further development may be applied for until the permit has received a final inspection and the 24-month period has lapsed. . . .

The revised Sections 18.06.050(F)-(H), in its entirety, are attached hereto as Exhibit A.

Section 2. Submission to California Coastal Commission for Certification.

The City Clerk is hereby directed to transmit a copy of this ordinance to the California Coastal Commission for certification. The City Council of the City of Half Moon Bay hereby resolves that the Local Coastal Program, as amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act.

Section 3. Effective Date.

This ordinance amends the City of Half Moon Bay Local Coastal Program and shall become effective immediately upon certification by the California Coastal Commission. In the event that the Coastal Commission certifies the amendment subject to certain modifications, the amendment shall not be effective until the modifications have been approved by this Council and confirmed by the executive director of the California Coastal Commission.

Section 4. **Publication.**

The City Clerk shall cause this ordinance to be published and posted in accordance with the requirements of Section 36933 of the California Government Code.

Section 5. **Severability.**

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

INTRODUCED on this 7th day of December, 2004.

PASSED AND ADOPTED on this 21st day of December, 2004, by the following votes:

Ayes: Council members Fraser, Taylor, Ferreira, McCausland, and Mayor Grady

Noes:

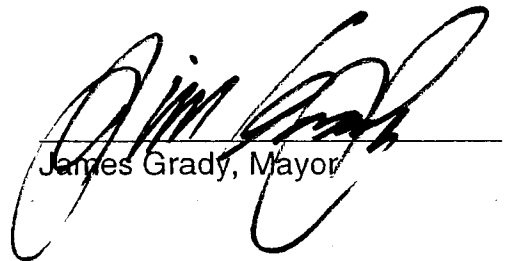
Absent:

Abstain:

Attest:



Siobhan Smith, Interim City Clerk


James Grady, Mayor

THE CITY OF HALF MOON BAY

ORDINANCE NO. O-06-04

**AN ORDINANCE AMENDING HALF MOON BAY MUNICIPAL CODE
CHAPTERS 18.02 (DEFINITIONS)
AND 18.06 (EXCEPTIONS TO DEVELOPMENT STANDARDS)
BY ESTABLISHING A SPECIAL CLASS OF LOTS CALLED "EXCEPTIONAL LOTS",
AND PROVIDING NEW FLOOR AREA RATIO, LOT COVERAGE, SETBACK
AND PUBLIC NOTICING REQUIREMENTS FOR SUCH LOTS**

WHEREAS, pursuant to Resolution C-08-04 and C-43-04, adopted on March 16, 2004 and November 18, 2004 respectively, the City Council of the City of Half Moon Bay (the "City Council") initiated the process of amending the Half Moon Bay Municipal Code ("Zoning Ordinance") in order to alleviate certain unnecessary burdens on a large number of residents due to unintended consequences of amendments to the Zoning Ordinance in the year 2000; and

WHEREAS, the City is committed to the maximum public participation and involvement in matters pertaining to the City's Local Coastal Program Land Use Plan and General Plan and the Zoning Ordinance, such as the matter that is the subject of this ordinance; and

WHEREAS, the City Council believes that adopting the amendments described in this ordinance are essential to remedy some of these unnecessary burdens in the Zoning Ordinance; and

WHEREAS, the proposed amendments would establish a special class of lots called "Exceptional Lots", which would include the vast majority of lots affected by the unintended consequences of the year 2000 Zoning Ordinance amendments; and

WHEREAS, Exceptional Lots would be defined as lots that (1) are located in an R-1-B-1 or R-1-B-2 Zoning District, (2) measure no less than 50 feet in average width and 5,000 square feet in area (3) does not meet the minimum required average width and/or lot area for the zoning district and (4), as of the date of the adoption of this ordinance, are already developed with a residence that has a Certificate of Occupancy (or a residence that was completed before the City issued such Certificates); and

WHEREAS, with the exception of requirements for lot coverage and floor area for additions and accessory structures, Exceptional Lots would be subject to the same development standards as Standard Lots. Limited extensions of nonconforming setbacks on exceptional lots are necessary for residents to provide reasonable additions due to the inconsistency of development patterns and districts regulations for many exceptional lots. Exceptional Lots would no longer be subject to the Proportionality Rule (as defined in Municipal Code section 18.02.040). Rather, Exceptional Lots would be subject to a sliding scale floor area ratio, and a lot coverage requirement based on the allowable floor area

ratio, to avoid the threat of "monster homes". Exceptional Lots are a sub category of substandard lots and all additions that meets development standards are exempt from the requirements of a Use Permit; and

WHEREAS, the proposed amendments also address the issue of "nonconforming setbacks" affecting many exceptional lots in various City neighborhoods, which do not meet setback standards that were in effect when those lots were subdivided and houses were built. The setback amendment would relieve the burden placed on these owners for whom placing an addition on their dwelling requires designing the addition so that it is recessed, or "notched", which can cause structural complications and unnecessary additional expense; and

WHEREAS, this proposed "setback" amendment would remove the requirement for a Variance for additions to dwellings that provide a limited extension of nonconforming setbacks on Exceptional Lots that do not currently meet front, side, or combined side setback requirements. The amendment would not allow extension of a nonconforming rear setback; and

WHEREAS, owners of Exceptional Lots with a nonconforming setback or setbacks would be allowed to extend the front wall along the width of the lot to either the furthest forward existing nonconforming front setback, or twenty (20) feet from the front lot line, whichever is furthest from the front lot line; and

WHEREAS, owners of such lots would be able to extend side walls up to within five (5) feet from the side property line, except that street facing side setbacks would still be required to conform with setback requirements currently in effect. In any event, a side yard addition may only be extended (1) to the required front and rear setbacks or (2) twelve (12) linear feet on any one side, whichever is less; and

WHEREAS, a dwelling on an Exceptional Lot with an existing nonconforming combined side setback may be extended, consistent with the amendments, but not where such an extension would create a nonconforming combined side setback where there otherwise would not have been one (i.e., because the combined side setback currently complies with applicable zoning district requirements); and

WHEREAS, the setback amendment would also require additions to Exceptional Lots with nonconforming setbacks to be designed consistent with architectural design guidelines set forth in Chapter 18.21; and

WHEREAS, the proposed amendments would also require that any Architecture Review Committee (ARC) hearing for development on Exceptional Lots would have to be noticed in the same manner as Coastal Development Permits, and include a newspaper legal notice, a mailing notice to all property owners within 300 feet, and a placard notice that would be posted on the residence site; and

WHEREAS, the City Council believes that the amendments to sections 18.020.040 and 18.06.050 would make only minimal changes to the Zoning Ordinance as a whole; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on September 23, 2004, and November 18, 2004, regarding the proposed Zoning Ordinance amendments and provided all of those in attendance an opportunity to present written or oral comments on the proposed amendments; and

WHEREAS, the City Council has made minor changes to the code amendment language that was recommended by the Planning Commission for clarification purposes only. The modifications by the City Council are minor in content, do not change the intent of the Planning Commission's recommendation, and do not need to be referred back to the Planning Commission for review; and

WHEREAS, the City Council has held a duly noticed hearing to consider the proposed amendments; and

WHEREAS, all written and oral presentations received at or before said hearing have been duly considered by the City Council; and

NOW THEREFORE, THE CITY COUNCIL FINDS AS FOLLOWS:

WHEREAS, the proposed amendments to sections 18.02.040 and 18.06.050 of the Zoning Ordinance are in conformance with all applicable policies of the City's Local Coastal Program Land Use Plan and General Plan, and the Half Moon Bay Municipal Code; and

WHEREAS, the City, in proposing the amendment to section 18.06.050, has complied with the California Environmental Quality Act (CEQA) by preparing an Initial Study and Mitigated Negative Declaration discussing the proposed amendment, which was posted at the County Clerk's office and State Clearing House on October 22, 2004 and the public review period ended on November 22, 2004. The Initial Study and Mitigated Negative Declaration was commented upon by the Planning Commission and adopted by the City Council on December 7, 2004; and

NOW THEREFORE, THE CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment to Municipal Code Section 18.02.040 (Definitions)

The following definition shall be added to Section 18.02.040:

Exceptional Lot: A lot in an R-1B-1 or R-1-B-2 Zoning District that does not meet the minimum average width and/or lot area requirement for the Zoning District that the parcel is within, but provides at least 50 feet in average lot width and provide at least 5,000 square feet in gross lot area and has a residence that was constructed and completed (Certificate of Occupancy was issued for the structure or the structure was completed prior to the issuance of Certificates of Occupancy by the City) prior to December 7, 2004, the date Ordinance was adopted.

The revised Section 18.02.040, in its entirety, is attached hereto as Exhibit A.

Section 2. Amendment to Municipal Code Section 18.06.050 (Exceptions to Development Standards)

Section 18.06.050 of Chapter 18.06 of Title 18 of the City of Half Moon Bay Municipal Code is hereby amended as shown below:

18.06.050 Exceptions to Development Standards ...

F. Development Standards for Substandard and Severely Substandard Lots Development Exceptions. This section sets forth all of the additional development standards exceptions for development on sSubstandard or sSeverely sSubstandard Lots that do not meet the requirements for either Lot Width or Lot Area of the Underlying Zoning District., which are defined in the Zoning Code Definitions in Section 18.02.040. The development shall meet all standards set forth in Tables E and F respectively, unless otherwise specified.

1. Use Permit Required. Planning Commission approval of a Use Permit is required for all development including additions and accessory structures, on any substandard or severely substandard lot or building site except as provided in Section 2 below.
2. Exceptions to the Requirement for a Use Permit. The following is a list of exceptions to the Use Permit requirement for development on Substandard and Severely Substandard lots:
 - a. 95% Width Rule. Any substandard lot or building site that provides at least 95% of the required lot width, and at least 100% of the lot area in the underlying zoning district. Such exempted lots are subject to the same development standards as standard size lots, including but not limited to Table B of this chapter.
 - b. Small Additions and Accessory Structures. An accessory building or addition to an existing building not exceeding the lesser of (1) two hundred fifty square feet in floor area or lot coverage or (2) the applicable development standard for lot coverage and floor area ratio. This exception may only be granted one time in a 24-month period. The 24-month period will begin on the date of the final inspection for the issued building permit. If the permit never received a final inspection by the City, no further development may be applied for until the permit has received a final inspection and the 24-month period has lapsed.

c. Exceptional Lots. An addition or an accessory structure on any substandard lot or building site in R-1-B-1 and R-1-B-2 zoning districts that meets all of the following (Exceptional Lots will be required to apply the Development Standards in Table B with the exception of Floor Area Ratio and Lot Coverage which is explained in Section 3 below):

1. Does not meet the minimum average width and/or lot area requirement for the Zoning District that the parcel is within, but provides at least 50 feet of average lot width and at least 5,000 square feet of lot area.
2. Has an existing residence that was constructed and completed (Certificate of Occupancy was issued for the structure or the structure was completed prior to the issuance of Certificates of Occupancy by the City) prior to December 7, 2004.
3. The addition or accessory structure does not exceed the maximum allowed Floor Area Ratio (FAR) for exceptional lots, which is 50% for the first 5,000 square feet of lot area. 30% for lot area between 5,000 and 7,500 square feet, and 20% for lot area above 7,500 square feet, and Lot Coverage equal to 100% of the allowed FAR for a single-story house and 35% of the lot area for a two-story house.
4. Application for Architectural Review Committee review provides the same mailing procedure as specified in Sections 18.20.060(A) 18.20.060 (B)(1), (2), and (3) of the Zoning Code.

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

1. An existing nonconforming front setback may be extended in width to follow the furthest forward existing

- front setback, but in no case shall the addition provide less than a 20-foot front setback.
- 2. Minimum side setbacks of 5 feet, except that street facing side setbacks shall conform to Table B of this Chapter. The encroaching side-yard addition may not extend the wall along the nonconforming side setback line more than 12 linear feet or up to the required front and rear setbacks, whichever is less.
- 3. An existing nonconforming combined side setback may be extended consistent with this section, but in no case shall a nonconforming combined side setback be created on a site when the existing combined side setback is fully compliant with the zoning district's regulations.
- 4. A minimum rear setback of 20 feet.
- 5. Provide an appropriate design that is consistent with the guidelines set forth in Chapter 18.21 of this Title.

G. ~~Exceptions to Minimum Lot Area and Width Standards.~~

~~1. Administrative Exception to the Required Lot Dimensions.
Any lot which provides 95% or more of lot width and at least 100% of the lot area is considered a minor exception to the minimum lot size and width and does not require a Use Permit.~~

~~2. Use Permit Required for Development of a Substandard Lot.
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 any substandard lot that provides less than 95% of the required lot width, or less than 100% of the lot area in the underlying zoning district.~~

~~a. Required Findings for Use Permit~~

- ~~1. Findings required by Section 18.22~~
- ~~2. The development must meet all of the dimensional standards set forth in Table X, below~~
- ~~3. The Architectural Review Committed has reviewed and forwarded its recommendation to the Planning~~

~~Commission prior to the Planning Commission
consideration of a variance~~

TABLE E: DEVELOPMENT STANDARDS FOR SUBSTANDARD LOTS	
Lot coverage	Proportionality rule (<u>Definitions in Chapter 18.02.040</u>).
Floor area ratio	Proportionality rule. Basements with floor area of 15% or less of the total calculated FAR, up to a maximum of 225 square feet, may be allowed subject to Use Permit
Maximum Building Envelope	Applicable
Required parking	Two spaces: One garage space with dimensional standards as set forth in this Chapter, and one covered space not located in the front yard setback
Front setback	Standard for the zone
Side setback	Standard for the zone
Rear setback	Standard for the zone
Street Facing Side Yard Setback	Standard for the zone
Height	28 feet for two story 20 feet for single story, including single story and loft ¹

4. ~~Use Permit for Severely Substandard Lot. 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 55% 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 55% or less of the minimum lot area or width required by the underlying Zoning District:~~

¹ Single story structures with height above 16 feet are required to follow the procedures for exemption to the height standards set forth in this chapter.

**TABLE F:
DEVELOPMENT STANDARDS FOR SEVERELY SUBSTANDARD LOTS**

Lot coverage	Single story maximum lot coverage is equal to the maximum FAR. The maximum two-story lot coverage is 70% of the maximum FAR ² for two story.
Floor area ratio	A maximum of 200 square feet above the maximum calculated floor area ratio. Maximum FAR is calculated as follows: the ratio of the actual lot area to the required lot area times 50%. Basements with floor area of 15% or less of the total calculated FAR, up to a maximum of 225 square feet, may be allowed subject to Use Permit.
Maximum Building Envelope	Applicable
Required parking	Two spaces: One garage space with dimensions as set forth in this Chapter One additional parking space, whether covered or not, and not located within the front yard setback.
Front setback	Standard for the zone applies
Side setback	A minimum of 8 feet combined, with a minimum of 3 feet on one side. On a side that contains less than a 4 foot setback, the structure must be separated by a minimum of 8 feet from any structure on the adjacent lot. Driveways to the rear garage structure must be a minimum of 10 feet. Rear garages can be a minimum of 3 feet from an interior side or rear property line.
Eave Overhangs	Notwithstanding any other rules set forth in this Title, severely substandard lots may have an eave encroachment that extends no more than 18 inches into the side yard. All other yards may have a 30-inch encroachment.
Rear setback	Standard for the zone
Street Facing Side Yard Setback	10', including garage
Height	28 feet for two story 20 feet for single story, including single story and loft ³

² The 70% is calculated only on the living space for Severely Substandard Lots, i.e. before adding the "maximum of 200 square feet" allowance.

~~H. Architect's Stamp. All plans for development of any substandard or severely substandard lot shall be stamped by an Architect licensed to practice in the State of California.~~

IG. General Design Guidelines for Substandard and Severely Substandard Lots. In addition to the architectural design guidelines set forth in Chapter 18.21, the following guidelines shall apply to all Substandard and Severely Substandard lots

1. To the maximum extent possible, garages must be located in the rear yard.
2. Where located in the front of the building, the other features in the front facade shall work to de-emphasize the garage
3. Where the proposed development is located within 100 feet of at least one other Substandard lot, the Architectural Review Committee shall strongly consider following design characteristics when making its determination of whether the design is compatible with the neighboring area: setbacks, front facade, orientation to the street, side orientation to adjacent properties and their daylight planes, mass and bulk.

JH. 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.

The revised Section 18.02.040, page 6, in its entirety, is attached hereto as Exhibit A and the revised Sections 18.06.050(F)-(H), in their entirety, are attached hereto as Exhibit B.

Section 3. Submission to California Coastal Commission for Certification.

The City Clerk is hereby directed to transmit a copy of this ordinance to the California Coastal Commission for certification. The City Council of the City of Half Moon Bay hereby resolves that the Local Coastal Program, as amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act.

Section 4. Effective Date.

³ Single story structures with height above 16 feet are required to follow the procedures for exception to the height standards set forth in this chapter.

This ordinance amends the City of Half Moon Bay Local Coastal Program and shall become effective immediately upon certification by the California Coastal Commission. In the event that the Coastal Commission certifies the amendment subject to certain modifications, the amendment shall not be effective until the modifications have been approved by this Council and confirmed by the executive director of the California Coastal Commission.

Section 5. **Publication.**

The City Clerk shall cause this ordinance to be published and posted in accordance with the requirements of Section 36933 of the California Government Code.

Section 6. **Severability.**

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

INTRODUCED on this 7th day of December, 2004.


PASSED AND ADOPTED on this 21st day of December, 2004, by the following votes:

Ayes: Council members Fraser, Taylor, Ferreira, McCausland, and Mayor Grady

Noes:

Absent:

Abstain:

Attest: 
Siobhan Smith, Interim City Clerk

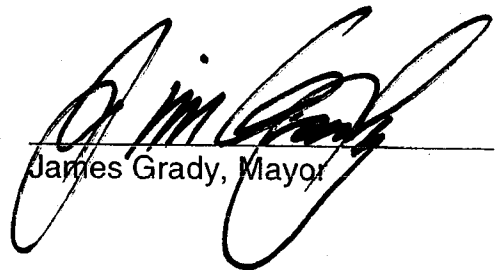

James Grady, Mayor

TABLE B: R-1 ZONING DISTRICT DEVELOPMENT STANDARDS

Building Site Characteristics	R-1	R-1-B1	R-1-B2
Minimum site area (sq. ft.)	5,000	6,000	7,500
Minimum average site width	50'	60'	75'
Minimum front setback	20'	25'	25'
Minimum side setback	5'	5'	6'
Minimum street facing side setback	10'	10'	13'
Combined minimum side setback ¹	10'	20%	20%
Rear, minimum setback	20'	20'	20'
Single story, maximum height	16'	16'	16'
Multi-story, maximum height	28'	28'	28'
Maximum single story site coverage	50%	50%	50%
Maximum multi-story site coverage	35%	35%	35%
Floor area ratio	0.5:1	0.5:1	0.5:1
Parking garage spaces	2	2	2
Usable open space per unit	N/A	N/A	N/A

EXHIBIT NO. 2
APPLICATION NO. HMB LCP-MAJ-1-05
Development Standards for Standard Lots

¹ Combined side yards equal or exceed 20 percent of average site width with required minimum.

TABLE E: DEVELOPMENT STANDARDS FOR SUBSTANDARD LOTS	
Lot coverage	Proportionality rule (Definitions in Chapter 18.02.040)
Floor area ratio	Proportionality rule. Basements with floor area of 15% or less of the total calculated FAR, up to a maximum of 225 square feet, may be allowed subject to Use Permit
Maximum Building Envelope	Applicable
Required parking	Two spaces: One garage space with dimensional standards as set forth in this Chapter, and one covered space not located in the front yard setback
Front setback	Standard for the zone
Side setback	Standard for the zone
Rear setback	Standard for the zone
Street Facing Side Yard Setback	Standard for the zone
Height	28 feet for two story 20 feet for single story, including single story and loft ¹⁸

EXHIBIT NO.	3
APPLICATION NO.	HMB ICP-MAJ-1-05
	Development
	Standards for
	Substandard Lots

¹⁸ Single story structures with height above 16 feet are required to follow the procedures for exemption to the height standards set forth in this chapter

City of Half Moon Bay

Zoning Code

Title 18

TABLE F: DEVELOPMENT STANDARDS FOR SEVERELY SUB-STANDARD LOTS	
Lot coverage	Single story maximum lot coverage is equal to the maximum FAR. The maximum two story lot coverage is 70% of the maximum FAR ¹⁹ for two story.
Floor area ratio	A maximum of 200 square feet above the maximum calculated floor area ratio. Maximum FAR is calculated as follows: the ratio of the actual lot area to the required lot area times 50%. Basements with floor area of 15% or less of the total calculated FAR, up to a maximum of 225 square feet, may be allowed subject to Use Permit.
Maximum Building Envelope	Applicable
Required parking	Two spaces: One garage space with dimensions as set forth in this Chapter. One additional parking space, whether covered or not, and not located within the front yard setback
Front setback	Standard for the zone applies
Side setback	A minimum of 8 feet combined, with a minimum of 3 feet on one side. On a side that contains less than a 4 foot setback, the structure must be separated by a minimum of 8 feet from any structure on the adjacent lot. Driveways to the rear garage structure must be a minimum of 10 feet. Rear garages can be a minimum of 3 feet from an interior side or rear property line
Eave Overhangs	Notwithstanding any other rules set forth in this Title, severely substandard lots may have an eave encroachment that extends no more than 18 inches into the

EXHIBIT NO. 4
APPLICATION NO. HMB LCP-MAJ-1-05
Development Standards for Severely Substandard Lots (Page 1 of 2)

¹⁹ The 70% is calculated only on the living space for severely substandard lots, i.e. before adding the "maximum of 200 square feet" allowance.

TABLE F: DEVELOPMENT STANDARDS FOR SEVERELY SUB-STANDARD LOTS	
	side yard. All other yards may have a 30 inch encroachment
Rear setback	Standard for the zone
Street Facing Side Yard Setback	10', including garage
Height	28 feet for two story 20 feet for single story, including single story and loft ²⁰

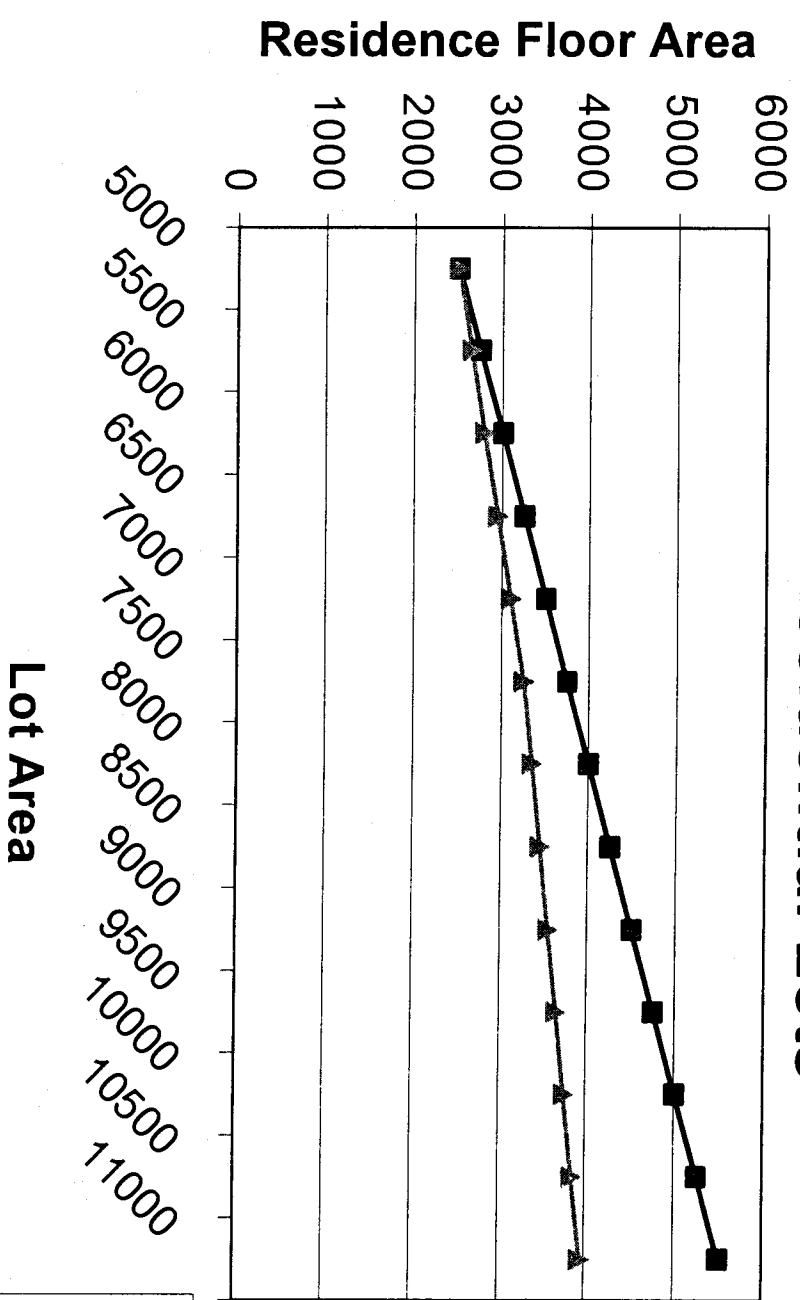
G. General Design Guidelines for Substandard and Severely Sub-standard Lots. In addition to the architectural design guidelines set forth in Chapter 18.21 the following guidelines shall apply to all Sub-standard and Severely Substandard lots

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2. Where located in the front of the building, the other features in the front facade shall work to de-emphasize the garage
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²⁰ Single story structures with height above 16 feet are required to follow the procedures for exception to the height standards set forth in this chapter

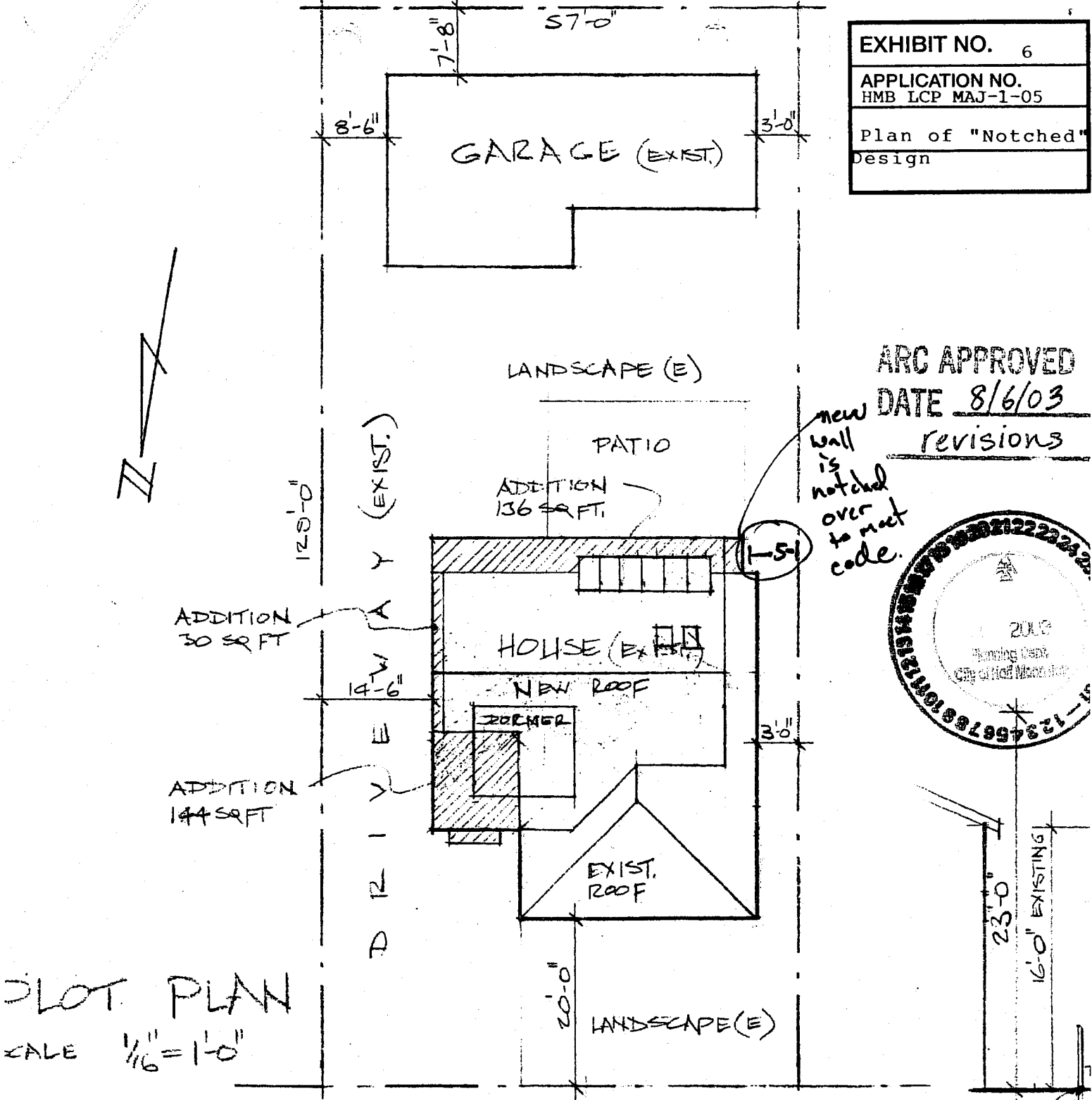
Floor to Area Ratio of Standard Residential Lots vs. "Exceptional" Residential Lots



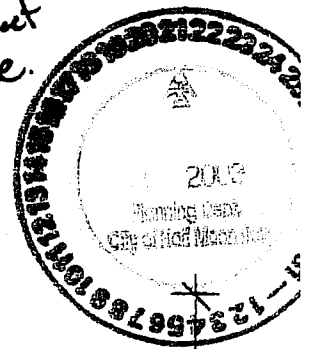
FAR for Standard Lot
 FAR for Proposed Exceptional Lots

EXHIBIT NO. 5
APPLICATION NO. HMB LCP-MAJ-1-05
Floor to Area Ratio Comparison between Standard and "Exceptional" Lots

EXHIBIT NO.	6
APPLICATION NO.	HMB LCP MAJ-1-05
Plan of "Notched" Design	



ARC APPROVED
DATE 8/6/03
revisions



PLOT PLAN
SCALE 1/16" = 1'-0"

SPRUCE STREET.

PROF LINE

PROPOSED ALTERATIONS
TO 412 SPRUCE STREET
HALF MOON BAY CA 94019

OWNER
ROBIN
TEL