

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
FAX (415) 904-5400

W18b

DATE: August 12, 2009

TO: Commissioners and Interested Parties

FROM: Charles Lester, Senior Deputy Director
Ruby Pap, North Central Coast District Supervisor
Doug Macmillan, Coastal Planner

SUBJECT: **Half Moon Bay LCP Amendment No. HMB-MAJ-2-05 Parts A & B (Measure D):** Concurrence with the Executive Director's determination that the action of the City of Half Moon Bay accepting the Commission's certification of LCP Amendment No. HMB-MAJ-2-05 and adopting implementing ordinances is legally adequate (For Commission review at the meeting of August 12, 2009).

1. BACKGROUND:

The Commission acted on City of Half Moon Bay LCP Amendment No. HMB-MAJ-2-05 Parts A & B (Measure D), on March 12, 2009. The proposed amendment involved changes to the Land Use Plan and Implementation Plan as mandated by Measure D, a voter approved ordinance that limits residential growth in Half Moon Bay.

The Commission rejected the LUP amendment as submitted and then ultimately approved it with one suggested modification as recommended by staff. The suggested modification was to delete Table 9.3 from Policy 9.4 of the LUP. The Commission further approved the amendments to Chapter 18.04 of the IP as submitted. The City withdrew the amendments to Chapter 17.06.

2. EFFECTIVE CERTIFICATION:

On April 21, 2009, the Half Moon Bay City Council held a public hearing and adopted Resolution No. 25-09 and Ordinance No. C-02-09 which acknowledged receipt of the Commission's resolution of certification, accepts and agrees to the Coastal Commission's modifications, agrees to issue permits in conformance with the modified LCP, and formally approves the necessary changes to the City's LUP and IP (see Exhibit No. 2).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that Half Moon Bay's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of the Half Moon Bay LCP Amendment No. HMB-MAJ-2-05 shall become effective upon

the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 21080.5(d)(2)(v).

3. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the City of Half Moon Bay to accept the Commission's certification of City of Half Moon Bay's LCP Amendment No. HMB-MAJ-2-05 Parts A & B and adopt the necessary changes to the City's LUP and IP are legally adequate, as noted in the attached letter, Exhibit No. 1 (to be sent after Commission concurrence).

Exhibits:

- Exhibit 1 – Sample Letter to City
- Exhibit 2 – City of Half Moon Bay Resolution No. 25-09
- Exhibit 3 – City of Half Moon Bay Ordinance No. C-02-09
- Exhibit 4 – Text of Measure D

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
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TDD (415) 597-5885



August ____, 2009

Steve Flint
City of Half Moon Bay
City Hall
501 Main Street
Half Moon Bay, CA 94019

SUBJECT: Effective Certification of City of Half Moon Bay LCP Amendment No.
HMB-MAJ-2-05 Parts A & B (Measure D)

Dear Mr. Flint,

The Executive Director of the Coastal Commission has reviewed City Council Resolution No. 25-09 and Ordinance No. C-02-09 for effective certification of Half Moon Bay LCP Amendment No. HMB-MAJ-2-05 Parts A & B (Measure D).

The City's resolution and ordinance indicates that the City acknowledges receipt of and accepts the Commission's resolution for certification and that the City agrees to issue permits in conformance with the modified certified local coastal program.

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

The Coastal Commission concurred with this determination at its meeting of August 12, 2009 in San Francisco. Commission approval and the amendment process are now complete. If you have any questions, please contact Doug Macmillan in our San Francisco office at (415) 904-5260 or dmacmillan@coastal.ca.gov.

Sincerely,

Ruby Pap
North Central Coast District Supervisor

**Exhibit 1
HMB-MAJ-2-05 Parts A & B
Sample Letter to City**

7/25/09

RESOLUTION NO. 25-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY
AMENDING POLICY 9.4 OF THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM
LAND USE PLAN BY DELETING TABLE 9.3 TITLED "PHASING SCHEDULE TO
YEAR 2020 BASED ON MAXIMUM OF 3% ANNUAL POPULATION GROWTH"**

RECITALS

WHEREAS, the residents of the City of Half Moon Bay adopted Measure D In 1999, thereby amending provisions of Measure A and further restricting the City's annual dwelling unit allocations; and

WHEREAS, 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; and

WHEREAS, Measure D further permits the amount of annually permitted dwelling units to increase by fifty percent in the "Downtown Area," an area approved as a redevelopment survey area by the City in November 1998; and

WHEREAS, on November 3, 2005, the Half Moon Bay City Council adopted Resolution 60-05 amending Policy 9.4 of the certified Local Coastal Program (LCP) Land Use Plan to reflect the adjusted residential growth limitations established by Measure D; and

WHEREAS, the City submitted adopted Resolution 60-05 amending Policy 9.4 of the certified Local Coastal Program Code to the California Coastal Commission as an amendment to the City's certified Local Coastal Program in accordance with the provisions of the California Coastal Act; and

WHEREAS, on March 12, 2009, the California Coastal Commission unanimously approved all of the amendments to Policy 9.4 with the suggested modification that Table 9.3 titled "Phasing Schedule to Year 2020 Based on Maximum of 3% Annual Population Growth" be deleted; and

WHEREAS, in a separate but related action to this amendment of Policy 9.4, the City Council on April 21, 2009 introduced an ordinance to amend the provisions of Ordinance No. 05-05, by which the City will implement Measure D by amending Chapter 18.04 of the Half Moon Bay Municipal Code as approved by the California Coastal Commission on March 12, 2009; and

WHEREAS, the proposed amendment to Policy 9.4 is necessary to implement Measure D, to maintain consistency between the City's LCP and the amendments to Chapter 18.04, as required by the California Planning and Zoning Law and the California Coastal Act, and only amends those portions of Policy 9.4 that are necessary to align the LCP with Measure D, as approved by the voters; and

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

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.~~

TABLE 9.3

Phasing Schedule to Year 2020 Based on Maximum of 3%
Annual Population Growth

Year	Population	Dwellings
1990	8,886	3,405
1991	9,153	3,507
1992	9,427	3,612
1993	9,710	3,720
1994	10,001	3,832
1995	10,301	3,947
1996	10,610	4,065
1997	10,929	4,187
1998	11,257	4,313
1999	11,594	4,442
2000	11,942	4,575
2001	12,300	4,713
2002	12,669	4,854
2003	13,049	5,000
2004	13,441	5,150
2005	13,844	5,304
2006	14,259	5,463
2007	14,687	5,627
2008	15,128	5,796
2009	15,582	5,970
2010	16,049	6,149
2011	16,531	6,334
2012	17,026	6,524
2013	17,537	6,719
2014	18,063	6,921
2015	18,605	7,128
2016	19,163	7,342
2017	19,738	7,563
2018	20,331	7,789
2019	20,940	8,023
2020	21,065	8,071

~~Note: Approximate buildout in the year 2020 is derived from projected dwellings in Categories 1-6 in Table 9.1 (2,726 existing in 1985 + 5,345 = 8,071). Population and dwelling unit projections are based upon a maximum rate of growth in each year. Dwelling unit and population growth may be lower in any given year, which would lead to lower growth in succeeding years.~~

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 directs the City Clerk to transmit a copy of this Resolution to the Executive Director of 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 includes the modifications suggested by the California Coastal Commission and shall become effective once the modifications approved and adopted by the City Council have been confirmed in writing by the Executive Director of the California Coastal Commission.

* * * * *

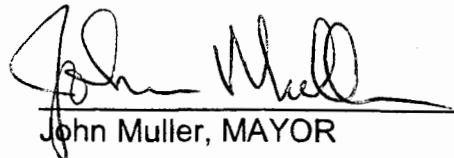
PASSED AND ADOPTED by the City Council of the City of Half Moon Bay at a meeting held on the 21st day of April, 2009, by the following vote:

AYES: Fraser, Grady, McClung, Patridge & Mayor Muller

NOES:

ABSENT:

ABSTAIN:


John Muller, 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 21st day of April, 2009.

ATTEST:


Siobhan Smith, City Clerk

THE CITY OF HALF MOON BAY

ORDINANCE NO. C- 02 -09

**AN ORDINANCE AMENDING THE HALF MOON BAY MUNICIPAL CODE
CHAPTER 18.04, "RESIDENTIAL GROWTH LIMITATIONS"**

RECITALS

WHEREAS, the residents of the City of Half Moon Bay adopted Measure D In 1999, thereby amending provisions of Measure A and further restricting the City's annual dwelling unit allocations; and

WHEREAS, 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; and

WHEREAS, Measure D further permits the amount of annually permitted dwelling units to increase by fifty percent in the "Downtown Area," an area approved as a redevelopment survey area by the City in November 1998; and

WHEREAS, on November 3, 2005, the Half Moon Bay City Council adopted Ordinance 05-05 amending Chapters 17.06 and 18.04 of the Municipal Code to change the provisions of those chapters to reflect the adjusted residential growth limitations established by Measure D; and

WHEREAS, the City submitted adopted ordinance 05-05 amending Chapters 17.06 and 18.04 of the Municipal Code to the California Coastal Commission as an amendment to the City's certified Local Coastal Program in accordance with the provisions of the California Coastal Act; and

WHEREAS, on March 12, 2009, prior to the California Coastal Commission taking action on the proposed amendment, the amendments to Chapter 17.06 were withdrawn; and

WHEREAS, on March 12, 2009, the California Coastal Commission unanimously approved all of the amendments to Chapter 18.04 as submitted; and

WHEREAS, on March 17, 2009, the City Council affirmed the withdrawal of all amendments to Chapter 17.06 as contained in Ordinance 05-05.

DECISION

NOW THEREFORE, THE CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. 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~~ 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, which is incorporated herein by reference.

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 2. Submission to California Coastal Commission for Certification.

On March 12, 2009, the California Coastal Commission certified Ordinance C-05-05, having all of the amendments to Chapter 18.04 contained therein and all of the amendments to Chapter 17.06 withdrawn. The City Clerk is hereby directed to transmit a copy of this ordinance to the California Coastal Commission for approval by the Executive Director of the California Coastal Commission.

Section 3. 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 4. Coastal Act Conformity. The City Council of the City of Half Moon Bay acknowledges the California Coastal Commission's resolution of certification of LCPA HMB-MAJ-2-05, Part A. Through the adoption of this ordinance, The City Council of the City of Half Moon Bay accepts and agrees to issue coastal development permits consistent with these modifications and intends for the Local Coastal Program, as amended by this ordinance, to be carried out in a manner fully in conformity with the California Coastal Act.

Section 5. 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 Section 1 of this ordinance shall not take effect until it has been approved by the Executive Director of the California Coastal Commission.

Section 6. Severability. If any words, phrases, provisions, or sections of this Chapter are either determined by a Court of competent jurisdiction to be void, invalid, unenforceable, or preempted by state or federal law then such words, phrases, provisions, or sections shall be severed from this Chapter, and all the remaining words, phrases, provisions, and sections of this Chapter shall remain in full force and effect; provided however, that the severing of such words, phrases, provisions, and sections does not frustrate the purposes of any of the remaining sections of this Chapter.

* * * * *

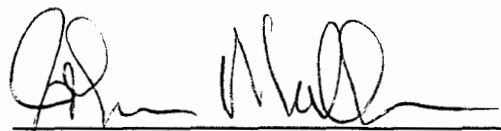
PASSED AND ADOPTED this 5th day of May, 2009, by the following votes:

AYES: Fraser, Grady, McClung, Patridge & Mayor Muller

NOES: _____

ABSENT: _____

ABSTAIN: _____



John Muller, Mayor

ATTEST:



Siobhan Smith, City Clerk

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 Coastside 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.

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