

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400

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February 27, 2009

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director  
Ruby Pap, North Central Coast District Supervisor  
Madeline Cavalieri, Coastal Planner

SUBJECT: **HALF MOON BAY LCP AMENDMENT NO. 2-05 Parts A and B (Major).**  
(For public hearing and Commission action at its meeting of March 12, 2009)

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### 1.0 Description of Proposed Amendment

The proposed amendment consists of proposed amendments to: (1) Section 9.4 of the LUP and Section 18.04 of the IP, mandated by Measure D, a voter approved ordinance that limits residential growth, and (2) the City's existing building permit allocation system ('allocation system') that implements Measure A, a previously certified voter-approved growth control initiative.

#### **1.1 Proposed Changes to LUP Section 9.4 and Section 18.04 Mandated by Voter-Initiated Measure D**

A portion of the proposed LCPA is mandated by Measure D -- a growth control measure adopted by City voters in 1999. (See Exhibit 1.) The fact that a portion of a proposed LUP amendment comes to the Commission by way of a voter-approved initiative makes no difference relative to the Commission's authority and responsibilities. The Coastal Act provides that any decision or action by the local government, which includes initiatives approved by local voters, which purports to amend a previously certified LUP or LCP, cannot go into effect until approved by the Commission. For the portion of the proposed amendment that comes to the Commission by way of the initiative process, the Commission has the authority to exercise its jurisdiction in the same manner as it would relative to City Council or County Board submittals. Thus, the Commission has the discretion to take the same range of actions as it would for the more typical LUP amendment submittals. The major difference is that if the Commission suggests modifications to the portion of the proposed amendment mandated by Measure D, such modifications may not be implementable by the local governing body without prior voter approval. Section 10 of Measure D states that the City may not modify the provisions of the Measure D without the approval of the majority of the voters.

The portion of the proposed amendment that comes to the Commission by way of the initiative process would supersede the City's previous growth control ordinance, Measure A, that was adopted by the voters in 1991. Measure A limited the City's residential growth to 3% per year, and added a new section to the LUP, section 9.4. Measure D further limits residential growth to a maximum of 1% to 1.5% per year. This voter-initiated portion of the proposed LCP

amendment would also amend section 9.4 of the LUP and Chapter 18.04 of the certified implementation plan (IP).

It would make the following changes to section 9.4 of the LUP and 18.04.010 of the IP:

- a. It would limit growth to one percent per year;
- b. It would allow the City to increase the annual growth by an additional .5%, for units in the downtown only, but it would not require this increase.
- c. It would give priority to units outside the downtown for ½ of the initial 1%, unless fewer than ½ of the applications are received for development outside of the downtown, in which case the remainder could be allocated in the downtown;
- d. It would designate the downtown area as the downtown redevelopment survey area (See Exhibit 2).

Amended section 18.04.030 of the IP would also clarify that limitations on the maximum number of new dwelling units which the City may authorize each calendar year shall not apply to the replacement of existing units on a one-for-one basis and density bonuses for the provision of low and moderate income housing as required by state law.

The full text of the proposed amendments can be found in Exhibits 3 and 4.

## **1.2 Non-Voter Initiated Changes to Certified Allocation System Contemplated by Measure D**

Half Moon Bay's previous growth control measure, Measure A, required the City to adopt an allocation system to distribute the building permits allowed each year. The City developed and adopted the allocation system as Chapter 17.06 of the Half Moon Bay Zoning Code. The Commission certified it in 1996 when it certified the IP. The City has updated Chapter 17.06 as contemplated by the Measure D growth control ordinance. Therefore, part of the proposed LCP amendment was not initiated by the voters and involves submittal of proposed amendments to the previously certified allocation system contained in Section 17.06 of the Zoning Code. (See Exhibit 5 for 17.06 and suggested modifications)

Measure D does not require the City to amend the building permit allocation system. However, LUP Section 9.4(d) and IP Section 18.04.010(D), as amended by Measure D, expressly state that the existing allocation system may be modified by the City Council. The City has amended the allocation system and submitted the amendments as part of this LCP amendment application. (See Exhibit 5) Because Measure D expressly contemplated subsequent amendments to the building allocation system contained in Chapter 17.06 of the Half Moon Bay Zoning Code, as long as any suggested modifications to Chapter 17.06 are consistent with the growth limitations contained in Measure D, the voters do not need to approve any suggested modifications to Chapter 17.06's allocation system before the City can adopt them.

Only part of the existing certified allocation system is proposed to be modified by the City. The existing certified system details a process for the City to follow when determining the number of building permits to be allocated in the upcoming year, and it includes a process for how to

distribute the allocations. It divides new residential development into two categories: 'infill' and 'new residential.' Infill development is residential development on a legal lot, subdivided and recorded under the Subdivision Map Act before May 21, 1991, that has all of the required infrastructure available. New residential development is residential development in subdivisions that were, or will be, subdivided after May 21, 1991. The allocation system distributes 50% of the annual units to infill and 50% to new residential.

The allocation system also includes a method for assigning points to building permit allocation applications, so that if there is competition for allocations within each category, the city can distribute them according to the number of points each application receives. In general, the point system is designed so that more points are awarded to applications for dwelling units that will be served by existing infrastructure.

The full text of the proposed amendments can be found in Exhibit 5.

## **2.0 Summary of Staff Recommendation**

The proposed LUP amendment would reduce the annual residential growth rate from 3% to 1% - 1.5%. Given the existing constraints on road, water and sewer capacity in the City, this reduction would help ensure that residential growth does not outpace the development of public infrastructure and services. Staff recommends that the Commission find that except for an outdated chart contained in Chapter 9 of the LUP which plans for growth based on the 3% rate required by Measure A rather than the 1% - 1½% rate required by Measure D, the proposed LUP amendment is consistent with and adequate to carry out the provisions of the policies of Chapter 3 of the Coastal Act. Therefore, staff recommends that the Commission approve the LUP amendment with one modification to eliminate the outdated chart.

The proposed IP amendment would update the existing building permit allocation system according to the requirements of Measure D. Although the City's suggested changes are consistent with the proposed LUP amendments, the City does not also modify the allocation system to concentrate development in existing developed areas with adequate infrastructure, as required by the LUP. Therefore, staff recommends that the Commission deny the proposed IP amendment as submitted and approve the proposed IP amendment if modified as suggested by staff.

## **Additional Information**

For further information about this report or the amendment process, please contact Ruby Pap, District Supervisor, at the North Central Coast District Office of the Coastal Commission, North Central Coast District, 45 Fremont St., Ste. 2000, San Francisco, CA 94105; telephone number (415) 904-5260.

## **3.0 STANDARD OF REVIEW**

To approve the amendment to the Land Use Plan (LUP), the Commission must find that the LUP, as amended, is consistent with the Chapter 3 policies of the Coastal Act. To approve the

amendments to the zoning ordinance, the Commission must find that the Implementation Plan (IP), as amended, will conform with and is adequate to carry out the LUP.

#### **4.0 STAFF RECOMMENDATION**

**MOTION I:** *I move that the Commission certify Land Use Plan Amendment No. HMB-MAJ-2-05 Part B as submitted by the City of Half Moon Bay.*

##### **STAFF RECOMMENDATION TO DENY:**

Staff recommends a **NO** vote. Following the staff recommendation will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

##### **RESOLUTION TO DENY**

The Commission hereby denies certification of the Land Use Plan Amendment No. HMB-MAJ-2-05 Part B 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 the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

**MOTION II:** *I move that the Commission certify Land Use Plan Amendment No. HMB-MAJ-2-05 Part B 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 land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

##### **RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Land Use Plan Amendment No. HMB-MAJ-02-05 Part B for the City of Half Moon Bay if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or

mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

**MOTION III:** *I move that the Commission Reject the Implementation Program for Amendment No. HMB-MAJ-2-05 Part A 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 denial of the amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION III TO DENY CERTIFICATION OF IMPLEMENTATION PLAN AMENDMENT NO. HMB-MAJ-2-05 PARTS A AND B AS SUBMITTED:**

The Commission hereby denies Implementation Program Amendment No. HMB-MAJ-2-05 Part A as submitted by the City of Half Moon Bay and adopts the findings set forth below on the grounds that the Implementation Program amendment does not conform with and is inadequate to carry out the certified Land Use Plan as amended. Certification of the Implementation Program Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures, which could substantially lessen any significant adverse impact, which the Implementation program amendment may have on the environment.

**MOTION IV:** *I move that the Commission certify the Implementation Program for Amendment No. HMB-MAJ-2-05 Parts A and B for the City of Half Moon Bay if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION TO CERTIFY IP AMENDMENT NO. HMB-MAJ-2-05 PARTS A AND B WITH SUGGESTED MODIFICATIONS:**

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

**RESOLUTION IV TO CERTIFY IP AMENDMENT NO. HMB-MAJ-2-05 PARTS A AND B WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program for Amendment No. HMB-MAJ-2-05 Part A for the City of Half Moon Bay if modified as suggested and adopts the findings set forth below on the grounds that the Implementation Program amendment with suggested modifications will be in conformity with and is adequate to carry out the certified Land Use Plan. Certification of the Implementation Program 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 land use plan amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the land use plan amendment may have on the environment.

## **5.0. SUGGESTED MODIFICATIONS TO LAND USE PLAN AND IMPLEMENTATION PLAN**

1. Please see Exhibit 5 for modifications to Chapter 17.06 of the Half Moon Bay Zoning Code.
2. The City of Half Moon Bay shall delete Table 9.3, titled “Phasing Schedule to Year 2020 Based on Maximum of 3% Annual Population Growth,” from Chapter 9 of the Land Use Plan.

## **6.0 FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

### **6.1 Background**

The City of Half Moon Bay is located on a broad coastal terrace on the seaward side of the San Francisco Peninsula. On the east and south it is bordered by the open agricultural and watershed lands of rural San Mateo County. On the north are the unincorporated communities of El Granada, Montara, Moss Beach and Princeton. (See location map, attached as Exhibit 7.) The entire City of Half Moon Bay falls within the Coastal Zone. The Commission certified the Half Moon Bay Land Use Plan (LUP) on September 24, 1985, and the Implementation Plan (IP) on April 10, 1996.

In 1991, the voters of Half Moon Bay approved a previous growth control measure, Measure A, which limited annual residential growth to 3%. This Measure added section 9.4 to the LUP. It was adopted by the voters in 1991 and certified by the Coastal Commission, as LUP amendment 1-93 in 1993.

Measure D is a growth control measure adopted by City voters in 1999. (See Exhibit 1.) The portion of Measure D submitted by the City as LCPA 2-05, i.e. the proposed amendments to LUP Policy 9.4 and Chapter 18.04 of the Zoning Code, would supersede the City’s previous growth control ordinance, Measure A. The changes to LUP Policy 9.4 and Chapter 18.04 of the Zoning Code that are mandated by Measure D further limit residential growth to a maximum of 1% to 1.5% per year.

Previously certified Measure A required the City to adopt an allocation system to distribute the building permits allowed each year. The City developed and adopted the allocation system as Chapter 17.06 of the Half Moon Bay Zoning Code. The Commission certified it in 1996 when it certified the IP. As part of this proposed LCPA, the City has updated Chapter 17.06 consistent

with the Measure D growth control ordinance. Therefore, in addition to the proposed revisions to LUP Policy 9.4 and Chapter 18.04 that were mandated by voter-initiated Measure D, part of the proposed amendment was not initiated by the voters and involves submittal of proposed amendments to the previously certified allocation system for Measure A, Section 17.06 of the Zoning Code. (See Exhibit 5)

The City did not submit to the Commission the portion of Measure D that was adopted to address Open Space Reserve Areas. This portion of Measure D adopted by the voters in 1999 will not become effective unless certified by the Commission in a separate LCPA.

## **6.2 LUP Amendment Findings**

Measure D is a growth control ordinance, adopted by City voters in 1999, that requires the City to limit residential growth to 1% annually. It allows the City to allocate an additional .5% growth annually for residential units in the downtown area, for a total annual growth of 1.5%. Measure D supersedes Measure A, the City's previous growth control ordinance, adopted by voters in 1991, that limited growth to 3% annually. The text of both Measure A and Measure D include findings that explain the reasons why the growth limitation is necessary. These reasons include accelerated population growth and constraints on infrastructure and public services including road capacity, water, schools and open space.

The City has experienced constraints on infrastructure and public services for some time, as described below. As new residential units are developed and the population increases, these constraints become increasingly significant.

Road access to Half Moon Bay is limited to Highways 1 and 92 (See Exhibit 7). Studies show that the current volume of traffic on these highways is at or near their capacity and that even with substantial investment in transit and highway improvements, congestion will only worsen in the future. As a result, the level of service (LOS) on these highways at numerous bottleneck sections is currently LOS E. LUP Policy 10-25 states that the City will support LOS C as the desired LOS on Highways 1 and 92, except during peak commuting and recreational periods when LOS E would be acceptable. According to the Countywide Transportation Plan,<sup>1</sup> travel routes along Highway 92, between Highways 1 and 280, and on Highway 1 between Half Moon Bay and El Granada will be at LOS F by 2010. LOS F is defined as heavily congested flow with traffic demand exceeding capacity resulting in stopped traffic and long delays.

Half Moon Bay contributes significantly to traffic volume on Highways 1 and 92 because the City has far more housing units than available jobs. This jobs/housing imbalance constrains road capacity because a large majority of the City's workers must commute north and east of the city, over Highways 1 and 92, to reach their jobs. And, as stated in Measure D, the Coastside region of San Mateo County, including Half Moon Bay, will continue to add more housing than jobs through the year 2020, further increasing the number of commuters that will need to use Highways 1 and 92 to reach their jobs.

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<sup>1</sup> City/County Association of Governments of San Mateo County, Countywide Transportation Plan 2010, January 18, 2001.

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

In August of 2006 the U.S. Environmental Protection Agency (USEPA) issued an NPDES Compliance Evaluation Report to SAM that described the existing SAM system and multiple sanitary sewer overflows that have occurred at least through 2005, including spills of raw sewage directly into the ocean. According to the report, "the SAM sewer system does not have sufficient capacity to convey peak flows during the winter rains."<sup>2</sup> Studies conducted by SAM indicate that the capacity problems stem primarily from excess infiltration and inflow (I/I) in the member agencies' sewer systems.<sup>3</sup> SAM is currently pursuing a project to increase the capacity of the system during wet weather flow conditions. However, without such a response, there are questions about the adequacy of the sewer system to accommodate new development.

The City has acknowledged these severe constraints on infrastructure and acted by passing emergency resolutions, allowed by the building permit allocation system, to reduce the annual building permit allocations below the 3% limit of Measure A. Most recently, for the year 2008, the City based the number of building permit allocations on a growth rate of 1.23%. They established this growth rate for the year based on findings that an emergency situation exists due to constraints on road capacity, water supply and storm drain capacity.

As stated in Measure D, the property taxes and development fees generated by new residential development are not sufficient to cover the cost of expanding infrastructure and services to meet the needs of new residents, especially in terms of road capacity, water supply, sewer services, school facilities and open space. Therefore, the decrease in the 3% residential growth rate allowed in Measure A to the 1% - 1.5% residential growth rate allowed in Measure D will protect the City and coastal resources by helping to ensure that new residential development does not outpace the expansion of infrastructure and public services.

#### 6.2.1 Relevant Coastal Act Policies

Section 30254 of the Coastal Act states:

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<sup>2</sup> U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 9, NPDES COMPLIANCE EVALUATION REPORT, August 18, 2006, P. 29.

<sup>3</sup> SAM, Administrative Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Wet Weather Flow Management Program (WWFMP) Project.



*...Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

Section 30250 of the Coastal Act states:

*(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 order to approve the proposed amendment to the Half Moon Bay LUP, the Commission must find that it is consistent with the policies of Chapter 3 of the Coastal Act.

Section 30250 requires new residential development to be located in, or in close proximity to, existing developed areas able to accommodate it, or in other areas with adequate public services, and where it will not have significant adverse individual or cumulative effects on coastal resources. Section 30254 states that where infrastructure is constrained, new development must be limited to uses that are vital to public services or economic well-being, or to recreation or coastal-dependent uses.

The proposed amendment to Section 9.4 of the LUP would limit the annual rate of residential growth in Half Moon Bay to 1% with the ability to increase another .5% to 1.5% if the additional .5% is for units in the Downtown Area. Given the infrastructure constraints discussed above, amending the growth limit from 3% to a maximum of 1.5% will help the city ensure residential development does not outpace the growth of public works and services.

The proposed LUP Section 9.4(f) establishes a “Downtown Area” in the City. The downtown area is centrally located, and has existing infrastructure available, such as roads, sewers and water connections. Directing new development to the downtown area would be consistent with Section 30250 since it is an existing developed area. However, because of Half Moon Bay’s historic growth pattern, there are additional areas outside of the downtown that are also already developed. These areas are identified as “infill” areas in the City’s building permit allocation system in the Implementation Plan, which currently carries out Measure A, and would carry out Measure D, if it is certified as it is now proposed to be amended.

Section 9.4(b) of the proposed amendment allows the 1% growth limitation to be increased by an additional .5%, but only for units within the Downtown Area. Therefore, the Commission finds that Section 9.4(b) is consistent with Section 30250 of the Coastal Act because it directs new development to an existing developed area.

Section 9.4(c) of the proposed amendment gives priority for one-half of the 1% growth to units outside of the downtown. Although this in itself appears contrary to the Coastal Act requirement to concentrate development, the City's building permit allocation system, as proposed to be amended, implements Section 30250 of the Coastal Act by directing this development to infill areas with existing public services. As stated above, although not all infill areas are located within the downtown, which is comparably a very small area with little residential zoning or residential development potential, they are already developed and have existing infrastructure. Therefore, the Commission finds that the proposed LUP Policy Section 9.4(c) is consistent with Section 30250 of the Coastal Act.

Coastal Act Section 30254 states that where infrastructure is constrained, new development must be limited to priority uses. It is clear from the above discussion and recent Commission actions on coastal development permits in the City of Half Moon Bay such as A-1-HMB-99-022-A1 (Pacific Ridge) that existing infrastructure, including road and sewer capacity and water supply, is severely constrained in the City of Half Moon Bay. The proposed amendment conforms the LUP to Section 30254 because it limits new residential growth, which is not a priority use under the Coastal Act. Further, it does not preclude the City from ensuring that public works capacity will be reserved for priority uses. In fact, existing LUP Policies 10-4, 10-13, and 10-21 require the city to reserve public works capacity for priority uses.

LUP Policy 10-4 requires the City to control the rate of new development to avoid overloading public works. After finding that the 3% growth limit required by Measure A resulted in a rate of new development that continued to strain infrastructure and public services, the City began reducing the new residential growth further by passing emergency resolutions allowed by the building permit allocation system. These emergency resolutions identify the severe infrastructure constraints that prohibit setting the annual growth rate at 3%. The proposed LUP amendment would make this more stringent growth limitation of 1.5% permanent, helping to ensure that the rate of new development does not overload public works, consistent with Policy 10-4.

Therefore, the Commission finds that, except for an outdated chart contained in Chapter 9 of the LUP which plans for growth based on the 3% rate required by Measure A rather than the 1% - 1½% rate required by Measure D, the proposed LUP Amendment is consistent with Coastal Act Sections 30250 and 30254. A suggested modification eliminates Table 9.3 from the LUP because the table, which relates to the City's previous growth control ordinance, Measure A, is outdated and no longer relevant.

## **6.2.2 Alternatives**

### ***3% Residential Growth***

The Commission could deny the City's LUP amendment application and require the City to maintain the 3% growth limit allowed by Measure A. However, as stated in Section 6.2, this alternative will not help the City ensure that the rate of residential development does not outpace the development of infrastructure and public services or that public works capacity is reserved

for priority uses, inconsistent with the requirements of the Coastal Act. Therefore, maintaining a 3% growth rate is not a feasible less environmentally damaging alternative to the proposed growth rate as modified by the Commission.

### ***0% Residential Growth***

The Commission could prohibit residential development completely, until the City increases infrastructure capacity. However, as discussed in Section 6.2 above, the City's infrastructure does have the capacity to accommodate a limited amount of residential development. In addition, the certified LCP requires that infrastructure be available upon completion of approved development so that the lack of infrastructure, to the extent it may become even further constrained, could be addressed at the time of development review. Therefore, prohibiting residential development is not a feasible less environmentally damaging alternative to the proposed growth rate as modified by the Commission.

### ***1% to 1.5% Residential Growth***

The Commission could approve the LUP amendment as submitted, as recommended by staff. As discussed in Section 6.2.1 above, given the existing infrastructure constraints, amending the growth limit from 3% to no more than 1.5% will help the City ensure that residential development does not outpace the growth of public works and services and that public works capacity is reserved for priority uses consistent with the requirements of the Coastal Act. Also, allocating .5% of the 1.5% to the downtown area serves to concentrate development in an existing developed area.

Therefore, the Commission finds that, as modified herein, there is no less environmentally damaging feasible alternative that can be found consistent with the requirements of the Coastal Act than the 1% to 1.5% residential growth rate established in the LUP amendment as submitted by the City.

## **6.3 IP Findings**

### **6.3.1 Description of IP Amendments**

#### **1) Building Permit Allocation System**

Half Moon Bay's previous growth control measure, Measure A, required the City to adopt an allocation system to distribute the building permits allowed each year. The City developed and adopted the allocation system as Chapter 17.06 of the Half Moon Bay Zoning Code. The Commission certified it in 1996 when it certified the IP. The City has updated Chapter 17.06 consistent with the provisions of the Measure D growth control ordinance. Therefore, part of the proposed amendment is submittal of proposed amendments to the certified allocation system, Section 17.06 of the Zoning Code. (See Exhibit 5)

The City has proposed amendments to Section 17.06.015 that eliminate previously certified exemptions from building permit allocation requirements. The City proposes to eliminate

exemptions for second dwelling units, residential developments with a development agreement adopted prior to May 21, 1991, and residential developments for which a vesting tentative map is either in process or has been approved prior to May 21, 1991. This portion of the proposed amendment is consistent with both the existing certified LUP Section 9.4 and the proposed amendments to Section 9.4 of the LUP.

The certified allocation system details a process for the City to follow when determining the number of building permits to be allocated in the upcoming year, and it includes a process for how to distribute the allocations. It divides new residential development into two categories: 'infill' and 'new residential.' Infill development is residential development on a legal lot, that recorded its final Subdivision Map Act approval before May 21, 1991, the date the voters first approved the Measure A growth control limit, and that has all of the required infrastructure. New Residential development is residential development in subdivisions that were, or will be, subdivided after May 21, 1991. The allocation system distributes 50% of the annual units to infill and 50% to new residential.

The allocation system also includes a method for assigning points to building permit allocation applications, so that if there is competition for allocations within each category, the city can distribute them according to the number of points each application receives.

There are separate point systems for infill development and new residential development. The point system for infill development is designed to award more points to applications that are located close to existing development or that have existing infrastructure to serve the development. The point system for new residential development is designed to award more points to applications that will provide more infrastructure and public services to the City. These rating systems are consistent with LUP policies that require development to be located near existing development or in areas with adequate infrastructure.

Applicants proposing new residential development in the City must obtain a building permit allocation prior to submitting an application for a coastal development permit. Although this is not explicitly stated in Chapter 17.06, the City's application form for a coastal development permit requires the applicant to submit evidence that the necessary allocations have been received before the application can be filed as complete.

Although an allocation is necessary to apply for a CDP, receipt of an allocation does not replace, supersede, or modify the independent requirement for a coastal development permit to be approved consistent with the LCP or the requirement for the development to be provided with adequate services.

Section 18.20.070 states:

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

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

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

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

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

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

The City may use the receipt of a building permit allocation to make findings that the project would be consistent with the growth management system, but the City must also make all of the additional findings required by section 18.20.070 before it may approve a coastal development permit.

## **2) Zoning Code Amendments**

Consistent with Measure D, the LCPA proposes the same changes to Section 18.04.010 of the IP that it proposes to Section 9.4 of the LUP. Section 18.04.010 would be amended in the following ways:

- a. It would limit growth to one percent per year;
- b. It would allow the City to increase the annual growth by an additional .5%, for units in the downtown only, but it doesn't require this increase.
- c. It would give priority to units outside the downtown for ½ of the initial 1%, unless fewer than ½ of the applications are received for development outside of the downtown, in which case the remainder could be allocated in the downtown;
- d. It would designate the downtown area as the downtown redevelopment survey area (See Exhibit 2).

In addition, section 18.04.030 of the IP would be amended to clarify the language and make it consistent with the language of Measure D. This section states that the 1.5% dwelling unit limitations of Section 18.04.010 shall not apply to the replacement of existing dwelling units on a one for one basis or density bonuses for the provision of low and moderate income housing as required by state law.

### **6.3.2 LUP CONSISTENCY ANALYSIS**

In order to approve the proposed amendment to the Half Moon Bay IP, the Commission must find that it conforms to and is adequate to carry out the certified LUP.

Section 30250, incorporated into the LUP as a guiding policy by Policy 1-1, requires new residential development to be located in, or in close proximity to, existing developed areas, or in other areas with adequate public services. Consistent with Section 30254 of the Coastal Act, LUP Policy 10-4 reserves public works capacity for priority uses and requires the City to control the rate of growth to avoid overloading public services. And, LUP Policies 10-13 and 10-21 reserve water supplies and sewer capacity for priority uses.

LUP Policy 1-1 states:

*The City shall adopt those policies of the Coastal Act (Coastal Act Sections 30210 through 30264) cited herein, as the guiding policies of the Land Use Plan.*

LUP Policy 10-4 states:

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

LUP Policy 10-13 states:

*The City will support and require reservation of water supplies for each priority land use in the Plan...*

LUP Policy 10-21 states:

*The City will reserve sewage treatment capacity for priority land uses...*

LUP Policy 9-2 states:

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

LUP Policy 9-4 states:

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

#### Building Permit Allocation System

The certified and proposed LUP Section 9.4 limit the number of dwelling units the City may allocate each calendar year. They state that the growth limit excludes only two types of dwelling units: replacement of existing dwelling units and density bonuses for affordable housing under state law. No other dwelling unit is exempt from the residential growth limitations of Measure D. Therefore, in IP section 17.06.015, the proposed removal of the three zoning code exemptions that are not exemptions under the certified LUP – exemptions for second dwelling units, residential developments with a development agreement adopted prior to May 21, 1991, and residential developments for which a vesting tentative map is either in process or has been approved prior to May 21, 1991 – will eliminate an inconsistency between the zoning and both the certified and proposed LUP Section 9.4. Thus, the Commission finds that the City's proposed amendment to Section 17.06.015 that deletes the zoning code exemptions that are not contained in the certified LUP is consistent with and adequately carries out LUP Section 9.4, as amended.

#### Clarifying when a Coastal Development Permit is required

As described above, the City requires applicants for CDPs to obtain a building permit allocation before their CDP application may be deemed complete. However, this requirement is not described in Chapter 17.06. Therefore, the Commission suggests a modification requiring the City to revise section 17.06.010 to include subsection B. Subsection B clarifies that in order to carry out a new residential development in the City, an applicant must first obtain a building permit allocation, then a CDP, and finally a building permit.

Chapter 17.06 omits the fact that receipt of a building permit allocation does not affect the City's requirement to make all of the necessary findings required under Section 18.20.070 before it can approve a development. Therefore, the Commission suggests a modification that requires the City to revise section 17.06.010 to include subsection C. Subsection C of Section 17.06.01 clarifies that receipt of a building permit allocation does not replace, supersede, or modify the independent requirement for a coastal development permit approved consistent with all applicable provisions of the certified LCP and the Coastal Act.

#### Concentrating Development in Existing, Developed Areas

Section 9.4 of the LUP limits residential growth to no more than 1.5% annually and establishes a Downtown Area. This section would be implemented by the building permit allocation system ('allocation system'), as proposed to be amended, that is contained in Chapter 17.06 of the Zoning Code (proposed amendment is contained in Exhibit 5). The allocation system provides the process for how the City must distribute the allocations for building permits each year. The

existing certified allocation system divides new residential development into two categories: infill and new residential. Infill parcels must have received, and recorded, final Subdivision Map Act approval prior to May 21, 1991, the date the voters first adopted Measure A growth control limitations, and must have existing infrastructure, such as paved roads, and sewer and water connections. The infill areas are shown on Exhibit 6. New residential parcels have, or will have, received or recorded final Subdivision Map Act approval after May 21, 1991. They may be located within the expansion areas shown on Exhibit 6, or, because existing infill parcels may be resubdivided in the future, they may also be located within infill areas. However, the potential for new subdivisions in infill areas is limited because the majority of infill areas contain lots that are the minimum size allowed under the zoning code. New residential parcels in infill areas generally have existing infrastructure available. New residential parcels in expansion areas generally do not have existing infrastructure, but must be able to obtain it in order for the City to award allocations to the project. Therefore, development on infill parcels and on new residential parcels that are located within infill areas should be considered development within an existing, developed area.

Section 17.06.065 of the existing IP says that priority shall be given to infill development. However, it does not contain adequate mechanisms to ensure that this priority is given. The proposed amended Section 17.06 therefore does not conform with and is inadequate to carry out LUP Policy 10-4 and LUP Policy 1-1, which incorporates the Coastal Act Section 30250 requirement that development be concentrated in close proximity to existing development or in other areas with adequate public services. Section 17.06.105 states that no more than 50% of new development may be allocated to infill development and Section 17.06.205 states that no more than 50% of new development may be allocated to new residential development. Allocating only half of the new development to infill does not prioritize it or concentrate development in the existing developed areas described above. In addition, the proposed amended allocation system does not distinguish between new residential development located in infill areas and new residential development located in undeveloped areas. As stated in the existing section 17.06.120.C, if fewer than 50% of the annual applications are received for infill by September 1st, the remainder may be allocated to new residential development. Therefore, in years when there are not as many applications for infill as there are allocations, new residential development would receive more than 50% of the allocations.

Because the proposed amended allocation system does not prioritize infill development, or new residential development in existing, developed areas, it does not ensure that the allowed annual residential growth will be located in, or in close proximity to, existing development, as required by Coastal Act Section 30250, which pursuant to LUP Policy 1-1 is incorporated as a guiding LUP policy. Therefore the Commission finds that the proposed IP does not conform with and is inadequate to carry out the LUP, and must be denied.

However, if modified as suggested the proposed IP amendment would be adequate to carry out both LUP Policy 10-4 and LUP Policy 1-1 and its direction to be guided by Coastal Act Section 30250.

Proposed modifications delete existing Sections 17.06.105 and 17.06.205.A, and add a new Section 17.06.070. Section 17.06.070 would require the City to award 100% of the annual



allocations to either infill development projects, projects for development in the downtown area, or new residential development projects *within* the infill areas. These three types of projects are located within, or in close proximity to existing developed areas. If, by September 1<sup>st</sup>, fewer such applications are received than there are allocations available, the remaining allocations could be awarded to new residential development within the expansion areas. However, no more than 1/3 of the annual allocations could be awarded to new residential development in the expansion areas in any one year. This modification would ensure that new development in existing, developed areas is given priority over new development in undeveloped areas that lack infrastructure. Therefore, the Commission finds that, only as modified, the proposed amended Section 17.06 IP conforms with and is adequate to carry out LUP Policy 10-4 and LUP Policy 1-1 and its direction to be guided by Section 30250 of the Coastal Act.

### Multi-Family Development

Section 17.06.120 of the existing certified allocation system states that “during the initial period between January 1<sup>st</sup> and January 31<sup>st</sup> of each year, no more than one residential infill project allocation may be awarded to any individual, corporation or other entity unless the number of applications received for residential infill project allocations in this category by January 31<sup>st</sup> is less than the number of allocations available.” If fewer infill applications are received than the number of infill allocations available, applicants may be awarded more than one allocation, but no more than five allocations can be awarded to any one applicant in a calendar year. This means that if an applicant is proposing to build a duplex, triplex, or other multi-family development, they may not be able to obtain allocations for all of the units in the development. Therefore, Section 17.06.120 impedes multi-family development in the City inconsistent with LUP Policy 10-4 and Coastal Act Section 30250, incorporated into the LUP as a guiding policy by LUP Policy 1-1.

The City has a limited amount of land zoned for multi-family development. Because this land is located in the downtown area, as shown on Exhibit 6, multi-family development puts higher density residential development in areas with existing, adequate infrastructure. Concentrated development uses infrastructure more efficiently than sprawling development, and it also relieves pressure to put new development in undeveloped areas. LUP Policy 10-4 and Section 30250 of the Coastal Act, incorporated into the LUP as a guiding policy by Policy 1-1, requires new residential development to be located in, or in close proximity to, existing developed areas, or in other areas with adequate public services where it will not have significant adverse individual or cumulative effects on coastal resources. Therefore, because the proposed Section 17.06.120 impedes multi-family development in the downtown area, it does not conform with and is not adequate to carry out the certified LUP.

As stated above, development of multi-family units relieves pressure to put new development in undeveloped areas. Locating new residential units in undeveloped areas requires an expansion of public works and services and it can further induce residential development. Section 30254 of the Coastal Act, incorporated into the LUP as a guiding policy by Policy 1-1, and LUP Policies 10-4, 10-13 and 10-21 require the City to reserve public works capacity for priority uses when infrastructure and public resources are constrained. Residential development is not a priority use under the Coastal Act or the LUP. Given Half Moon Bay’s significant infrastructure constraints,

the allocation system must limit the expansion of infrastructure and public services for residential use in order to be consistent with these policies of the LUP.

Therefore, the Commission finds that because Section 17.06.120 impedes multi-family development in the City, creating pressure to expand new residential development into undeveloped areas, it is not adequate to carry out LUP Policy 1-1 and its direction to be guided by Coastal Act Section 30254 or LUP Policies 1-1, 10-4, 10-13 and 10-21.

To make Section 17.06.120 consistent with these policies of the LUP, the Commission imposes a modification to allow an applicant to receive the infill allocations necessary to develop one lot, not just one unit, even if the number of infill applications exceeds the number of infill allocations available. If there were competition for the infill allocations, the point system would be followed, and those applications receiving the highest number of points would be awarded allocations first. If a lot were zoned for multi-family development, the applicant would be awarded as many allocations as necessary to develop the lot.

The suggested modification also changes the maximum number of allocations that could be awarded to an applicant for infill development in any one year. It changes the system so that, between January 1<sup>st</sup> and January 31<sup>st</sup>, if fewer applications for infill were received than there were allocations available, an applicant could be awarded allocations for up to five lots of infill development, instead of allocations for only five units. So, if the lots were zoned for single-family development, the applicant could receive no more than five allocations, but if the lots were zoned for multi-family development, the applicant could receive as many allocations as necessary to develop the lots as proposed.

Finally, the modification changes the system so that, after January 31<sup>st</sup>, if there are additional allocations available, an applicant for multiple infill lots may be granted allocations on a first-come, first-serve basis. However, no more than 50% of the annual allocations could be awarded to any one applicant.

The suggested modification affects the way the City must distribute the annual allocations allowed by the residential growth limitation contained in the proposed amendments to LUP Section 9.4. As modified, more infill allocations may be awarded to an individual applicant to accommodate a proposed multi-family development, but the modification will not alter the total number of building permit allocations that the City may distribute in any one year, as required by amendments to proposed LUP Section 9.4. Therefore, the Commission finds that, as modified, the proposed IP Section conforms with and is adequate to carry out the LUP Section 9.4, as amended.

Modifications also ensure that Section 17.06.120 would not preclude multi-family development. Therefore, the Commission finds that, as modified, the proposed IP Section conforms with and is adequate to carry out LUP Policy 1-1, which incorporates Coastal Act Sections 30250 and 30254 as guiding policies of the certified LUP, as well as LUP Policies 10-4, 10-13 and 10-21.

## 2) Other Measure D Provisions

### Section 18.04.010

The proposed amendment would add the language from proposed LUP Section 9.4 to Section 18.04.010 of the IP. As discussed in Section 6.2.1, above, the proposed Section 9.4 is consistent with Chapter 3 of the Coastal Act, including Sections 30250 and 30254. Because the changes to 18.04.010 directly mirror LUP Section 9.4, the Commission finds that the proposed 18.04.010 conforms with and is adequate to carry out the LUP.

### **6.3.3 Alternatives**

The IP amendment includes changes to Chapters 17.06 and 18.04 of the zoning code. Chapter 17.06 is the City's building permit allocation system. The changes to Chapter 18.04 are identical to the changes to LUP Section 9.4 discussed above in the findings for the LUP amendment. Alternatives to the proposed building permit allocation system are discussed below.

#### ***Approve Amendments to the Allocation System as Submitted***

The Commission could approve the amendments to the building permit allocation system ('allocation system') as submitted. The submitted amendments update the allocation system to reflect the changes to LUP Section 9.4 and IP Section 18.04 required by Measure D. However, the submitted amendments do not propose changes that should be made to the existing allocation system given the City's severe infrastructure constraints. As discussed in Section 6.3.2 above, it is imperative that the City's allocation system locate residential development in areas with existing development and adequate services. As submitted, the allocation system does not provide for this. Therefore, the allocation system as submitted is not a feasible less environmentally damaging alternative to the allocation system as modified by the Commission.

#### ***Previous Amendments to the Building Permit Allocation System***

In 2001, the City passed ordinance 01-01, rescinding the allocation system in Chapter 17.06 and creating a new allocation system in Chapter 18.04. This ordinance was eventually rescinded (City Ordinance No. C-02-02) and in 2005, the City passed ordinance 05-05, amending the allocation system in Chapter 17.06. The allocation system developed by the City in 2001 was different from the existing allocation system in several ways. For example, the 2001 system eliminated the distinction between infill residential development and new residential development, and, the system required the City to distribute the allocations through a lottery system, instead of through the assignment of points. The Commission could require the City to incorporate either one or both of these changes into the existing allocation system.

As discussed in Section 6.3.2, above, however, the distinction between infill development and new residential development provides a way for the City to prioritize residential development in existing, developed areas with adequate services and infrastructure. Although the existing allocation system does not use these categories to prioritize such development, if these categories were eliminated, infill lots with existing infrastructure would be given the same priority as new residential lots that require construction of roads, sewer and water connections. This would allow new residential units in undeveloped areas without adequate infrastructure.

Using a lottery system instead of a point system to distribute allocations also needlessly prevents the City from prioritizing new residential development in existing, developed areas with adequate infrastructure. The lottery system the City proposed in 2001 does give some priority to development with existing infrastructure by issuing more “tickets” to applications with existing infrastructure. However, the system of drawing the “tickets” at random and issuing allocations accordingly is based on chance. The point system in the existing allocation system, discussed in Section 6.3.1 above, is a far better method for ensuring that applications for development with existing infrastructure are awarded allocations before applications for development that would require the extension of services.

Because the two major changes to the building permit allocation system proposed by the City in 2001 would prevent the City from prioritizing development in existing developed areas with adequate infrastructure, the building permit allocation system proposed by the City in 2001 is not a feasible less environmentally damaging alternative to the allocation system as modified by the Commission.

### ***Modified Building Permit Allocation System***

As discussed in Section 6.3.2 above, the allocation system as modified by the Commission ensures the City would give priority to residential development in existing, developed areas with adequate infrastructure. Therefore, the Commission finds that as modified herein, there is no less environmentally damaging feasible alternative that can be found consistent with the requirements of the certified LUP than the allocation system as modified by the Commission.

## **6.4 CLARIFICATIONS AND CORRECTIONS OF MINOR INCONSISTENCIES**

### **1) Introductory Sections**

Staff recommends changes to sections 17.06.005, 17.06.010 and 17.06.020 to clarify that Section 17.06 applies to the allocation, not issuance, of building permits; and proposes to delete subsection I of 17.06.020 in its entirety because it is a process meant to be followed in the four years immediately after the sewer plant expansion. The sewer plant expansion occurred in 1999, so the subsection is no longer relevant.

### **2) Definitions of Infill and New Residential Development**

Section 17.06.100 defines infill development as residential development on a legally subdivided lot that has all required infrastructure. It also states that the lot must have a “recorded final map or other similar instrument as established in the subdivision map act prior to May 21, 1991...” May 21, 1991 is the date that Measure A, the City’s previous residential growth limitation, was passed by the voters of Half Moon Bay. The definition uses this date to limit the number of lots in the City that can be considered infill. The Commission finds that limiting the number of lots that can be considered infill is consistent with and required by the certified LUP, as amended.

However, the infill definition is not clear because it does not include the geographic location of the infill lots. Therefore, staff recommends adding ‘Figure 2’, a map that shows the infill areas

within the City. This modification will eliminate confusion about where infill development can be located.

Section 17.06.200 defines new residential development as residential development in a subdivision for which an application was submitted after May 21, 1991. Again, this definition is not clear because it does not include the geographic location of the new residential areas. Therefore, staff recommends adding 'Figure 2', a map that shows the infill and expansion areas within the City. New residential development can occur either in the expansion areas or the infill areas.

This modification also revises the definition so that new residential development is defined as any parcel with a map that was recorded on or after May 21, 1991, the date the first growth control limit was adopted by the voters. Because Section 17.06.100 defines infill as development on a lot with a final Subdivision Map Act approval that was recorded before May 21, 1991, the modified definition of new residential development would ensure that subdivisions without both Final Map Act approval and recordation prior to May 21, 1991, would be ineligible for an infill allocation.

### **3) Deadline for building permit issuance**

Suggested modifications to Section 17.06.050 clarify that both the six-month extension that can be granted by the building officer and the one-year extension that can be granted by the City Council would extend the deadline by which a building permit must issue. The suggested modification to this section contained in Suggested Modification No. 1 also clarifies that the time spent by an applicant securing other approvals, such as a coastal development permit, shall be added to the time period that a building permit allocation is valid and a complete building permit allocation may be submitted.

### **4) New residential development reports**

Staff recommends modifying sections 17.06.230 through 17.06.275 to specify that the applicant must supply the information necessary to complete the reports required in these sections. This ensures that the applicant submits sufficient information with the allocation application and clarifies that it is the applicant, rather than the City who is responsible for developing the necessary information.

## **7.0 CEQA**

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCPA.

Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

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

The City's LCP Amendment consists of a Land Use Plan amendment and an Implementation Plan amendment. The Commission incorporates its findings on Coastal Act and land use plan conformity into this CEQA finding as if set forth in full. The LUP amendment as originally submitted cannot be found to be consistent with the Coastal Act with respect to locating and planning new development, public works and priority uses.

The Implementation Plan amendment as originally submitted cannot be found to be consistent with and adequate to carry out the policies of the certified LUP. The Implementation Plan amendment, as submitted, is not adequate to carry out and is not in conformity with the policies of the certified LUP with respect to location of new development.

The Commission, therefore, has suggested modifications to bring the Land Use Plan into full conformance with the Coastal Act and the Implementation Plan amendment into full conformance with the certified Land Use Plan, as required by the Coastal Act. Specifically, as discussed above and hereby incorporated by reference, the Commission's certification requires that new residential units in existing, developed areas be given priority over new residential units in undeveloped areas, and that multi-family development not be hindered by the City's building permit allocation system. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

Further, future individual projects would require coastal development permits, issued by the City of Half Moon Bay, and in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.

**EXHIBITS:**

- 1) Text of Measure D
- 2) Downtown Map
- 3) City Resolution Transmitting LUP Amendment
- 4) City Resolution Transmitting IP Amendment
- 5) Proposed Modifications
- 6) Residential Development Areas Map

# CITY OF HALF MOON BAY

## MEASURE D

Shall the Ordinance amending the Residential Growth Limitation Ordinance be adopted?

### FULL ORDINANCE

#### RESIDENTIAL GROWTH LIMITATIONS

The people of the City of Half Moon Bay do ordain as follows:

#### SECTION 1: PURPOSES

The purposes of this ballot measure are to protect the public health, safety and welfare of the residents of Half Moon Bay; to provide for development which is orderly, sustainable, and fiscally responsible; to respond to the worsening traffic situation; and to protect the City's unique scenic and rural coastal character by managing the rate, location, and density of residential development.

#### SECTION 2: FINDINGS

- (a) Accelerated population growth: According to the California Department of Finance's January 1998 population estimates, Half Moon Bay's residential population grew 22% during a six-year period, making Half Moon Bay the fastest growing jurisdiction in San Mateo County. Statistics show an average population growth of 0.9% for San Mateo County in 1998, compared to the 3% maximum annual growth now permitted by the City of Half Moon Bay Local Coastal Program/Land Use Plan.
- (b) Services: Property taxes generated by residential development in the City do not cover the cost of basic services for that development. Projected residential development, combined with limits on public works and finances, creates a public health and safety crisis for residents.
- (c) Traffic: State Highways 1 and 92 experience prolonged gridlock. According to the 1997 Traffic Modeling Study conducted by the San Mateo County City and County Association of Governments, these highways experience Level of Service F, the worst ("speed approaches zero"), for several hours each day. The study projects Highways 1 and 92 to have the highest volume/capacity ratios in the County when current growth projections are achieved. No highway capacity improvements are planned by Caltrans.
- (d) Jobs-Housing Imbalance: Half Moon Bay's main role within the region has been commuter housing, and the Coastsides is the only area within San Mateo County that will add more housing than jobs through 2020. This situation exacerbates congestion on Highways 1 and 92.
- (e) Water: Half Moon Bay's future water supply depends on the ability to get more water from the Crystal Springs Pipeline. This is a precarious situation since in times of water shortage San Francisco has the right to restrict this supply.
- (f) Schools: The recent assessment bond study conducted by the Cabrillo Unified School District reports that State maximum school fees on new residential development cover only about one-third of school facility costs. With a general state limit of about \$1.90 per square foot for new houses (with exceptions only for fees which may be negotiated for projects requiring special legislative approvals), that translates into a school district loss of \$3.80 per square foot, or \$9,500 for a 2,500 square-foot house.
- (g) Character: Mounting growth pressures endanger Half Moon Bay's remaining open spaces. Development densities currently allowed for several large, undeveloped tracts in the City threaten the community's character with destruction of important coastal, rural, and hillside views.

#### SECTION 3: ANNUAL LIMITS ON NEW DWELLING UNITS

- (1) The Local Coastal Program and Land Use Plan of the City of Half Moon Bay, Chapter 9, Section 9.4, is amended to read as follows:

##### Section 9.4 Residential Growth Limitations

- (a) The number of dwelling units which the City may authorize each calendar year may not exceed the number of units which would result in a growth of one percent (1%) in the City's population as of January 1 of that year. In determining the number of permissible units, the City shall use the most recent United States Census figures for Half Moon Bay to calculate the average number of persons per household.
- (b) The number of dwelling units authorized each year under subsection (a) may be increased by fifty percent (50%) for additional dwelling units in the Downtown Area.
- (c) Applications for new units from areas of the City outside the Downtown Area shall have priority for one-half (1/2) of the units authorized under subsection (a). If fewer applications are received, the remainder of these units may be authorized in the Downtown Area.
- (d) Subject to subsections (b) and (c), the City shall allocate permissible dwelling units among applications under the existing allocation system in the Municipal Code, to the extent feasible, and subsequent modifications by the City Council.
- (e) The limitations in this Section shall not apply to replacement of existing dwelling units on a one-for-one basis, nor shall it apply to density bonuses for the provision of low and moderate income housing to the extent required by State law.
- (f) The Downtown Area is the area designated as the Downtown Half Moon Bay Redevelopment Survey Area in City Resolution No. C-91-98, November 3, 1998.

- (2) The Zoning Code of the City, Section 18.04.010, is amended to read as follows:

##### Section 18.04.010: Maximum Number of New Dwellings

- A. The number of dwelling units which the City may authorize to be built each calendar year shall not exceed the number of units which would result in a growth of one percent (1%) in the City's population as of January 1 of that year. In determining the number of permissible units, the City shall use the most recent U.S. Census figures for Half Moon Bay to calculate the average number of persons per household.
- B. The number of dwelling units authorized each year under subsection A. may be increased by fifty percent (50%) for additional dwelling units in the Downtown Area.
- C. Applications for new units from areas of the City outside the Downtown Area shall have priority for one-half of the units authorized under subsection A. If fewer applications are received, the remainder of these units may be authorized in the Downtown Area.
- D. Subject to subsections B. and C., the City shall allocate permissible dwelling units among applications on the basis of the existing allocation system in Municipal Code Section 1730 or a subsequently modified allocation system.



# CITY OF HALF MOON BAY

E. The "Downtown Area" is the area designated as the Downtown Half Moon Bay Redevelopment Survey Area in City Resolution No. C-91-98, November 3, 1998.

- (3) Section 18.04.030 of the Zoning Code is amended to read:

## Section 18.04.030: Exempt Developments

The limitations in Section 18.04.010 shall not apply to:

- A. Replacement of existing dwelling units on a one-for-one basis.
- B. Density bonuses for the provision of low and moderate income housing as required by State law.

## SECTION 4: OPEN SPACE RESERVE PRESERVATION.

- (1) Section 18.11.020 2 b of the Zoning Code is amended to read as follows:

**2b. Single-Family.** On lands in the Open Space Reserve Districts (as demarcated on the City's Land Use Plan Map on May 15, 1999), one dwelling is permitted on each 50 acres of land, subject to the approval of a Use Permit in each case. North of Highway 92, and south of Highway 92 above the one hundred and thirty (130) foot elevation line, two or more dwellings on a parcel or contiguous parcels in common ownership on May 15, 1999, shall be clustered on contiguous lots or parcels, not to exceed one acre each, as near as possible to existing development, to minimize harmful impact on natural and visual resources.

- (2) The numbers in the Table B, Section 18.11.025 of the Zoning Code shall be changed to comply with Section 18.11.020 2b as amended by this Section.

- (3) Section 18.11.035 of the Zoning Code is amended by adding at the end:

Provided further, Open Space Reserve lands (as demarcated on the City's Land Use Plan Map on May 15, 1999) north of Highway 92, and south of Highway 92 above the one hundred and thirty (130) foot elevation line, may not be approved for development, except as authorized by Section 18.11.020 2b, as amended by this Section, or as "allowed by Zoning" without a use permit under Section 18.11.015 (Table A) on May 15, 1999, or except to the extent approved by the voters of Half Moon Bay at a regularly scheduled election.

## SECTION 5: ANNEXATIONS

Any land annexed to the City after May 15, 1999 shall be subject to the same zoning and other prohibitions, restrictions and conditions on use or development as applied to the land on May 15, 1999 under County jurisdiction, except as approved by a majority of the voters of the City.

## SECTION 6: DUTIES OF CITY OFFICIALS

It is the intent of the people of Half Moon Bay that the provisions of this initiative ordinance be carried out in full good faith and diligently by the City Council and other officials of the City.

## SECTION 7: GENERAL PLAN CONSISTENCY.

If any provision in the General Plan, zoning ordinance or other ordinances or resolutions of the City of Half Moon Bay is inconsistent with this ordinance, that provision is superseded and nullified to the extent, but only to the extent, that it is inconsistent. The population, housing and job projections in the General Plan, including but not limited to citywide totals and allocations to areas and to income levels, are amended to be consistent with this ordinance. Accordingly, City officials shall make necessary calculations and change the numbers in the Plan.

## SECTION 8: CONSISTENCY WITH FEDERAL AND STATE LAW.

The provisions of this ordinance are not applicable to the extent, but only to

the extent, that it is judicially determined that they would violate the constitution or law of the United States or the State of California. The provisions shall not be applied to deprive any person of constitutional or other legal rights. To the extent that a provision or provisions of this ordinance are not applicable because of this section, then the minimum development required by law which is most consistent with the provisions and purposes of this proposed ordinance shall be permitted by the City Council.

## SECTION 9: EFFECTIVE DATES.

This ordinance shall become effective according to statute, except if all of the General Plan amendments allowed by law during the year in which the ordinance is enacted have been made, the provisions of the ordinance shall be operative on January 1 of the following year.

## SECTION 10: AMENDMENT.

This ordinance shall not be amended or repealed except by a majority vote of the people of Half Moon Bay.

## SECTION 11: SEVERABILITY.

If any provision or application of this ordinance is held to be invalid, the invalidation shall not affect the validity of any other provision or the application of any provision. The voters of Half Moon Bay expressly declare that this ordinance and each section, sentence, clause and phrase hereof would have been prepared, adopted, and approved irrespective of the fact that one or more other sections, sentences, clauses or phrases is declared unconstitutional or otherwise violative of law.

# IMPARTIAL ANALYSIS OF MEASURE D

"In 1991, the people of Half Moon Bay adopted Measure A. Measure A amended the General Plan and Zoning Ordinance to limit the construction of new dwelling units to a number which would limit annual population growth to no more than three percent. Measure A also provides limited exceptions. Measure A also required the City Council to adopt an Allocation System. After adoption, the Measure was approved by the California Coastal Commission and is part of the City's Local Coastal Program. This proposed measure would, if adopted by the people and approved by the Coastal Commission, amend provisions of the City's land use regulations including some of the provisions of Measure A.

This measure limits construction of new dwelling units to a number which will result in population growth of no more than one percent annually. It permits the amount of annually permitted dwelling units to increase by fifty percent in the "Downtown Area." The "Downtown Area" is that area approved as a redevelopment survey area by the City in November 1998.

Measure A required the adoption of an Allocation System to implement its provisions. This measure provides that that allocation system, or a subsequently modified one, would be used to allocate each year's authorized units. The measure modifies the allocation system so that priority for one-half of the dwelling units authorized each year would go to new units built outside the Downtown Area; if fewer applications are received than necessary to satisfy this priority, remaining unused priority units can be authorized in the Downtown Area.

The maximum annual residential growth limit would not apply to one-for-one replacement of existing dwellings, nor would it apply to bonus dwellings authorized by state law as a result of the construction of low and moderate income housing.

The measure would also adopt new zoning regulations pertaining to all Open Space Reserve (OSR) zoned parcels north of Highway 92, and those located above the 130 foot elevation line south of Highway 92. The new

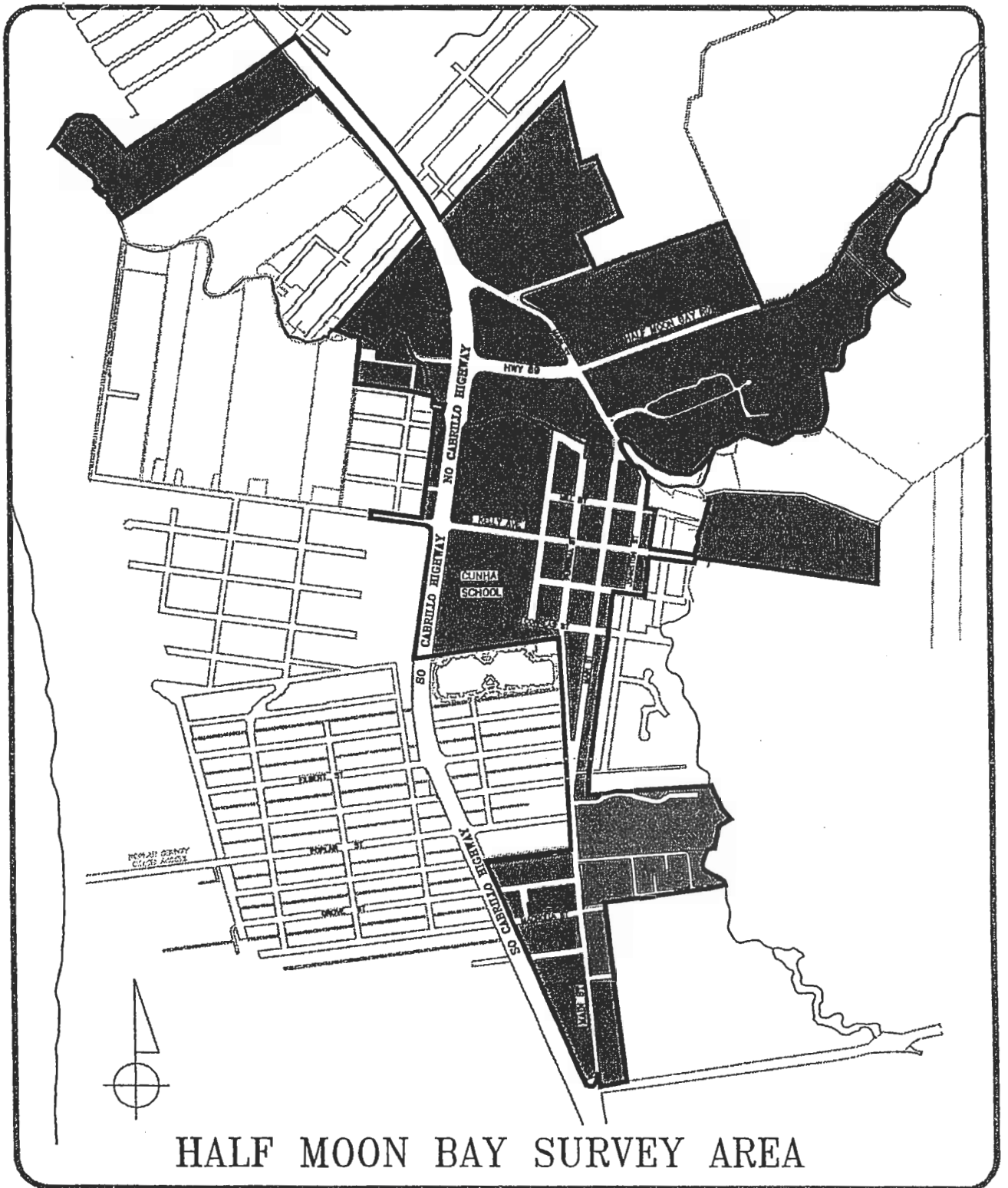


Figure 1: Downtown Half Moon Bay Redevelopment Survey Area,  
City Resolution No. C-91-98

**RESOLUTION NO. 60-05****A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF HALF MOON BAY  
AMENDING POLICY 9.4 (RESIDENTIAL GROWTH LIMITATIONS)  
OF THE CITY'S LOCAL COASTAL PROGRAM LAND USE PLAN**

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**RECITALS**

WHEREAS, the People of Half Moon Bay adopted Measure A, "The Half Moon Bay Residential Growth Initiative" in 1991. Pursuant to Section 5 of that Measure, the City Council adopted Ordinance 3-94, adding Chapter 17.06 to the Half Moon Municipal Code, establishing a "Residential Dwelling Unit Building Permit Allocation System." The Coastal Commission later certified both Measure A and Ordinance 3-94, and thus both are a part of the City's Certified Local Coastal Program (LCP). Policy 9.4 was added to the LCP in 1993, for consistency with Measure A.

WHEREAS, in 1999, the People of Half Moon Bay adopted Measure D, amending Half Moon Bay's Annual Dwelling Unit Allocation limitations. Pursuant to Measure D, the City of Half Moon Bay, upon certification of LCP amendments by the California Coastal Commission, will limit residential growth to that number of new dwelling units that will result in a population growth of no more than one percent annually. The Measure also permits the amount of annually permitted dwelling units to increase by fifty percent in the "Downtown Area." The "Downtown Area" is that area approved as a redevelopment survey area by the City in November 1998.

WHEREAS, Measure D instructs the City to allocate annual growth in accordance with the provisions of Ordinance 3-94, "to the extent feasible", "or a subsequently modified system."

WHEREAS, in a separate but related action to this amendment of Policy 9.4, the City Council on November 3, 2005 plans to adopt Ordinance No. 05-05, by which the City will implement Measure D by amending Chapters 17.06 and 18.04 of the Half Moon Bay Municipal Code.

WHEREAS, the proposed amendment to Policy 9.4 is necessary to implement Measure D, to maintain consistency between the City's LCP (its General Plan) and the amendments to Chapters 17.06 and 18.04, as required by the California Planning and Zoning Law and the California Coastal Act. In addition, the proposed amendment to Policy 9.4 includes only those changes necessary to conform the LCP to Measure D, as approved by voters.

WHEREAS, the City is committed to implementing Measure D in a manner that is consistent with Coastal Act policies for concentrating urban development and with residential build-out priorities established in the Measure A process.

### **DECISION**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Half Moon Bay hereby:

1. Amends Policy 9.4 of the City's Local Coastal Program Land Use Plan as follows (including the attached Downtown Half Moon Bay Redevelopment Survey Area Map, attached to this Resolution and incorporated herein):

#### **POLICY 9.4: Residential Growth Limitations**

- (a) The number of dwelling units which the City may authorize each calendar year may not exceed the number of units which would result in a growth of one percent (1%) in the City's population as of January 1 of that year. In determining the number of permissible units, the City shall use the most recent US Census figures for Half Moon Bay to calculate the average number of persons per household.
- (b) The number of dwelling units authorized each year under subsection (a) may be increased by fifty percent (50%) for additional dwelling units in the Downtown Area.
- (c) Applications for new units from areas of the City outside the Downtown Area shall have priority for one half (1/2) of the units authorized under subsection (a). If fewer applications are received, the remainder of these units may be authorized in the Downtown Area.
- (d) Subject to subsections (b) and (c), the City shall allocate permissible dwelling units among applications under the existing allocation system in the Municipal Code, to the extent feasible, and subsequent modifications by the City Council.
- (e) The limitations in this Section shall not apply to replacement of existing dwelling units on a one-for-one basis; nor shall it apply to density bonuses for the provision of low and moderate income housing to the extent required by State law.
- (f) The Downtown Area is the area designated as the Downtown Half Moon Bay Redevelopment Survey Area in City Resolution No. C-91-98, November 3, 1998.

#### **9.4 — Residential Growth Limitation**

- a. ~~The number of new dwelling units which the City may authorize to be built annually may not exceed the number of units necessary for an annual population growth rate not greater than three percent (3%). In setting the maximum number of new dwelling units permitted each year, the City shall use the most recent U.S. Census for determining the average number of persons per household.~~
- b. ~~To the extent feasible, new residential development shall provide dwelling units for low and moderate income persons.~~

~~C. The following developments shall be exempt from the limitation in subsection 9.4(a):~~

- ~~1. Replacement of existing units on a one-for-one basis;~~
- ~~2. Density bonuses for the provision of low or moderate income dwelling units as required by State law.~~

2. Finds that this Resolution is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15268 of the CEQA Guidelines (Title 14 of the California Code of Regulations, Sections 15000, et seq.), in that the Resolution is a non-discretionary action by the City to implement a voter-sponsored initiative (i.e., Measure D), and is designed to solely implement the land use policy decisions already reflected in Measure D.

3. Finds that the foregoing amendment to Policy 9.4 constitutes an amendment to the City of Half Moon Bay's Local Coastal Program and, upon certification by the Coastal Commission, an amendment to the City of Half Moon Bay General Plan, directs the City Clerk to transmit a copy of this Resolution to the California Coastal Commission for certification, and certifies that the Local Coastal Program, as amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act.

4. Resolves that this Resolution shall take effect immediately after the LCP amendment to Policy 9.4 has been certified by the California Coastal Commission and, in the event that the Coastal Commission certifies the LCP amendment subject to certain modifications, the LCP amendment shall not be effective until the modifications have been approved and adopted by this City Council and confirmed in writing by the executive director of the California Coastal Commission.

5. Resolves that, notwithstanding Section 4 of this Resolution, the amendment to Policy 9.4 is not intended to go into effect unless and until such time as the California Coastal Commission also certifies the amendment to Chapters 17.06 and 18.04, amended pursuant to Ordinance No. 05-05 on November 3, 2005.

\* \* \* \* \*

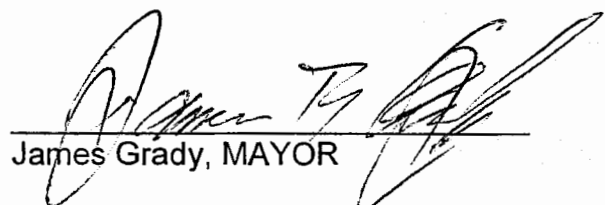
**PASSED AND ADOPTED** by the City Council of the City of Half Moon Bay at a meeting held on the 3rd day of November, 2005, by the following vote:

**AYES:** Ferreira, Fraser, Gorn & Mayor Grady

**NOES:**

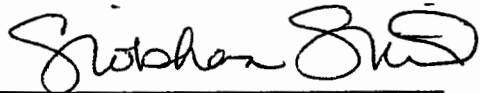
**ABSENT:** Taylor

**ABSTAIN:**

  
James Grady, MAYOR

I hereby certify that the foregoing is a full, true, and correct copy of a resolution duly passed and adopted by the City Council of the City of Half Moon Bay, San Mateo County, California, at a meeting thereof held on the 3rd day of November, 2005.

**ATTEST:**

A handwritten signature in black ink, appearing to read "Stephen J. Smith", written over a horizontal line.

City Clerk

788945\_1

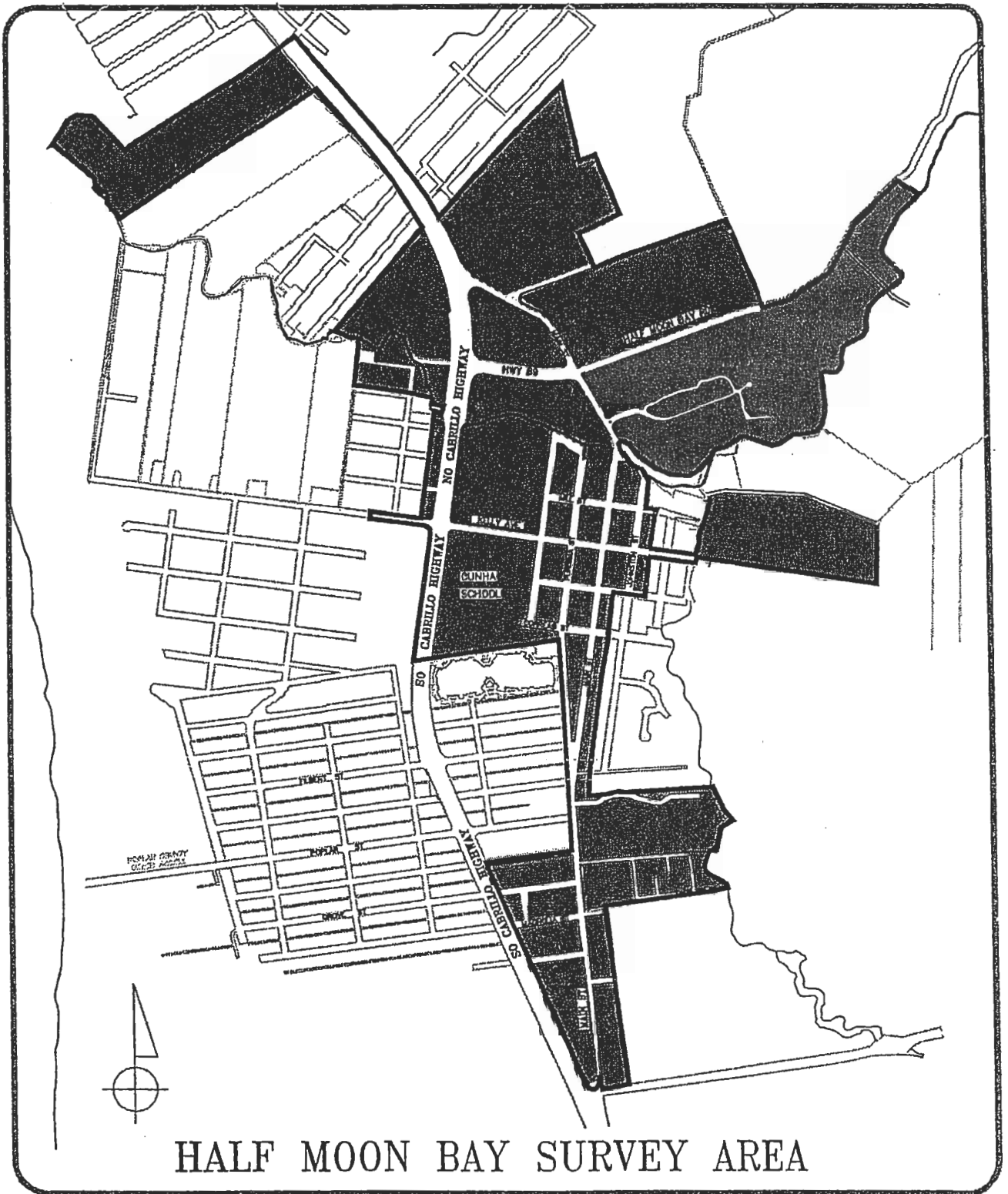


Figure 1: Downtown Half Moon Bay Redevelopment Survey Area,  
City Resolution No. C-91-98

## ORDINANCE NO. 05-05

**An Ordinance of the City of Half Moon Bay  
Amending Half Moon Bay Municipal Code  
Chapter 17.06, "Residential Dwelling Unit Building Permit Allocation System"  
and Chapter 18.04, "Residential Growth Limitations"**

The City Council of the City of Half Moon Bay does ordain as follows:

**Section 1. Background and Purpose.** The People of Half Moon Bay adopted Measure A, "The Half Moon Bay Residential Growth Initiative" in 1991. Pursuant to Section 5 of that Measure, the City Council adopted Ordinance 3-94, adding Chapter 17.06 to the Half Moon Municipal Code, establishing a "Residential Dwelling Unit Building Permit Allocation System." The Coastal Commission later certified both Measure A and Ordinance 3-94, and thus both are a part of the City's Certified Local Coastal Program (LCP).

In 1999, the People of Half Moon Bay adopted Measure D, amending and further restricting Half Moon Bay's Annual Dwelling Unit Allocations. Pursuant to Measure D, the City of Half Moon Bay will, upon certification of Measure D by the California Coastal Commission, restrict residential growth to that number of new dwelling units that will result in a population growth of no more than one percent annually. The Measure also permits the amount of annually permitted dwelling units to increase by fifty percent in the "Downtown Area." The "Downtown Area" is that area approved as a redevelopment survey area by the City in November 1998.

Measure D instructs the City to allocate annual growth in accordance with the provisions of Ordinance 3-94, "to the extent feasible", "or a subsequently modified system."

The City's recent analysis in reviewing and updating other provisions of the LCP has confirmed and provided further evidence in support of both the findings made in Measure D, and for the metering of growth that Measure D requires.

**Section 2. Amendment of Chapter 17.06.** Chapter 17.06 of the Half Moon Bay Municipal Code is hereby amended as follows (note: the following contains excerpts from chapter 17.06 only where changes are proposed to implement Measure D. Sections not listed herein are not changed by this Ordinance):

## CHAPTER 17.06

## Residential Dwelling Unit Building Permit Allocation System Ordinance

17.06.005 Purpose and Intent.



A. The stated purpose of Adopting this Ordinance and Residential Building Permit Allocation System is to implement the policies and guidelines of the City of Half Moon Bay as established by the General Plan, its Elements, and the Local Coastal Program Land Use Plan, based upon the mandate of Measure A and Measure D, the Residential Growth initiatives. This purpose is to be accomplished by City control of the rate and quality of future development on a year to year basis...

B. The stated intent of adopting this Ordinance and Residential Dwelling Unit Building Permit Allocation System is to:

1. Establish procedures and criteria for the allocation of Building Permits for new residential units in the City of Half Moon Bay.

2. Establish procedures for the review of all new residential development proposals by all City Departments and any affected outside agency to ensure that all new residential development meets and addresses the needs of both existing and future residents.

3. Ensure that the City of Half Moon Bay retains control over the rate and quality of all new residential development in order to:

i. preserve the quality of life in the community;

ii. protect and enhance the available public and private open space and parks and recreation facilities and opportunities;

iii. ensure that adequate public school facilities will be available to serve new development;

iv. provide for the orderly development of the City at a rate of population growth that does not exceed a maximum of ~~34-18~~ plus the allocation for the Downtown Area annually as mandated by Measure A D, the Residential Growth Limitation Initiative and as provided for herein, while addressing the housing needs of all economic segments of the community; and

v. protect the health and safety of existing and future residents by controlling the rate of future residential growth in the City during periods of infrastructure capacity constraints, particularly those related to water supply, sewage treatment capacity, school facilities, open space, parks, and streets and highways...

17.06.015 Exemptions. ~~The following residential projects shall be exempt from the dwelling unit limitations of this chapter shall not apply to: and procedures specified herein.~~

A. Replacements of existing dwelling units on a one-for-one basis.

B. ~~Units provided pursuant to State of California Density Bonuses for the provision of low and moderate income housing as required by State Law.~~

C. ~~Any "Second Dwelling Unit" as defined in Chapter 18.57 of the Half Moon Bay Municipal Code or the California Government Code.~~

~~D. Any residential development with a Development Agreement adopted prior to May 21, 1991.~~

~~E. Any residential development for which a Vesting Tentative Map is either in process or has been approved prior to May 21, 1991.~~

17.06.020 Establishment of Number of Building Permits to be Allocated Annually.

A. The number of dwelling units which the City may authorize to be built each calendar year shall not exceed the number of units which would result in a growth of one percent (1%) in the City's population as of January 1 of that year. In determining the number of permissible units, the City shall use the most recent U.S. Census figures for Half Moon Bay to calculate the average number of persons per household.

B. The number of dwelling units authorized each year under subsection A may be increased by fifty percent (50%) for additional dwelling units in the Downtown Area.

C. Applications for new units from areas of the City outside the Downtown Area shall have priority for one-half of the units authorized under subsection A. If fewer applications are received, the remainder of these units may be authorized in the Downtown Area.

D. Subject to subsections B and C, the City shall allocate permissible dwelling units among applications on the basis of the existing allocation system in the Municipal Code section 17.06 or a subsequently modified allocation system.

E. The "Downtown Area" is the area designated as the Downtown Half Moon Bay Redevelopment Survey Area in the City Resolution No. C-91-98, November 3, 1998. A copy of that map is reproduced in a reduced format following this section (Figure 1).

A F. The City Council, by Resolution, shall establish the maximum number of new dwelling units for which Building Permits may be issued under each Category of residential projects in the upcoming calendar year in accordance with the procedures and methodology established herein prior to December 31 of the preceding year. When applying the formula to establish the annual maximum number of new dwelling units for which Building Permits may be issued in each Category, in those cases where a fraction of a dwelling unit occurs, any fraction less than 0.5 shall be rounded down to the nearest whole number; any fraction of 0.5 or more is rounded up to the next whole number.

B G. The number of new dwelling units for which Building Permits may be issued shall be based upon a maximum annual increase in population of ~~three~~ one percent (~~3~~ 1%) using the most recent U.S. Census figures.  
~~The formula and base data is as follows:~~

~~————— 1990 Base Population: 8,886 persons~~

~~————— 1990 Dwelling Unit Count: 3,402 dwellings~~

~~1990 Persons per Household: 2.61~~

~~Building Permits Issued in 1990: 75~~

~~1991 Allocation: 104 new dwelling units.~~

~~Building Permits Issued in 1991: 31~~

~~1992 Allocation: 105 new dwelling units~~

~~Building Permits Issued in 1992: 22~~

~~1993 Allocation: 106 new dwelling units~~

© H. In establishing the number of Building Permit Allocations for new residential units in the upcoming year, the City Council shall also consider:...

© I. 1. The City recognizes that since the adoption of Measure A by the voters in May of 1991 there has been a sewer moratorium severely limiting any new residential development. The population growth rate in the City has and will be substantially less than 3% until the sewer plant expansion comes on line. The sewer plant expansion is projected to now be in 1996. As a result there has been an inability of the City to meet its Housing Goals under the Housing Element of its General Plan, including its share of regional housing and the construction of affordable housing. In addition, there has been an economic hardship for those owning property who have been unable to build due to the sewer moratorium...

6. Notwithstanding the provisions of this Section, the City shall limit pro rata the Allocations for Infill and New Residential Projects in any year where the allowance of such units would result in exceeding a ~~3~~ 1% population growth rate since the adoption of Measure A-D in May November of ~~1991~~ 1999.

#### 17.06.025 Emergency Situations.

A. In the event the City Council determines that an emergency situation directly effecting the health and safety of the residents of the City of Half Moon Bay exists due to a lack of available sewage treatment capacity, available water for domestic purposes or for fire suppression, or that roadway capacity is not available to accommodate new residential development, or any other endangerment to the public health or safety, the City Council may adopt a Resolution establishing the necessity for setting the number of residential building permit allocations in the upcoming year at less than 3 1% plus the allocation for the Downtown Area. The Resolution establishing the emergency shall clearly identify the specific nature and extent of the emergency situation and its effect on the health and safety of the residents of the City...

B. If it is determined that there shall be no Building Permit allocations for the upcoming year due to health and safety reasons, the

City Council shall adopt an Urgency Ordinance in accordance with the applicable Sections of the California Government Code.

17.06.120 Distribution of Residential Infill Project Allocations...

F. Allocations for Building Permits shall be awarded to the Applicants receiving the highest number of points. Consistent with subsection 17.06.020.C, after all applications under subsection 17.06.020.A are ranked, only those applications from areas outside the Downtown Area shall be awarded allocations until one-half of the allocations in this category, taking into account the location of any allocations made to new residential projects, have been made. Thereafter, the remaining Aallocations for Building Permits shall be awarded to the Applicants receiving the highest number of points (maximum available 45 + 2) in descending order of the total points awarded until the total number of allocations for this each category of section 17.06.020 has have been exhausted.

**Section 3. Amendment of Chapter 18.04.** Chapter 18.04 is hereby amended to read as follows:

**CHAPTER 18.04**

**Residential Growth Limitations**

**SECTIONS:**

- 18.04.010 Maximum Number of New Dwellings
- 18.04.020 Low and Moderate Income Housing
- 18.04.030 Exempt Developments

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

A. The number of dwelling units which the City may authorize each calendar year shall not exceed the number of units which would result in a growth of one percent (1%) in the City's population as of January 1 of that year. In determining the number of permissible units, the City shall use the most recent US Census figures for Half Moon Bay to calculate the average number of persons per household.

B. The number of dwelling units authorized each year under subsection A. may be increased by fifty percent (50%) for additional dwelling units in the Downtown Area.

C. Applications for new units from areas of the City outside the Downtown Area shall have priority for one half (1/2) of the units authorized under

subsection A. If fewer applications are received, the remainder of these units may be authorized in the Downtown Area.

D. Subject to subsections B. and C., the City shall allocate permissible dwelling units among applications on the basis of the existing allocation system in Municipal Code Section 17.06, or a subsequently modified allocation system.

E. The "Downtown Area" is the area designated as the Downtown Half Moon Bay Redevelopment Survey Area in City Resolution No. C-91-98, November 3, 1998.

18.04.020 Low and Moderate Income Housing. To the extent feasible, new residential development must provide dwelling units for low and moderate income persons.

18.04.030 Exempt Developments. ~~The following developments are exempt from the limitation of this Chapter~~ The limitations in Section 18.04.010 shall not apply to:

A. Replacement of existing dwelling units on a one-for-one basis.

B. Density bonuses for the provision of low and moderate income ~~dwelling units~~ housing as required by state law.

**Section 4. Downtown Survey Map.** Chapter 18.04 is further amended to include the Downtown Half Moon Bay Redevelopment Survey Area Map specified in section 17.06.020.E. (Figure 1)

**Section 5. Compliance with California Environmental Quality Act.** The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15268 of the CEQA Guidelines (Title 14 of the California Code of Regulations, Sections 15000, et seq.), in that the Ordinance is a non-discretionary action by the City to implement a voter-sponsored initiative (i.e., Measure D), and is designed to solely implement the land use policy decisions already reflected in Measure D.

**Section 6. Consistency with Local Coastal Program Land Use Plan**

This Ordinance is consistent with the City's LCP Land Use Plan, as amended by Resolutions 60-05, 61-05, 62-05 and 63-05.

**Section 7. Submission to California Coastal Commission for Certification.** The foregoing amendments to Chapters 17.06 and 18.04 constitute an amendment to the City of Half Moon Bay's Local Coastal Program. 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 certifies 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 8. Effective Date.** This Ordinance shall take effect 30 days after the date of its final passage, except that the Local Coastal Program amendment set forth in Sections 2, 3 and 4 of this Ordinance shall not take effect until the amendment has been certified by the California Coastal Commission and, in the event that the Coastal Commission certifies the LCP amendment subject to certain modifications, the LCP amendment shall not be effective until the modifications have been approved and adopted by this City Council and confirmed in writing by the executive director of the California Coastal Commission.

**Section 9. Severability.**

A. Subject to subsection B below, if any provision or application of this Ordinance is declared invalid, unconstitutional or otherwise violative of law (collectively, "*invalid*"), the invalidation shall not affect the validity, or application, of any other provision of this Ordinance. The City Council expressly declares that this Ordinance and each section, sentence, clause, and phrase contained within it would have been prepared, adopted, and approved irrespective of the fact that one or more other sections, sentences, clauses or phrases is declared invalid.

B. The City's amendment of Chapter 17.06 in Section 2 of this Ordinance is not severable from the provisions of this Ordinance or Measure D, which establish the maximum number of dwelling units that may be authorized to be built in the City each calendar year. Should any judicial act or proceeding invalidate any provision of this Ordinance or Measure D, which establish the maximum number of dwelling units that may be authorized to be built in the City each calendar year, (i) the City hereby requests and expresses its intent that Section 2 of this Ordinance also be invalidated so as to reactivate, without further action by the City, Chapter 17.06 and (ii) in such event, the City hereby finds and declares, by adoption of this Ordinance, that:

- (1) An emergency situation exists under Section 17.06.025 of the Half Moon Bay Municipal Code with regard to specific traffic, water supply, and municipal service conditions;
- (2) These conditions directly impact the health and safety of the residents of the community; and
- (3) To lessen the threat to the public's health and safety created by these conditions, it is necessary, reasonable and prudent for the City to establish the following limitation on the authorization of new dwellings:

The number of dwelling units that the City may authorize may not exceed the number of units that would result in a growth of one percent (1%) in the City's population as of January 1 of that year. This limitation does not apply to the replacement of existing dwelling units on a one-to-one basis,

or density bonuses granted for the provision of low and moderate-income housing as required by State law.

- (4) The City finds that the traffic, water supply and municipal service conditions which necessitate the City's enactment of the residential building permit limitation described in (3) are as follows:

**a. Traffic/roadway capacity.** State Highways 1 and 92, which serve as the major transportation routes to and from the City, experience prolonged gridlock for several hours a day. City residents who must drive these roads to work, school, and other destinations endure the worst level of traffic service possible, level of service "F," according to a 1997 traffic study performed by the San Mateo City and County Association of Governments. No highway capacity improvements are currently planned by Caltrans, so the problems of highway gridlock and traffic safety are anticipated to grow in severity as new development occurs.

**b. Water supply.** The City does not have a guaranteed supply of water to serve all future residents during times of water shortage. The City's future water supply depends on the City's ability to obtain water from the Crystal Springs Pipeline, but dependence on this source is precarious because the City of San Francisco has the right to limit the City's use of this water during times of shortage.

**c. Residential services.** Because property taxes generated by residential development do not cover the cost of the City providing basic services to residential properties, and because the availability of City resources for such services is limited, unchecked residential growth rates will create a public health and safety crisis by jeopardizing the City's ability to provide adequate services and facilities to meet the needs of its residents.

INTRODUCED this 18th day of October, 2005.

PASSED AND ADOPTED this 3rd day of November 2005 by the following vote:

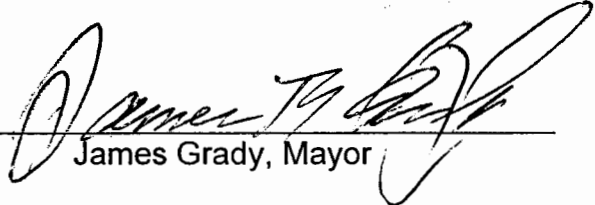
AYES, and in favor thereof,  
Councilmembers:

AYES, Councilmembers: Ferreira, Fraser, Gorn & Mayor Grady

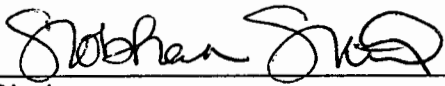
NOES, Councilmembers: \_\_\_\_\_

ABSTAIN, Councilmembers: Taylor

ABSENT, Councilmembers: \_\_\_\_\_

  
James Grady, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

787428\_1



**CHAPTER 17.06**  
**RESIDENTIAL DWELLING UNIT BUILDING PERMIT ALLOCATION**  
**SYSTEM**

- 17.06.005 Purpose and intent.**
- 17.06.010 Applicability.**
- 17.06.015 Exemptions.**
- 17.06.020 Establishment of number of building permits to be allocated annually.**
- 17.06.025 Emergency situations.**
- 17.06.030 Establishment of allocation system.**
- 17.06.035 Amendments to the established residential dwelling unit building permit allocation system.**
- 17.06.040 Processing fee established**
- 17.06.045 Fiscal impact analysis required.**
- 17.06.050 Timing of building permits issued pursuant to this title.**
- 17.06.055 Development phasing plans and agreements.**
- 17.06.060 Timely performance required.**
- 17.06.065 Priority established for residential infill projects.**
- 17.06.100 Residential infill projects—Defined.**
- 17.06.105 Annual allocation for residential infill projects.**
- 17.06.110 Application form for residential infill projects.**
- 17.06.115 Application period for residential infill projects.**
- 17.06.120 Distribution of residential infill project allocations.**
- 17.06.125 Appeal of distribution of residential infill project allocations.**
- 17.06.200 New residential projects—Defined.**
- 17.06.205 Annual allocations for new residential projects.**
- 17.06.210 Initial consultation required.**
- 17.06.215 Application form for new residential projects.**
- 17.06.220 Application period for new residential projects.**
- 17.06.225 Evaluation and allocation procedures based upon design and amenity criteria and contribution to public facilities.**
- 17.06.230 Water.**
- 17.06.235 Sewer.**

**Exhibit 5. City of Half Moon Bay Zoning Code Chapter 17.06**  
**(City Revisions shown in Strikeout and Underline, CCC Mods shown in Double Strikeout and Double Underline)**

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- 17.06.240     Drainage.
- 17.06.245     Schools
- 17.06.250     Fire protection.
- 17.06.255     Police department services.
- 17.06.260     Streets, state highways, and pedestrian improvements and amenities.
- 17.06.265     Open space.
- 17.06.270     Park and recreation facilities.
- 17.06.275     Housing.
- 17.06.280     Architectural design and landscaping.
- 17.06.285     Planning commission review of points awarded and building permits allocated.
- 17.06.290     Appeals.

**17.06.005 Purpose and Intent.**

A. The stated purpose of adopting the ordinance codified in this title and residential building permit allocation system is to implement the policies and guidelines of the city as established by the general plan, its elements, and the local coastal program land use plan, based upon the mandate of ~~measure A and measure D~~, the residential growth initiative. This purpose is to be accomplished by city control of the rate and quality of future development on a year-to-year basis.

B. The stated intent of adopting the ordinance codified in this title and residential dwelling unit building permit allocation system is to:

1. Establish procedures and criteria for the authorization of building permit allocations ~~of building permits~~ for new residential units in the city;
2. Establish procedures for the review of all new residential development proposals by all city departments and any affected outside agency to ensure that all new residential development meets and addresses the needs of both existing and future residents;
3. Ensure that the city retains control over the rate and quality of all new residential development in order to:
  - i.. Preserve the quality of life in the community;
  - ii.. Protect and enhance the available public and private open space and parks and recreation facilities and opportunities;
  - iii. Ensure that adequate public school facilities will be available to serve new development;

**Exhibit 5. City of Half Moon Bay Zoning Code Chapter 17.06**  
**(City Revisions shown in Strikeout and Underline, CCC Mods shown in Double**  
**Strikeout and Double Underline)**

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- iv. Provide for the orderly development of the city at a rate of population growth that does not exceed a maximum, annually, of ~~three percent~~ one percent plus the additional 50% allocation for dwelling units in the Downtown Area ~~annually~~ as mandated by measure ~~A~~ D, the residential growth limitation initiative and as provided for in this title, while addressing the housing needs of all economic segments of the community; and
- v. Protect the health and safety of existing and future residents by controlling the rate of future residential growth in the city during periods of infrastructure capacity constraints, particularly those related to water supply, road capacity, sewage treatment capacity, school facilities, open space, parks and streets and highways.

**17.06.010 Applicability.**

A. The provisions of this title shall apply to the ~~issuance~~ allocation of building permits for all new residential units. The following categories of new residential development are established:

~~A.1.~~ Residential infill projects as defined in Section 17.06.100;

~~B.2.~~ New residential projects as defined in Section 17.06.200. (Ord. 3-94 §1(part), 1994).

B. An applicant for new residential units shall apply for and obtain residential building allocations prior to submitting an application for a coastal development permit. After receiving a coastal development permit, the applicant may seek issuance of a building permit and shall submit a complete building permit application consistent with the provisions of section 17.06.050.

C. Pursuant to Section 18.20.070, a coastal development permit is required in order to undertake any development as defined in Public Resources Code Section 30106 and may be approved or conditionally approved only after the approving authority has made the necessary findings, including that the development is consistent with the local coastal program, and where applicable, the California Coastal Act, and that adequate services and infrastructure will be available to serve the development upon its completion. Receipt of a residential building allocation does not replace, supersede, or modify the independent requirement for a coastal development permit approved pursuant to the applicable policies of the Local Coastal Program and the Coastal Act.

**17.06.015 Exemptions.**

The following residential projects shall be exempt from the dwelling unit limitations of this chapter shall not apply to: and procedures specified herein:

A. Replacements of existing dwelling units on a one-for-one basis.

B. Units provided pursuant to State of California Density Bbonuses for the provision of low and moderate income housing as required by state ~~L~~law.

C. Any second dwelling unit as defined in Chapter 18.57 of this code or the California Government Code;

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~~D. Any residential development with a development agreement adopted prior to May 21, 1991;~~

~~E. Any residential development for which a vesting tentative map is either in process or has been approved prior to May 21, 1991.~~

**17.06.020 Establishment of number of building permits to be allocated annually.**

A. The number of dwelling units which the City may authorize to be built each calendar year shall not exceed the number of units which would result in a growth of one percent (1%) in the City's population as of January 1 of that year. In determining the number of permissible units, the City shall use the most recent U.S. Census figures for Half Moon Bay to calculate the average number of persons per household.

B. The number of dwelling units authorized each year under subsection A may be increased by fifty percent (50%) for additional dwelling units in the Downtown Area.

C. Applications for new units from areas of the City outside the Downtown Area shall have priority for one-half of the units authorized under subsection A. If fewer applications are received, the remainder of these units may be authorized in the Downtown Area.

D. Subject to subsections B and C, the City shall allocate permissible dwelling units among applications on the basis of the existing allocation system in the Municipal Code section 17.06 or a subsequently modified allocation system.

E. The "Downtown Area" is the area designated as the Downtown Half Moon Bay Redevelopment survey Area in the City Resolution No. C-91-98, November 3, 1998. A copy of that map is reproduced in a reduced format following this section (Figure 1).

~~A.F.~~ The city council, by resolution, shall establish the maximum number of new dwelling units for which building permits may be ~~issued~~ allocated under each category of residential projects in the upcoming calendar year in accordance with the procedures and methodology established in this title prior to December 31<sup>st</sup> of the preceding year. When applying the formula to establish the annual maximum number of new dwelling units for which building permits may be ~~issued~~ allocated in each category, in those cases where a fraction of a dwelling unit occurs, any fraction less than 0.5 shall be rounded down to the nearest whole number; any fraction of 0.5 or more is rounded up to the next whole number.

~~B.G. The number of new dwelling units for which building permits may be issued shall be based upon a maximum annual increase in population of three one percent using the most recent U.S. Census figures. The formula and base data is as follows:~~

~~1. 1990 base population: eight thousand eight hundred eighty six persons;~~

~~2. 1990 dwelling unit count: three thousand four hundred two dwellings;~~

~~3. 1990 persons per household: 2.61;~~

~~4. Building permits issued in 1990: seventy five;~~

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~~5. 1991 allocation: one hundred four new dwelling units;~~

~~6. Building permits issued in 1991: thirty one;~~

~~7. 1992 allocation: one hundred five new dwelling units;~~

~~8. Building permits issued in 1992: twenty two;~~

~~9. 1993 allocation: one hundred six new dwelling units.~~

C.H. In establishing the number of building permit allocations for new residential units in the upcoming year, the city council shall also consider:

1. The number of building permits allocated in the current year;
2. The number of building permits allocated in the preceding year but not necessarily issued;
3. The number of future building permit allocations awarded in accordance with a development phasing plan and agreement as provided for in section 17.06.055;
4. The information and data contained in the annual fiscal impact analysis as provided for in Section 17.06.045 fiscal impact analysis required.

~~D.I. 1. The city recognizes that since the adoption of measure A by the voters in May of 1991 there has been a sewer moratorium severely limiting any new residential development. The population growth rate in the city has and will be substantially less than three percent until the sewer plant expansion come on line. The sewer plant expansion is projected to now be in 1996. As a result, there has been an inability of the city to meet its housing goals under the housing element of its general plan, including its share of regional housing and the construction of affordable housing. In addition, there has been an economic hardship for those owning property who have been unable to build due to the sewer moratorium.~~

~~2. The city recognizes that there are approximately 400 +/- residential units from development under existing vesting tentative maps that are exempt from measure A and this title. It is anticipated that the vesting tentative map developments will come forward rapidly after the sewer permits become available (in 1996 or later).~~

~~3. There is a need, due to the circumstances stated, to allow infill residential units and new residential projects to obtain some level of development when the sewer plant expansion comes on line.~~

~~4. Therefore, under the allocation plan, the city will allow the following residential development subject to this title in the four years immediately after the sewer plant expansion comes on line:~~

~~a. Infill residential units: one third of the total units derived each year from the allocation computation under Section 17.06.020, Establishment of number of building permits allocated annually;~~

~~b. New residential projects: one third of the total units derived each year from the allocation computation under Section 17.06.020;~~

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~~e. There shall be no further allocations allowed in any year in which the number of residential units from the vesting tentative maps that apply for a building permit exceeds the remaining one third of the total of the units derived each year from the allocation computation under Section 17.06.020.~~

~~5. The city council finds, that even with the interim policy established hereunder for infill and new residential projects, the three percent population growth policy under measure A will have been met for the period of time from adoption of measure A in May of 1991. At the end of the said four year period under this section, new units from projects with vesting tentative maps shall be deducted annually from the total annual allocation number calculated under Section 17.06.020.~~

~~6. Notwithstanding the provisions of this section, the city shall limit pro rata the allocations for infill and new residential projects in any year where the allowance of such units would result in exceeding a three one percent population growth rate since the adoption of measure A D in May November of 1991 1999.~~

**17.06.025 Emergency situations.**

A. In the event the city council determines that an emergency situation directly affecting the health and safety of the residents of the city exists due to a lack of available sewage treatment capacity, available water for domestic purposes or for fire suppression, or that roadway capacity is not available to accommodate new residential development, or any other endangerment to the public health or safety, the city council may adopt a resolution establishing the necessity for setting the number of residential building permit allocations in the upcoming year at less than three percent 1 percent plus the allocation for the Downtown Area. The resolution establishing the emergency shall clearly identify the specific nature and extent of the emergency situation and its effect on the health and safety of the residents of the city.

B. If it is determined that there shall be no building permit allocations for the upcoming year due to health and safety reasons, the city council shall adopt an urgency ordinance in accordance with the applicable sections of the California Government Code.

**17.06.030 Establishment of allocation system.**

A. The city council shall establish criteria and a system to review and allocate building permits for all new residential units subject to the provisions of this title.

B. When an application for a residential dwelling unit building permit allocation has been accepted as complete by the planning director, the application shall be subject to the provisions of this title that were in effect at that time.

C. The provisions of subsection B of this section shall not apply to the number of allocations available in any given year in the event the city council determines that an emergency exists as provided for in Section 17.06.025. (Ord. 3-94 §1(part), 1994).

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**17.06.035 Amendments to the established residential dwelling unit building permit allocation system.**

The residential dwelling unit building permit allocation system established in this title shall not be amended at any time except during the process of the city council establishing the maximum allocation for the upcoming year or as provided for in Section 17.06.025, Emergency situations. Any proposed amendments to the ordinance codified in this title shall be accomplished prior to December 31<sup>st</sup> of any year. (Ord. 3-94 §1(part), 1994).

**17.06.040 Processing fee established.**

The city council, by resolution shall establish a fee for processing an application for an allocation as provided in this title. The city council may adjust the fee in conjunction with the adoption of the resolution establishing the number and distribution of building permits to be allocated for the upcoming year. (Ord. 3-94 §1(part), 1994).

**17.06.045 Fiscal impact analysis required.**

The city council shall conduct an on-going fiscal analysis in order to monitor the fiscal impact of new residential development to the city. The city council shall prepare an annual report identifying the effects of new residential development on city finances and its ability to adequately provide services to the residents. The information presented in the annual fiscal impact analysis shall be considered by the city council in setting the number of building permits to be allocated in the upcoming year. The fees assessed for processing an application for a building permit allocation under the provisions of this title shall include a pro-rata share of the costs to the city for preparing an annual report. (Ord. 3-94 §1(part), 1994).

**17.06.050 Timing of building permits issued pursuant to this title.**

A. Except as may be provided in conjunction with an approved development phasing plan pursuant to Section 17.06.055, while the residential building allocation is valid and within one year from the date an allocation for a building permit for a new residential unit is awarded under the provisions of this program, a complete building permit application shall be submitted to the building department.

B. All conditions for a building permit to be issued must be met within six months of the date a building permit application is submitted.

C. One six-month extension of the building permit issuance deadline identified in subsection B may be granted by the building official as provided for in the Uniform Building Code.

D. Upon the expiration of ~~the any~~ six month extension of the building permit issuance deadline identified in subsection C, an applicant with a valid allocation may request that

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the city council, as a part of its annual determination of the total allocation for the upcoming year, consider granting an additional period of time for building permit issuance not to exceed one calendar year ~~for the allocation~~. Should the city council grant the extension, all required building permit fees will be paid in accordance with the provisions of the Uniform Building Code.

E. Upon expiration of ~~the any~~ one-year extension of the building permit issuance deadline identified in subsection D if granted by the city council, or if a building permit has not been issued and construction diligently commenced, the allocation shall become null and void and the formula for the next year's maximum allocation will be adjusted to reflect that the allocation has not been used.

F. In the event an applicant has received a building permit allocation and other approvals are required by the city or other agencies, any time spent in securing the required approvals from any agency shall be added to the time that the building permit allocation is valid and a complete building permit application may be submitted provided that:

1. Written documentation is submitted by the applicant clearly indicating the date an application or other form of request for approval was submitted to the agency;
2. A detailed description of the reason for any delay in the issuance of approvals by the agency. (Ord. 3-94 §1(part), 1994).

**17.06.055 Development phasing plans and agreements.**

A. Phasing of development projects over a period of greater than one year shall be based upon specific provisions of a development phasing agreement approved by the city council at a duly noticed public hearing, the form and content of which shall be subject to the review and approval by the city attorney.

B. Any development phasing agreement shall address the effects such a phasing plan will have on any other reasonably anticipated development proposals and applications for building permit allocations under the provisions of this system. A phasing plan may provide for an applicant to receive a greater number of annual allocations in any category than the fifty percent maximum provided for in this title upon adoption of specific findings by the city council that by awarding a greater number of allocations to an individual developer, that no other developer will be unreasonably precluded from receiving all or part of any allocations that developer may be reasonably entitled to receive during the term of the development phasing plan.

C. As a part of any request for consideration of a development phasing agreement for a phasing plan as provided for in this title, the planning director shall provide the applicant with the names and mailing addresses of any other developer or developers reasonably expected to be effected by such a development phasing agreement so that adequate notice of the proceedings can be provided to those developers. The city council shall consider any written responses or oral testimony from affected developers or other interested party received at any public hearing on the development phasing agreement.



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D. Any future annual allocations awarded in conjunction with the approval of a development phasing agreement shall be deducted from the available allocations of any given year during the expected life of the development phasing agreement. No other applicants for allocations during the life of the development phasing plan and agreement shall compete for points against a development with an approved development phasing plan and agreement. (Ord. 3-94 §1(part), 1994).

**17.06.060 Timely performance required.**

Prior to the city council establishing the number of new residential units for which building permits may be allocated in the upcoming year, the planning director shall review each development which has received a building permit allocation to determine whether or not satisfactory progress is being made with the processing of the appropriate plans.

A. Should a developer fail to comply with the development schedule submitted with the application, or should the developer fail to initiate the processing of the appropriate plans, or should the development deviate significantly from the description provided for in the application, the planning director shall report such failure or deviation to the city council.

B. At a duly noticed public hearing, after receiving testimony from all interested and affected parties, the city council may rescind all or part of the allocations granted to the applicant on the basis of noncompliance with the approved development phasing agreement or project plans or any other provision of this title.

C. Any such building permit allocations awarded, but not issued, that are rescinded by the city council for non-compliance with the provisions of this new residential dwelling unit building permit allocation system may be awarded to any applicant that has complied with the procedures set forth in this title and received less than the number of allocations requested so long as the maximum number of allocations for that calendar year is not exceeded. (Ord. 3-94 §1(part), 1994).

**17.06.065 Priority established for residential infill projects.**

Except as otherwise provided for in this title or as a result of city council approval of a development phasing plan and agreement, residential infill projects as defined in Section 17.06.100 shall have a higher priority than new residential projects as defined in Section 17.06.200. (Ord. 3-94 §1(part), 1994).

**17.06.070 Distribution of annual allocations**

**A. Between January 1<sup>st</sup> and January 31<sup>st</sup> of each year the annual allocations shall be distributed as follows:**

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1. 100% of the annual allocations shall be awarded to applications for 1) infill projects 2) projects located within the Downtown Area and 3) new residential projects that are located in infill areas, as shown on the Residential Areas Map.

2. If the number of applications for allocations is greater than the number of annual allocations available, each application shall be ranked according to subsections 17.06.120.E and 17.06.225. Allocations shall be awarded to the applications receiving the highest number of points in each category, in descending order of the total points awarded until the allocations have been exhausted. Except as otherwise may be required by subsection 17.06.020.C and 17.06.070.E, allocations shall be awarded first to infill projects, for up to 40% of the annual allocations, second to projects located in the Downtown Area for up to 40% of the annual allocations, and third to new residential projects that are located in infill areas, as generally shown on the Infill and Expansion Map, for up to 20% of the annual allocations.

3. Consistent with subsection 17.06.020.C, after all applications for the initial 1% growth allowed under subsection 17.06.020.A are ranked according to subsections 17.06.120.E (for infill) and 17.06.225 (for new residential applications in infill areas and in the Downtown), applications from areas outside the Downtown Area shall be awarded allocations first, before applications from inside the Downtown Area, until one-half of the allocations allowed by subsection 17.06.020.A have been made. However, if, by February 1<sup>st</sup>, applications for fewer than one-half of the units authorized under subsection 17.06.020.A are received for units outside the Downtown Area, the remainder of these units may be authorized inside the Downtown Area.

B. Between February 1<sup>st</sup> and August 31<sup>st</sup> of each year, the annual allocations shall be distributed as follows:

1. Any remaining annual allocations shall be awarded on a first-come, first-serve basis to applications for 1) infill projects pursuant to 17.06.120; 2) projects located within the Downtown Area and 3) new residential projects that are located in infill areas pursuant to 17.06.205, as generally shown on the Infill and Expansion Map.

C. Between September 1<sup>st</sup> and September 30<sup>th</sup> of each year, the annual allocations shall be distributed to new residential projects that are located in the expansion areas as follows:

1. Any remaining annual allocations may be awarded to new residential projects that are located in the expansion areas, as generally shown on the Infill and Expansion Map. However, no more than one-third of the total number of annual allocations may be awarded to new residential development projects outside of the infill areas in any one year.

2. If the number of applications for allocations is greater than the number of allocations available, each application shall be ranked according to subsection 17.06.225. Allocations

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shall be awarded to the applications receiving the highest number of points in descending order of the total points awarded until the allocations have been exhausted.

D. Between October 1<sup>st</sup> and December 31<sup>st</sup> of each year, any remaining allocations may be awarded to any eligible application on a first-come, first-serve basis.

**17.06.100 Residential infill projects – Defined.**

The procedures specified in this section shall apply to any proposed residential development within any residential zoning district in the infill areas as generally shown on the Infill and Expansion Map, attached as Figure 2, on a legally subdivided lot or contiguous lots under one ownership with a recorded final map or other similar instrument as established in the subdivision map act prior to May 21, 1991, ~~and where that has~~ all required infrastructure such as vehicular access, sewer, water, natural gas, electrical and communication service ~~is~~ available to serve the subdivision.

**17.06.105 Annual allocation for residential infill projects.**

~~Except as provided for in this title or as otherwise may be adopted by the city council as a part of adopting the resolution establishing the annual allocation for the upcoming year, no more than fifty percent of the total annual allocation shall be awarded to development in this category. Any applicant must have water and sewer available to serve the site in order to receive a residential infill allocation.~~

~~A. Allocation: fifty percent of total 1993 annual allocation of one hundred six units;~~

~~B. 1993 residential infill allocation: fifty three dwelling units.~~

**17.06.110 Application form for residential infill projects.**

A. An application form for residential infill projects as defined in this title shall be developed and approved by the city council which incorporates all of the components of this title applicable to this category of new residential projects.

B. In the event it is necessary to assign points for a residential infill project allocation based upon the criteria specified in this title, the application for a residential infill project allocation shall include a site plan indicating the location of any surrounding development, the location and a detailed description of any infrastructure necessary to serve the site, and a description of the roadway providing access to the site.

C. The city council shall review the allocation application form in conjunction with its annual review of other aspects of the allocation system. (Ord. 3-94 §1(part), 1994).

**17.06.115 Application period for residential infill projects.**

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Applications for building allocations for residential infill projects ~~allocations~~ shall be submitted between January 1<sup>st</sup> and January 31<sup>st</sup> of each year. If the number of applications for residential infill project allocations received during this initial period is less than the number of allocations allowed in this category, additional applications may be submitted at any time prior to September 1<sup>st</sup>, or until applications equaling the maximum number of allocations in this category have been received, whichever is earlier. (Ord. 3-94 §1(part), 1994).

**17.06.120 Distribution of residential infill project allocations.**

A. If the number of infill applications received between January 1<sup>st</sup> and January 31<sup>st</sup> is equal to or greater than the number of total infill allocations available. ~~During the initial period between January 1<sup>st</sup> and January 31<sup>st</sup> of each year, the infill allocation(s) necessary to develop no more than one lot no more than one residential infill project allocation may be awarded to any individual, corporation or other entity unless the number of applications received for residential infill project allocations in this category by January 31<sup>st</sup> is less than the number of allocations available.~~

B. In the event there is more than one applicant seeking ~~multiple~~ allocations for multiple lots during the initial period, the planning director shall distribute the available allocations equitably to the applicants, except as otherwise may be provided for in this title.

C. If the number of infill applications received between January 1<sup>st</sup> and January 31<sup>st</sup> is less than the total number of infill allocations available. ~~No more than five allocations for no more than five lots of for residential infill projects may be awarded to any individual, corporation, or other entity in any one calendar year unless the number of applications received for allocations in this category prior to September 1<sup>st</sup> is less than the number of allocations available.~~

~~D. If the maximum number of applications for allocations in this category have not been received by September 1<sup>st</sup>, any unused allocations shall be transferred to either the residential projects in process or approved prior to May 21, 1991, or new residential projects categories on an equal basis. Building permits may be awarded to any applicant based upon the procedures established for those categories.~~

E. If the number of applications received between January 1<sup>st</sup> and January 31<sup>st</sup> for allocations in this category is greater than the number of allocations available in this category, the planning director shall assign points to each application, assigning no more than the maximum number of points specified in each category to any one proposed project according to the following criteria:

1. For each contiguous side of a building site with existing development (including across any public or private right-of-way): five points;
2. For each contiguous side of a building site for which a building permit has been allocated but development not completed under the provisions of this system (including across any public or private right of way): five points:

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3. Where all water and sewer lines and other public utilities have been installed to serve the site: five points;
4. Where there is an existing all-weather road surface providing vehicular access to the site constructed to city standards or otherwise acceptable to the city engineer: five points;
5. Declaration provided by the applicant that the dwelling unit will be owner-occupied for a minimum of one year after completion: five points;
6. For those applications for development on a site that meets all of the established development standards for the zoning district and no variance or other discretionary applications are required: five points;
- ~~7. For those applicants that have submitted complete building permit applications and, when required, have received architectural review committee approval, and a coastal development permit was either in process or subject to delays by the coastal commission, but building permits were not issued due to either the sewer or substandard lot moratorium: fifteen points;~~
8. Tie-Breaking Procedure.
  - a. In the event of a tie between proposals based upon the criteria specified in subsection (E)(1) through (7) of this section, the architectural review committee shall review the proposed site development and architectural design of the applications receiving the same number of points. At a minimum, the architectural review committee shall base their review and award points on the quality of the architecture, innovative site design techniques, and the diversity of design in relation to the neighborhood.
  - b. The applicant with the highest overall rating based upon both subjective and objective criteria shall receive the maximum number of points to break the tie. Two points maximum.
- F. Allocations for building permits shall be awarded to the applicants receiving the highest number of points. ~~Consistent with subsection 17.06.020.C, after all applications under subsection 17.06.020.A are ranked, those applications from areas outside the Downtown Area shall be awarded allocations until one-half of the allocations in this category taking into account the location of any allocations made to new residential projects, have been made. Thereafter, the remaining A~~ allocations for building permits shall be awarded to the applicants receiving the highest number of points (maximum available forty-five plus two) in descending order of the total points awarded until the total number of allocations for this ~~each~~ category ~~of section 17.06.020 has~~ have been exhausted.

**17.06.125 Appeal of distribution of residential infill project allocations.**

- A. Anyone aggrieved by the points awarded and/or building permits allocated to projects in this category may appeal the decision to the planning commission within ten days of the planning director's final determination.
- B. The decision of the planning commission may be appealed to the city council.

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C. At the first regular city council meeting after the action of the planning commission is taken, the city council, by majority vote of council members in attendance, may request that the decision of the planning commission be reviewed by the city council at a duly noticed public hearing.

D. All appeals of points awarded and building permits allocated under this category shall be heard at a duly noticed public hearing as expeditiously as possible given legal notification requirements and staff constraints. (Ord. 3-94 §1(part), 1994).

**17.06.200 New residential projects—Defined.**

The provisions of Sections 17.06.200 through 17.06.290 shall apply to any proposed new residential development ~~for which a subdivision~~ within a subdivision that has a final map, or other similar instrument as established in the subdivision map act, that was or will be recorded after May 21, 1991 ~~application was submitted after May 21, 1991, or for which an application for a vesting tentative map had not been accepted as complete prior to May 21, 1991~~ and that is within any residential zoning district in the infill or expansion areas as generally shown on the Infill and Expansion Area Map, attached as Figure 2.

**17.06.205 Annual allocations for new residential projects.**

~~A. Except as otherwise may be adopted by resolution of the city council as a part of establishing the annual allocations for each category for the upcoming year no more than fifty percent of the available annual allocations may be awarded to development in this category.~~

~~1. Allocation: fifty percent of total 1993 annual allocation of 106 units.~~

~~2. 1993 new residential projects allocation: fifty three dwelling units.~~

~~B. Except as may be provided for in a development phasing plan and agreement adopted by the city council pursuant to Section 17.06.055, no more than fifty percent of the annual allocations in this category may be awarded to any individual, corporation or other entity unless the number of applications received by June 30<sup>th</sup> of each year for allocations in this category is less than the number of allocations established by the city council.~~

**17.06.210 Initial consultation required.**

Prior to submitting an application for a subdivision map for a new residential project as defined in Section 17.06.200, the applicant shall consult with the following city departments and outside agencies in order to establish the conformance and consistency of any proposed residential development with all applicable plans, programs, policies and ordinances as well as the project's relation to and impact upon local public facilities and services:

A. City planning department;

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- B. City public works department;
- C. City finance department;
- D. City police department;
- E. City parks and recreation department;
- F. Coastside county water district;
- G. Sewer Authority Mid-Coastside (SAM) ~~Granada sanitary district~~, if applicable;
- H. Half Moon Bay fire protection district;
- I. Caltrans;
- J. Cabrillo unified school district. (Ord. 3-94 §1(part), 1994).

**17.06.215. Application form for new residential projects.**

A. An application form for an allocation in this category shall be developed and approved by the city council which incorporates all of the components of the residential dwelling unit building permit allocation system applicable to this category.

B. The application form shall provide adequate space for an applicant to detail those elements of a proposed development that serve as the basis for the awarding of competitive points, and for the appropriate city department or outside agency to comment on the proposal, and shall also include the following:

1. Vicinity map to show the relationship of the proposed development to adjacent development, the surrounding area and the city;
2. Site use layout map showing the extent, location and type of proposed residential use or uses, the nature and extent of open space, and the nature and extent of any other uses proposed;
3. Site development plan, including proposed lot layout to preliminary subdivision map standards, including topography; lot sizes; street alignments, showing coordination with city street system; existing and proposed buildings where possible; all existing trees ten inches in diameter or greater measured at forty-eight inches above grade; existing trees to remain; landscaped areas; open space; bicycle paths; equestrian trails or pathways; and any other information deemed appropriate by the planning director and/or city engineer;
4. Unless the proposed residential development is to consist of lots for custom homes, preliminary architectural site plans, floor plans and elevations; types and numbers of dwelling units; proposed color of buildings;
5. Preliminary or Rough Grading Plans. A general indication of type, extent and timing of grading, including location and amounts of cuts and fill, haul routes, and where applicable, borrow and disposal sites;



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6. Erosion Control Plans. Any appropriate provisions to address erosion or winterization of the site during rough grading activities or prior to the installation of landscaping to protect the site from possible erosion;
7. Preliminary landscape plans of common areas with sufficient detail for review by the architectural review committee;
8. Housing Marketability and Price Distribution. Expected ranges of rental amounts or sales prices, low and moderate income housing to be provided and the project's consistency with the housing element;
9. School Facilities. Needed schools and/or school sites, permanent or relocatable buildings to be provided by the applicant, or other mitigation measures to be provided;
10. Park and Recreation Facilities. Proposed and/or In Lieu Funds to be Contributed. The location, size and configuration of any public and/or private recreation sites or facilities to be provided, and/or an estimate of the dollar amount of in lieu fees to be offered by the applicant;
11. Circulation plan, including the size and location of any new streets, required and/or proposed improvements to existing streets or state highways, and any on-site or off-site improvements to the pedestrian, equestrian or bicycle trail system;
12. Proposed schedule of development, including development phasing;
13. Any other information as may be required by the planning director. (Ord. 3-94 §1(part), 1994).

**17.06.220 Application period for new residential projects.**

~~A. Applications for building permit allocations may be processed concurrently with any other required discretionary permit application.~~

~~B. Unless processed concurrently with any other required discretionary applications, i~~  
Initial applications for new residential building permit allocations shall be submitted  
between January 1<sup>st</sup> and January 31<sup>st</sup> September 1<sup>st</sup> and September 30<sup>th</sup> of each year. If  
~~the number of applications for allocations in this category received during this initial~~  
~~period is less than the available allocations in this category, applications may be~~  
~~submitted at any time prior to September 1<sup>st</sup> or until applications equaling the maximum~~  
~~number of available allocations in this category have been received.~~

~~C. If the maximum number of applications for allocations in this category have not been~~  
~~received prior to September 1, any unused allocations shall be transferred to the~~  
~~residential infill projects allocation or, if applicable, residential projects in process or~~  
~~approved prior to May 21, 1991, on an equal basis. Building permits allocations may be~~  
~~awarded to any applicant based upon the procedures established for these that category~~  
categories. (Ord. 3-94 §1(part), 1994).



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**17.06.225 Evaluation and allocation procedures based upon design and amenity criteria and contribution to public facilities.**

- A. Each proposed development shall be examined for its relation to and impact upon local public facilities and services as provided for in this title.
- B. The appropriate city department or outside public agencies shall provide recommendations to the planning director and the planning director shall evaluate each development on the extent of contribution to public welfare and amenities and the quality of design.
- C. The planning director shall examine each proposed development and shall rate each development by the assignment of no more than the maximum number of points allowable in each of the project components as set forth in this title.
- D. If the number of applications for allocations in this category in any year is greater than the number of allocations in this category, the planning director shall award ~~allocate~~ building permits allocations to the applicants receiving the highest number of points in descending order of points awarded until the total number of allocations for this category has been exhausted. (Ord. 3-94 §1(part), 1994).

**17.06.230 Water.**

Each subdivision application shall be reviewed by the coastside county water district and city engineer. The applicant shall supply the necessary information for and a ~~A~~ written report shall be prepared that addresses:

- A. The applicant's estimate, prepared by a qualified engineer, of the amount of water required for the project to provide adequate potable water for domestic purposes, the amount of water needed to maintain any proposed landscaping in common or public areas, and the amount of water necessary for adequate fire protection;
- B. The ability and capacity of the water system to provide for the needs of the proposed development and that the provision of water to the proposed development by the coastside county water district will not tax any part of the existing system;
- C. The need for extension of water system and delivery facilities to serve the proposed development;
- D. In the event that groundwater is proposed to be used to serve all or a part of the proposed residential development, a report from a qualified hydrogeologist or similar professional licensed by the state of California shall also be submitted that, at a minimum, addresses all of the criteria specified by the city engineer in conjunction with the initial consultation required by Section 17.06.210.
- E. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of twenty points are available in this category. Points shall be awarded as follows:

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1. Developer funded improvements that upgrade existing water service for domestic uses and fire protection in the general neighborhood beyond that required to meet the immediate needs of the proposed development, as determined by the director of public works and the coastside county water district: ten points;
2. The use of coastside county water district water instead of groundwater: ten points;

**17.06.235 Sewer.**

Each subdivision application shall be reviewed by SAM and ~~either the Granada sanitary district or the city engineer, whichever is applicable.~~ The applicant shall supply the necessary information for and a written report shall be prepared that addresses:

- A. The applicant's estimate, prepared by a qualified engineer based upon sewage generation factors established by the city engineer, of the amount of waste anticipated to be generated by the proposed development upon occupancy;
- B. The ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste of the proposed development without system extensions or expansions;
- C. The nature and extent of any modifications to the existing treatment plant or transmission lines which are necessary to serve the proposed development and which the developer has consented to provide;
- D. No points shall be awarded for any development that requires the expansion of the treatment plant or transmission facilities in order to accommodate the proposed development.
- E. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of twenty points are available in this category. Points shall be awarded as follows:
  1. Developer-funded improvements that upgrade existing sewer lines or facilities in the general neighborhood beyond that required to meet the immediate needs of the proposed development, as determined by the director of public works and appropriate sewer authority: ten points;
  2. Where contributions to the proposed expansion of the sewage treatment plant are provided as required by any assessment district or similar mechanism, and/or the applicant irrevocably agrees to participate in any future funding mechanism for the treatment plant expansion: ten points.

**17.06.240 Drainage.**

The city engineer shall review the drainage plans. The applicant shall supply the necessary information for and the city engineer shall prepare a written report that addresses:

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- A. The drainage plan submitted by the applicant prepared by a licensed engineer detailing the ability and capacity of any existing and/or proposed drainage facilities to adequately dispose of the surface runoff of the proposed development;
- B. No points shall be awarded for any improvements to the on-site or off-site drainage facilities necessary to accommodate runoff from the proposed development;
- C. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of fifteen points are available in this category. Points shall be awarded as follows:
  - 1. For developer-funded on-site or off-site improvements designed and constructed to accommodate run-off from adjacent developments or to enhance the drainage facilities not directly related to the proposed development: ten points;
  - 2. Where appropriate, storm drainage from the development is accommodated through on-site open space areas: five points.

**17.06.245 Schools.**

If participation in the residential building permit allocation system is desired by the Cabrillo unified school district, each subdivision application shall be reviewed by the Cabrillo unified school district staff for determination of impact on school classrooms and facilities. As a part of the review process, the applicant shall supply the necessary information for and the Cabrillo unified school district shall provide a written report addressing the following:

- A. The potential number of children per household anticipated by the proposed development according to the district-wide averages;
- B. The capacity of the appropriate school or schools to absorb the children expected to inhabit a proposed development;
- C. That neither double sessions or unusual scheduling or classroom overcrowding currently exist, nor will the proposed subdivision create double sessions or unusual scheduling or classroom overcrowding upon completion and occupancy of the project;
- D. That double sessions or unusual scheduling or classroom overcrowding exist prior to the subdivision application, and mitigation measures result in fewer students on double session or unusual scheduling or classroom overcrowding;
- E. That the proposed subdivision would create double sessions or unusual scheduling or classroom overcrowding;
- F. Double sessions or unusual scheduling or classroom overcrowding exist prior to the subdivision application and mitigation would result in the same or a greater number of students on double sessions or unusual scheduling or classroom overcrowding;
- G. If it is determined that mitigation is necessary to address the identified impacts of a proposed development to the Cabrillo unified school district, points shall be assigned as

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specified in this title. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of seventy-eight points are available in this category. The following rating system shall be used:

1. The dedication of sufficient land to provide a site for a new school: twenty-five points;
2. The provision of needed school rooms in the form of permanent or relocatable buildings or the provision of other mitigating measures, as attested by agreement with the school district: twenty points;
3. The provision of any school busses needed to serve the children expected to inhabit a proposed development: fifteen points;
4. Based upon written agreement between the applicant and the Cabrillo unified school district, the providing of any other facilities, equipment, or other appropriate items necessary to mitigate the additional school children from the proposed development: ten points;
5. Provides good school bus access and adequate turnaround areas: two points;
6. Provides and maintains a covered school bus shelter where appropriate: two points;
7. Provides safe pedestrian connections to school sites or is located such that students can access the school site without crossing major streets: two points;
8. Provides an open space buffer zone between the project and existing or designated future school sites: two points.

**17.06.250 Fire protection.**

The fire protection district shall review each subdivision application. As a part of the review process, the applicant shall supply the necessary information for and the fire protection district shall provide a written report addressing the following:

- A. The ability of the fire protection district to provide fire protection to the proposed development according to the established response standards;
- B. The necessity of establishing a new station or requiring the addition of major equipment to an existing station to provide fire protection for the proposed development;
- C. The necessity for additional personnel to provide fire protection for the proposed development;
- D. That based upon the proposed design of the subdivision, adequate provisions have been made for fire protection;
- E. That the basic required fire flow as established by the Uniform Fire Code will be provided at the project site prior to the commencement of construction activities;

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F. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of thirty-five points are available in this category. If it is determined by the fire protection district that mitigation is necessary to ensure adequate fire protection for a proposed development, the following rating system shall be used:

1. The provision of a new fire station and/or the dedication of land for a fire station to provide adequate fire protection within the established response times as attested by the fire protection district: twenty points;
2. Participation in an assessment district to fund additional equipment and/or manpower to provide adequate fire protection for the proposed development: ten points;
3. Structures are designed to exceed minimum safety standards for fire hazards, earthquakes and accidents: five points.

**17.06.255 Police Department Services.**

The police department shall review each proposed development. As a part of this review, the applicant shall supply the necessary information for and the chief of police shall provide a written report addressing the following:

- A. The ability of the police department to provide adequate patrols for residential and traffic safety upon the occupancy of the proposed development;
- B. The necessity of acquiring new equipment or personnel to provide adequate patrols for residential and traffic safety upon the occupancy of the proposed development;
- C. That based upon the proposed design of the subdivision, adequate provisions have been made for police protection;
- D. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of fifty-five points are available in this category. If it is determined by the police department that mitigation measures are necessary to ensure adequate police patrols and traffic safety for a proposed development, the following rating system shall be used:
  1. The provision of a new police station and/or the dedication of land for a police station to provide improved police protection within the city: twenty points;
  2. Developer contribution of major equipment such as patrol cars to assist in the provision of police services to a new development: fifteen points;
  3. Developer funding of additional manpower to provide police services beyond the needs of the proposed development: ten points;
  4. Development plans uses site planning and architecture to enhance security by arranging entries, access paths, building, planting, corridors, indoor and outdoor lighting to allow observation along circulation routes: five points;

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5. Structures are designed to exceed minimum safety standards for accidents and intrusions: five points.

**17.06.260 Streets, state highways, and pedestrian improvements and amenities.**

The city engineer and where appropriate Caltrans or other agency with an interest in transportation issues, shall review the traffic and circulation systems and pedestrian amenities of each proposed development, including required and optional or offered on-site and off-site improvements. The applicant shall supply the necessary information for and the city engineer shall provide a written report addressing the following:

- A. The number of average daily vehicle trips to be generated by the proposed development;
- B. The ability and capacity of major streets and/or state highways to provide for the needs of the proposed development without substantially altering the existing street or state highway system;
- C. The need for modifications to the existing city street system and/or state highways to accommodate the average daily vehicle trips to be generated by the proposed development;
- D. The need for constructing new public roadways to provide access to the proposed development;
- E. Any proposal to provide an internal circulation system that consists of any streets that do not conform to standard city design criteria;
- F. Any on-site or off-site improvements to accommodate pedestrians and/or bicyclists;
- G. The need for any proposal to install public improvements related to public transportation;
- H. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivisions. Points shall not necessarily be awarded on the basis of the applicant providing roadway or other circulation system improvements necessary to serve the proposed development, but for improvements and/or cash contributions over and above those required to serve the project. A total of forty-five points are available in this category. Points shall be awarded based upon the following criteria:
  - 1. The provision of needed improvements to the public street or state highway system offered by the applicant that are over and above any requirements to accommodate the proposed development, such as street connectors necessary to create more efficient circulation patterns for all applicable transportation modes: twenty points;
  - 2. The arrangement of the site and configuration of the internal street system for efficiency of circulation, on-site and off-site traffic safety: five points;

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3. The on-site circulation system and subdivision design promotes the privacy of residential neighborhoods, and unless a part of a planned street system as shown on the master plan of streets and highways, residential street layouts are designed for use primarily by local residents: five points;
4. For the following design considerations that are included in the final subdivision plans:
  - a. Interior collector streets are designed to discourage fast through traffic;
  - b. Within the subdivision, minor streets enter major streets at right angles, with a minimum of one hundred twenty-five feet separation between the minor streets;
  - c. Provision of public foot or bicycle paths, equestrian trails or other non-vehicular pathways, either on-site, off-site or both;
  - d. Provision of private foot or bicycle paths, equestrian trails or other non-vehicular pathways;
  - e. Provides approved street lights installed for residential streets and intersections which are expected to have pedestrian traffic after sunset to the satisfaction of the city engineer and chief of police;
  - f. Encourages the use of public transportation in residential areas through the following:
    - i. Locates bus stops as part of the development, to reduce the distances from residence to bus stop;
    - ii. Provides bus pullout areas and waiting areas for users;
  - g. The location and number of guest parking spaces outside of the vehicular right-of-way are adequate to ensure safe and convenient use;
  - h. Utilizes adequate off-street parking to reduce on-street congestion, such as through the use of driveways having a depth of at least eighteen feet long, as measured from back of sidewalk: fifteen points.

**17.06.265 Open space.**

The planning director and parks and recreation director shall review each proposed development. The applicant shall supply the necessary information for and the planning director and parks and recreation director shall prepare a written report that addresses the following:

- A. The amount of public and/or private usable open space, and where applicable, greenbelts to be provided;
- B. The location and a detailed description of any perennial or intermittent stream adjacent to or within the boundaries of the proposed development;
- C. The existence of any natural conditions such as wildlife habitats and resources that would be enhanced as a part of a dedicated open space area;

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D. The location and a detailed description of any environmentally sensitive habitat areas, riparian corridors or species, and wildlife habitats adjacent to or within the boundaries of the proposed development as defined in the city general plan and any of its elements, and/or the city's land use plan.

E. Each development application shall be reviewed to determine compliance with all applicable policies of the general plan, its elements and the land use plan to determine that all minimum requirements are met. Points shall be awarded based upon the direct cost to the applicant to provide open space over and above the minimum requirements of the general plan, its elements, and the local coastal program land use plan. A total of thirty-five points are available in this category. In those cases where proposed development exceeds the minimum standards specified in this title, points shall be awarded as follows:

1. The provision of public usable open space, and where applicable, greenbelts (except for mandatory buffer zones): ten points;
2. The provision of private usable open space, and where applicable, greenbelts (except for mandatory buffer zones): five points;
3. The provision of buffer zones around environmentally sensitive habitat areas or riparian species or environmentally sensitive habitat areas or riparian species or corridors in excess of minimum requirements: five points;
4. Uses various design and development techniques such as:
  - a. Cluster housing and low-density development to protect the open space value of key areas such as ridge lines, creeks, hillsides, and any adjacent agricultural land;
  - b. Provides public access to either on-site or off-site public open space areas where appropriate;
  - c. Provides open space areas adjacent to school and park sites, where appropriate, by using open space networks and trails to help provide low-maintenance pedestrian access to school sites from residential areas;
  - d. Preserves identified ground permeability recharge areas by minimizing large expanses of impervious surfaces;
  - e. Private open space and dedicated public open space is maintained by a homeowners association: fifteen points.

**17.06.270 Park and recreation facilities.**

The planning director and parks and recreation director shall review each development application to evaluate how it addresses the park and recreation needs of future residents of the proposed development. The applicant shall supply the necessary information for and the planning director and parks and recreation director shall prepare a written report that addresses the following:



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- A. The minimum amount of usable public park and recreation facilities required by the Half Moon Bay park and recreation element;
- B. In those cases where state law precludes the requirement of dedicating land for public park and recreation facilities, the amount of in lieu fees required;
- C. The amount and location of land to be dedicated for public park and recreation facilities offered by the applicant on the tentative subdivision map;
- D. The nature and extent of any improvements to the land offered for dedication by the applicant for public park and recreation facilities;
- E. The amount and location of land set aside for private park and recreation facilities offered by the applicant;
- F. The nature and extent of any improvements to the land set aside by the applicant for private park and recreation facilities;
- G. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of forty points are available in this category. Points shall be awarded as follows:
  - 1. Siting and designing of any proposed public park and recreation facilities so as to benefit the community, not solely the new residents of a subdivision: five points;
  - 2. Construction of public park and recreation facilities in addition to the dedication of the required land for park and recreation facilities: ten points;
  - 3. Dedication of land for public park and recreation purposes in excess of the minimum required: ten points;
  - 4. Dedication of easements for public trails for pedestrians, equestrians and/or bicycles within and through a proposed development, in addition to land dedicated for park and recreation purposes: five points;
  - 5. Construction of public trails for pedestrians, equestrians and/or bicycles within and through a proposed development: five points;
  - 6. Construction of off-site public bicycle, equestrian or pedestrian paths that will connect with an established network of similar facilities or trails: five points.

**17.06.280 Architectural design and landscaping.**

The planning director and the architectural review committee shall review each development application to ensure the highest quality design is maintained throughout the city. The applicant shall supply the necessary information for and a ~~A~~ written report shall be prepared that addresses:

- A. Architectural design quality, as indicated by the quality of construction and by the architectural elevations of the proposed buildings, judged in terms of architectural style, size and height;

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- B. Site design quality, as indicated by lot layout orientation of the units on the lots and similar site design considerations;
- C. Site design quality in adapting the development to the setting, including the preservation of existing vegetation, trees, natural terrain and other natural and environmental features;
- D. The extent to which the proposed project creates buildings that are responsive to the needs of its users and the environment, while also accomplishing it in an appealing and attractive manner. The overall project design should be compatible and harmonious with existing adjacent residential neighborhoods and land uses, while still maintaining its own special character;
- E. The extent to which the proposed landscaping, trees, shrubs, ground cover, walls and fences, mounding landscape furniture, paths, lighting, etc., is compatible with the topography and other characteristics of the site, the character and quality of adjacent landscaping, and the architectural features of adjacent structures;
- F. The extent to which the proposed development adapts itself to the environment by “blending in” the development to the surroundings;
- G. Points shall be awarded in this category on the basis of design excellence, and other criteria specified in this title. A total of twenty points are available in this category, based upon the following objective and subjective criteria;
  - 1. Provides harmonious use of exterior building materials and varying elevations by using an assortment of building materials to finish surfaces;
  - 2. Creates visual interest by the use of quality design, architecture and construction;
  - 3. Uses design and construction that conserve resources, such as active and/or passive solar heating and cooling, and energy-conserving building materials and appliances are incorporated into the construction;
  - 4. Uses materials and construction techniques that exceed current Uniform Building Code standards or requirements;
  - 5. Site design quality as indicated by lot layout, orientation of the units on the lots and similar site design consideration;
  - 6. Variations in lot sizes, configurations and layout take place to accommodate changes in natural terrain or to protect existing trees and vegetation, and encourage a corresponding variation in house designs and orientations;
  - 7. Avoids excessively deep or narrow lots, in order to provide adequate side yards, to avoid crowding and to enhance spatial relationships;
  - 8. Avoids excessive use of sharp-angled lots which waste land and constitute poor building sites;
  - 9. Desirable views and vistas from the site are preserved by proper lot layout;
  - 10. Avoids creating lots which require excessively long driveways for access;

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11. Designs lots and buildings for noise control;
12. Varies sidewalk surfaces and dimensions to avoid monotony;
13. Varies building setbacks and angles from minimum zoning standards to create changes in relief along residential streets;
14. Foundation types are designed to minimize grading of the site;
15. Uses common driveways where appropriate to reduce driveway cuts;
16. Clusters dwelling units to restrict the amount of runoff caused by impervious surfaces and the covering of land area suitable for percolation, where applicable;
17. Site and architectural design addresses the uses of landscaping materials to provide privacy and screen trash and storage areas;
18. Uses landscaping to enhance the site, screen adjacent streets, promote sound control, prevent erosion and screen lighting sources from direct view;
19. Uses drought-tolerant native plants and trees;
20. Uses earthen berms to delineate the use of spaces, provide privacy, reduce noise pollution, control winds, mitigate flood hazards, insulate walls, frame views and offer aesthetics;
21. Group parking areas are planted to achieve shading and visual screening of the buildings;
22. Varied landscaping plans are to be made available to the home buyer: twenty points.

**17.06.285 Planning commission review of points awarded and building permits allocated.**

- A. All initial applications and supporting documents shall be reviewed, points awarded and building permit allocations assigned by April 1<sup>st</sup>.
- B. The planning director shall forward to the planning commission the final determination of points and building permit allocations at the first scheduled planning commission meeting in April, or as soon thereafter as possible.
- C. The planning commission may ratify or modify the final determination of points and building permit allocations at this public meeting. (Ord. 3-94 §1(part), 1994).

**17.06.290 Appeals.**

- A. Anyone aggrieved by the points awarded and/or building permits allocated to projects in this category may appeal the decision to the city council within ten days of the planning commission's final action.
- B. At the first regular city council meeting after the action of the planning commission is taken, the city council, by majority vote of council members in attendance, may request

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that the decision of the planning commission be reviewed by the city council at a duly noticed public hearing.

C. All appeals of points awarded and building permits allocated under this category shall be heard at a duly noticed public hearing as expeditiously as possible given legal notification requirements and staff constraints.

D. If the planning director, planning commission, or city council determines that any appeal filed may effect the status of any building permits to be allocated as a result of the points awarded, no building permits shall be issued in this category until the appeal process has been completed. (Ord. 3-94 §1(part), 1994).



