

**CALIFORNIA COASTAL COMMISSION**

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# W18a

**Prepared December 16, 2014 (for January 7, 2015 Hearing)**

**To:** Coastal Commissioners and Interested Persons  
**From:** Nancy Cave, North Central Coast District Manager  
Stephanie Rexing, Coastal Planner  
**Subject:** **Certification Review for the City of Half Moon Bay LCP Amendment HMB-MAJ-1-11**

On July 11, 2014 the Coastal Commission approved City of Half Moon Bay's Local Coastal Program (LCP) Major Amendment Number 1-11, provided it was modified per the Commission's suggested modifications. This amendment modified the zoning code's definition section, the water and sewer capacity allocation chapter, the residential land use standards, the development standards applied to "exceptional lots," the use permits chapter, the second dwelling units chapter, and the below market rate housing chapter. The amendments also relocated the LCP's review process for development associated with architectural improvements, historical structures and site design and, finally, added a residential density bonus chapter.

By action taken October 7, 2014, the City of Half Moon Bay adopted the LCP text (see **Exhibit 1**) as modified per the Commission's suggested modifications. The Executive Director has determined that the actions taken by the City are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., January 7, 2015), and notification of this certification and Commission concurrence will be forwarded to the City.

**Motion.** I move that the Commission concur with the Executive Director's determination that the actions taken by the City of Half Moon Bay to accept the Commission's approval of LCP Amendment HMB-MAJ-1-11 are legally adequate. I recommend a yes vote.

**Executive Director's Recommendation.** The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Half Moon Bay LCP consistent with the Commission's approval of LCP Amendment HMB-MAJ-1-11; the amended LCP will be certified as of today's date (i.e., January 7, 2015). The motion passes only by affirmative vote of a majority of the Commissioners present.

**Exhibits**

Exhibit 1: City's Acceptance of the Coastal Commission's Approval

**ORDINANCE NO. C-2014-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY ACCEPTING AND AGREEING TO THE SUGGESTED MODIFICATIONS BY THE CALIFORNIA COASTAL COMMISSION TO LCP AMENDMENT HMB 1-11, AFFECTING CHAPTERS 18.02 "DEFINITIONS"; 18.05 "WATER AND SEWER CAPACITY ALLOCATION AND RESERVATION"; 18.06 "RESIDENTIAL LAND USE (R-1, R-2, R-3)"; 18.20 "LOCAL COASTAL DEVELOPMENT PERMITS"; 18.33 "SECOND DWELLING UNITS"; 18.35 "BELOW MARKET-RATE HOUSING"; AND CHAPTER 18.42 "RESIDENTIAL DENSITY BONUS".**

**RECITALS**

**WHEREAS**, the City of Half Moon Bay is committed to the maximum public participation and involvement in matters pertaining to the General Plan and its Elements, the Local Coastal Program, and the Zoning Code; and

**WHEREAS**, the Planning Commission and City Council, over a series of duly-noticed public hearings conducted between September 2010 and July of 2011, considered a series of text amendments to Titles 14 and 18 of the Municipal Code (Zoning Code Chapters 18.02, 18.06, 18.15, 18.21, 18.22, 18.39, and new chapter 18.42; see City file numbers PDP-049-10 and PDP-004-11) for the purpose of modifying existing definitions, design and development review procedures, and development standards and regulations, and to modify or remove other provisions that were determined to be outdated or ineffective; and all those in attendance desiring to be heard were given an opportunity to speak on these amendments; and

**WHEREAS**, the City Council introduced Ordinance Nos. C-15-10 and C-08-11 codifying these amendments at duly-noticed regular meetings conducted on November 16, 2010 and July 19, 2011, respectively, and adopted said Ordinances duly-noticed regular meetings on December 7, 2010 and August 16, 2011, respectively; and

**WHEREAS**, Title 18 constitutes part of the City's certified Local Coastal Plan and amendments are subject to certification by the California Coastal Commission; the City submitted the Ordinances C-15-10 and C-08-11 to the Coastal Commission on December 11, 2011 and the submittal was not deemed complete until May 22, 2014 ("LCP Amendment HMB-MAJ-1-11"); and at its hearing of July 11, 2014, the Coastal Commission approved LCP Amendment HMB-MAJ-1-11 with suggested modifications.

**WHEREAS**, Section 3 of Ordinance No. C-15-10 and Section 10 of Ordinance No. C-8-11 provide that such ordinance shall take effect "immediately upon certification by the California Coastal Commission..."; and

**WHEREAS**, LCP amendments as certified by the Coastal Commission shall not become effective after city council adoption until the amendment is submitted pursuant to the requirements of Section 13551 et seq. of the California Code of Regulations, which requires, among other things, that the City acknowledge receipt the Commission's resolution of certification including any terms or modifications which may have been suggested for final

certification; accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications.

**WHEREAS**, the Planning Commission conducted a duly-noticed public hearing on August 12, 2014 where all those all those in attendance desiring to be heard were given an opportunity to speak on the suggested modifications; and

**WHEREAS**, following the close of the public hearing the Planning Commission considered the suggested modifications and adopted Resolution P-15-14, recommending that the City Council accept and agree to the suggested modifications to LCP Amendment HMB-MAJ-1-11, as set forth therein; and

**NOW, THEREFORE**, the City Council of the City of Half Moon Bay does hereby ordain as follows:

**Section 1. Incorporation of Ordinance Nos. C-15-10 and C-08-11 by reference; acceptance and Agreement with the California Coastal Commission's suggested modifications.**

Council Ordinances C-15-10 and C-08-11 are incorporated herein by reference, and the Council accepts and agrees to the suggested modifications to Ordinances C-15-10 and C-08-11 received from the Coastal Commission, as set forth below.

Text in ~~strikethrough~~ format denotes text that the City proposed to delete and text in underline format denotes text that the City proposed to add in its original LCP amendment submittal. Text in ~~double strikethrough~~ format denotes text to be deleted through the Coastal Commission's suggested modifications and text in double underline format denotes text to be added through the Coastal Commission's suggested modifications.

**Section 2. Modifications to Amendments to Chapter 18.02 "Definitions".**

The amendment to the definition of "Exceptional Lot" as contained in Section 18.02.040 of Chapter 18.02 is modified as follows:

"Exceptional lot" means a lot in the R-1-B-1 or R-1-B-2 zoning district that does not meet the minimum average width and/or lot area requirement for the zoning district in which the parcel is located, but has an average lot width of at least fifty feet and provides at least five thousand square feet in gross lot area, and was legally created and conforming, ~~either as the result of a subdivision map recorded pursuant to the requirements of the Subdivision Map Act, or by operation of law, has a residence that was constructed and completed (certificate of occupancy was issued for the structure or the structure was completed prior to the issuance of certificates of occupancy by the city) prior to December 7, 2004.~~ In addition, a lot may only be considered exceptional if the

lot was legally created pursuant to the coastal development permit requirements of the Coastal Act and its predecessor statute.

~~Proportionality Rule. On substandard and severely substandard lots as defined herein, the proportionality rule requires that coverage and floor area is reduced by the ratio of the actual lot width or lot area to the required lot size in the zoning district in which the lot is found. The ratio shall be calculated for both the lot area and lot width, and the lesser ratio of the two shall be applied~~

**Section 3. Modifications to Amendments to Chapter 18.05 “Water and Sewer Capacity Allocation and Reservation”.**

The amendment to Section 18.05.020 Priority water uses defined, adding a new subsection E, “Extremely Low, Very Low, and Low Income Housing”, is modified as follows:

E. Extremely Low, Very Low, and Low Income Housing. Housing units for very low and low income housing units are considered a priority residential use pursuant to Government Code Section 65589.7, however adequate infrastructure first must be reserved for all Coastal Act priority uses, as enumerated in LCP LUP tables 10.3 and 10.4.

**Section 4. Modifications to Amendments to Chapter 18.06 “Residential Land Use (R-1, R-2, R-3)”.**

The amendments to Chapter 18.06 are modified as follows:

- A. Delete Footnote #3 from Table C.
- B. The amendment to Section 18.06.050 Exceptions to development standards, adding new subsection I, “Exceptions for Minor Improvements to Disabled Access, is modified as follows:

1. Exceptions for Minor Improvements for Disabled Access...

2. Findings...

g. A request for reasonable accommodation under this section may be approved if it is consistent with the certified Local Coastal Program; or it may be approved and the City may waive compliance with an otherwise applicable provision of the Local Coastal Program if the City finds both of the following: 1) the requested reasonable accommodation is consistent, to the maximum extent feasible, with the certified Local Coastal Program; and, 2) there are no feasible alternative means for providing an accommodation at the property that would provide greater consistency with the certified Local Coastal Program.

h. The request for reasonable accommodation(s) would not require a fundamental alteration in the nature of the City’s Land Use and Zoning and building regulations, policies, practices and procedures, and the City’s Local Coastal Program.

**Section 5. Modifications to Amendments to Chapter 18.20 “Local Coastal Development Permits”.**

The amendment to Section 18.20.070 Findings is modified as follows:

F. Design Review Criteria. The Community Development Director, Planning Commission or City Council has reviewed and considered each specific case and any and all of the following criteria in determining that the following architectural and site design standards have been satisfactorily addressed:

1. Where more than one building or structure will be constructed, the architectural features and landscaping thereof shall be harmonious. Such features include height, elevations, roofs, material, color and appurtenances.
2. Where more than one sign will be erected or displayed on the site, the signs shall have a common or compatible design and locational positions and shall be harmonious in appearance.
3. The material, textures, colors and details of construction shall be an appropriate expression of its design concept and function, and shall be compatible with the adjacent and neighboring structures and functions. Colors of wall and roofing materials shall blend with the natural landscape and be nonreflective.
4. The design shall be appropriate to the function of the project and express the project’s identity.
5. The planning and siting of the various functions and buildings on the site shall create an internal sense of order and provide a desirable environment for occupants, visitors and the general community.
6. The design shall promote harmonious transition in scale and character in area located between different designated land uses.
7. The design shall be compatible with known and approved improvements and/or future construction, both on and off the site.
8. The planning and siting of the various functions and buildings on the site shall create an internal sense of order and provide a desirable environment for occupants, visitors and the general community.
9. Sufficient ancillary functions provided to support the main functions of the project shall be compatible with the project’s design concept.
10. Access to the property and circulation systems shall be safe and convenient for equestrians, pedestrians, cyclists and vehicles.
11. Where feasible, natural features shall be appropriately preserved and integrated with the project.
12. The design shall be energy efficient and incorporate renewable energy design elements including, but not limited to:
  - a. Exterior energy design elements;
  - b. Internal lighting service and climatic control systems; and
  - c. Building siting and landscape elements. (Ord. 8-97 §3(part), 1997).

G. In reviewing applications for additions to, or exterior alteration of any historic resource, the Planning Commission serving as the City Historic Preservation Commission, shall be guided by the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and any design criteria adopted by ordinance or resolution of the City.

1. The proposed work is consistent with an adopted historic resource plan; or
2. The proposed work is necessary for the maintenance of the historic building, structure, site or object in its historic form, or for restoration to its historic form;  
or
3. The proposed work is a minor change which does not affect the historic fabric of the building, structure, site or object; or
4. The proposed alteration retains the essential architectural elements which make the resource historically valuable; or
5. The proposed alteration maintains continuity and scale with the materials and design context of the historic resource to the maximum extent feasible;
6. The proposed alteration, as conditioned, does not significantly and adversely affect the historic, archaeological, architectural, or engineering integrity of the resource;
7. The architectural review committee and planning commission serving as the historic preservation commission have reviewed the project and any necessary and appropriate conditions of approval have been incorporated into the final project plans. (1996 zoning code (part)).

**Section 6. Modifications to Amendments to Chapter 18.33 "Second Dwelling Units".**

A. The amendment to Section 18.33.030 Review and approval; new second dwelling units is modified as follows:

A. Principally Permitted Use. Second dwelling units are permitted as a matter of right in the residential districts...

B. ~~Ministerial~~ Review of Second Dwelling Units. A second dwelling unit shall require an administrative Coastal Development Permit, administrative Site and Design Permit, and a Building Permit. Such an administrative Coastal Development permit shall be processed as a "Local Coastal Development Permit" per Chapter 18.20 and 18.33.040 except that, ~~the~~ the Planning Director is the approval authority for the administrative Coastal Development Permits ~~permits listed issued pursuant to this section.~~ and the approval and ~~any~~ local appeal of administrative CDPs for second dwelling units shall not be subject to a ~~discretionary process or public hearing...~~

D. ~~Residential Growth Limitations. Second dwelling units shall not be considered in or subject to the application of Measure D, Chapter 14.38, Chapter 17.06, or other local ordinance, policy, or program that serves to limit residential growth.~~

B. The amendment to Section 18.33.040 Approval standards for new second dwelling units is modified as follows:

New second dwelling units shall be subject to the same requirements as any single family dwelling located on the same parcel in the same zoning district, including but not limited to the requirements of a coastal development ~~districts~~ permits and general zoning provisions with the following differences:

...

K. Adequate Public Services and Infrastructure. Second dwelling units shall not be approved absent a finding of adequate water supply and wastewater treatment capacity. The second dwelling unit can be accommodated with the existing water service and existing sewer lateral, insofar as evidence is provided that the existing water service and existing sewer lateral has adequate capacity to serve both the primary residence and second dwelling unit.

...

O. Conformance with certified LCP. All new second dwelling units shall conform to all applicable requirements of the City of Half Moon Bay LCP LUP, the Zoning Code and this chapter, including that the proposed second dwelling unit will not adversely impact any coastal resources including any of the following:

a. Environmentally Sensitive Habitat Areas, or significant vegetation such as native trees, shrubs, riparian areas, wetlands, riparian or wetland buffers or visually prominent trees as designated on the Habitat Areas and Water Resources Overlay Map.

b. Significant topographic features, including but not limited to, steep slopes, ridgelines or bluffs, water courses, streams or wetlands or any areas as designated on the Geologic Hazards Map.

c. Significant public views including Old Downtown, Scenic Hillside or Ocean Views from Highway 1 as designated on the Visual Resources Overlay Map.

d. Areas of public access to the coastal trail or beach areas including those as designated on the Access Improvements Map.

e. Archeological resources.

f. Prime agricultural land or soil.

## **Section 7. Modifications to Amendments to Chapter 18.35 "Below Market Rate Housing".**

A. The amendment to Section 18.35.010 Purpose and Intent is modified as follows:

~~Per Government Code Section 65589.7, identification of housing units for very low and low income houses is considered a priority residential use~~ however adequate infrastructure first must be reserved for all Coastal Act priority uses, as enumerated in LCP LUP tables 10.3 and 10.4.

B. The amendment to Section 18.35.050.A Incentives for Below Market Rate Housing is amended as follows:

2. Priority Use. The City shall provide notification to the applicable water and sewer agency identifying that the extremely low, very low and low income housing units are considered a priority residential use pursuant to Government Code Section 65589.7, however adequate infrastructure first must be reserved for all Coastal Act priority uses, as enumerated in LCP LUP tables 10.3 and 10.4.

3. Large Units. Incentives for large (three bedroom or more) rental units shall be provided pursuant to Section 18.06.050(H) for projects that provide 25 percent or more of the Below Market Rate units as three-bedroom units, with a minimum threshold of four Below Market Rate units with three or more bedrooms.

**Section 8. Modifications to Amendments to Chapter 18.42 “Residential Density Bonus”.**

A. The amendment to Chapter 18.40.020 Definitions is modified as follows:

“Density bonus” means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county or city and county. If a residential development qualifies for a density bonus under both the California Government Code and this Section, then the applicant may use either the state or local density bonus benefits, but not both. The granting of density bonus benefits shall not, in and of itself, require a general plan amendment, zoning change or other separate discretionary approval.

B. The amendment to Chapter 18.40.030 Eligibility for Density Bonus and Incentives is modified as follows:

For purposes of calculating base density, any area of land on a given site that is not potentially developable due to hazards or other environmental and resource factors (including but not limited to, areas of sensitive habitat or buffers to that sensitive habitat, steep slopes, significant views, public access ways, or geologic instability) shall not be considered potentially developable lot area and shall be excluded from the base density calculations (i.e., base density shall be determined based only on the potentially developable portion of a given site).

In order to be eligible for a density bonus and other incentives as provided by this chapter, a proposed project shall comply with the following requirements and satisfy: (1) all other applicable provisions of the Certified LUP and (2) except as otherwise provided by this chapter, all applicable provisions of this Zoning Code, except as otherwise provided by this chapter.

...

C. Any housing development approved pursuant to this Chapter shall be consistent, with the certified local LUP policies and with all applicable development standards. Further all development approved pursuant to a density bonus or other incentive shall be developed in a manner most protective of coastal resources (including but not limited to,



areas of sensitive habitat, agriculture, steep slopes, significant views, public access ways, or geologic instability) If the City approves development with a density bonus or other incentive, the City must find that the development, with and without the density bonus or other incentive, would have been fully consistent with the policies of the certified LUP. If the City determines that the means of accommodating the density bonus or other incentive proposed by the applicant will have an adverse effect on coastal resources inconsistent with the LUP or the Chapter 3 policies of the Coastal Act, the density bonus or incentive shall not be approved.

D. For development approved within the Coastal Zone pursuant to this Chapter, the required density bonus and any requested incentive(s), concession(s) and/or waiver(s) or reduction(s) of development standards shall be consistent with the Chapter 3 policies of the Coastal Act and all applicable requirements of the certified Half Moon Bay LUP.

- C. The amendment to Chapter 18.40.040 Calculation of Density Bonus is modified as follows:

...

For the purposes of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the project other than the areas where the units for the lower income houses are located. Any areas deemed undevelopable due to hazards or other environmental and resource factors (including but not limited to, areas of sensitive habitat, steep slopes, significant views, public access ways, or geologic instability), shall be excluded from the developable portions of the lot suitable for density increases over the maximum allowable residential units.

- D. The amendment to Chapter 18.40.050.A Incentives and Concessions is modified as follows:

When an applicant seeks a density bonus or seeks to donate land for housing, the City shall provide the applicant with incentives or concessions for the production on housing units and child care facilities. The applicant must submit a density bonus application, as described in Section 18.42.100, identifying the specific incentives or concessions that the applicant requests.

A. Granting of Incentive.

...

4. The incentive or concession cannot be accommodated in a manner consistent with the Local Coastal Program Land Use Plan or the Chapter 3 policies of the Coastal Act.

- E. The amendment to Chapter 18.40.080 Approvals is modified as follows:

....

C. The density bonus or incentive shall be granted unless the Approving Authority finds that it cannot be accommodated in a manner consistent with the Local Coastal Program Land Use Plan or the Chapter 3 policies of the Coastal Act.

**Section 9. Global modifications to Title 18 Zoning.**

To correspond with the amendment moving Chapters 18.21 "Architectural Review and Site and Design Approval" and 18.39 "Historical Resources Preservation", in their entirety, from Title 18 Zoning to Title 14 Buildings and Construction, and adding new Chapters 14.37 "Architectural Review and Site and Design Approval" and 14.38 "Historic Resources Preservation", all references to "architectural review", "site and design review" and review for preservation of "historic resources" contained in Title 18 will be replaced with references requiring all development approved by any approving authority "to conform to the Visual Resource Protection Standards of Chapter 18.37 and Section 18.20.070."

**Section 10. California Environmental Quality Act**

This ordinance is statutorily exempt from the requirements of CEQA under Section 15265 of the CEQA Guidelines, which provides that CEQA does not apply to activities and approvals by any local government, as defined in Section 30109 of the Public Resources Code, necessary for the preparation and adoption of a Local Coastal Program, including amendments thereto. A Notice of Exemption regarding this ordinance amendment is therefore adequate environmental documentation for this project.

**Section 11. Severability**

If any words, phrases, provisions, or sections of this Resolution 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 Resolution and all the remaining words, phrases, provisions, or sections of this Resolution shall remain in full force and effect; provided however, that the severing of such words, phrases, provisions, or sections does not frustrate the purposes of any of the remaining language of this Resolution.

**Section 12. Publication.** The City Clerk of the City of Half Moon Bay is hereby directed to publish this Ordinance, or the title hereof as a summary, pursuant to Government Code Section 36933, once within fifteen (15) days after its passage in the Half Moon Bay Review, a newspaper of general circulation published in the City of Half Moon Bay.

**INTRODUCED** at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 16<sup>th</sup> day of September, 2014.

**ADOPTED** at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 7<sup>th</sup> day of October, 2014, by the following vote:

AYES, Council Members: Alifano, Fraser, Kowalczyk, Patridge & Mayor Muller

NOES, Council Members: \_\_\_\_\_

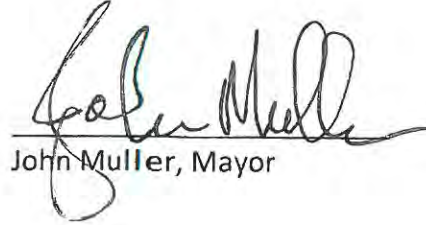
ABSENT, Council Members: \_\_\_\_\_

ABSTAIN, Council Members: \_\_\_\_\_

ATTEST:



Siobhan Smith, City Clerk



John Muller, Mayor



Caroline Weigandt, Acting Deputy City Clerk