

CALIFORNIA COASTAL COMMISSION

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Prepared September 18, 2014 (for October 8, 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 Number LCP-2-HMB-14-0845-2 (Measure F)**

On May 14, 2015 the Coastal Commission approved City of Half Moon Bay's Local Coastal Program (LCP) Major Amendment Number LCP-2-HMB-14-0845-2, provided it was modified per the Commission's suggested modifications. This amendment adds text to the Land Use Plan (LUP) and Implementation Plan (IP) to implement the citizen-sponsored initiative, Measure F, which was approved by the City's Electorate on June 3, 2014. The amendment establishes as a City policy in both the LUP and IP that the Main Street Bridge, located in downtown Half Moon Bay, is a historical resource and ensures the preservation of the historical, visual and physical integrity (including appearance and character) of the Bridge. Finally, the LCP amendment prohibits the Bridge's demolition or "physical expansion," unless voters approve it in a future ballot measure.

By action taken August 18, 2015, 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., October 8, 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 LCP-2-HMB-14-0845-2 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 LCP-2-HMB-14-0845-2; the amended LCP will be certified as of today's date (i.e., October 8, 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-2015-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY ACCEPTING AND AGREEING TO THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO MEASURE F AND ORDINANCE NO. C-214-07, THE "MAIN STREET BRIDGE PRESERVATION ACT," AMENDING POLICY 7-8 (VISUAL RESOURCES) OF THE LOCAL COASTAL PROGRAM LAND USE PLAN (LUP) AND SECTION 18.39.045 OF THE IMPLEMENTATION PLAN (TITLE 18) TO PROHIBIT DEMOLITION OR EXPANSION OF THE MAIN STREET BRIDGE WITHOUT OBTAINING MAJORITY VOTER APPROVAL FOR SUCH DEMOLITION OR EXPANSION AT A SUBSEQUENT ELECTION

MAIN STREET BRIDGE PRESERVATION ACT

RECITALS

WHEREAS, on June 3, 2014, a majority of the voting electorate of the City of Half Moon Bay approved Measure F, and on June 17, 2014 the City Council adopted Ordinance No. C-2014-07, after its proponents submitted an initiative petition containing the requisite number of signatures to qualify it for the November 2014 election ballot (collectively referred to herein as the "Main Street Bridge Preservation Act" or "MSBPA") which, collectively, amended policy 7-8 (Visual Resources) of the City's local coastal program land use plan (LUP) and section 18.39.045 of the implementation plan (Title 18 of the Half Moon Bay Municipal Code, "IP"); and

WHEREAS, on May 14, 2015, the California Coastal Commission certified the LUP and IP amendments of the MSBPA, as amended by Coastal Commission staff, which amendments made no substantive changes to the MSBPA but were proposed to address perceived internal Local Coastal Plan (LCP) cross reference issues;

WHEREAS, LCP amendments as certified by the Coastal Commission with modifications shall not become effective until the modification 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Incorporation of Measure F and Ordinance C-2014-07 by reference; acceptance and Agreement with the California Coastal Commission's suggested modifications.

Measure F and Ordinance C-2014-07 (the "Main Street Bridge Preservation Act") are hereby incorporated by reference, and the City Council accepts and agrees to the suggested modifications received from the Coastal Commission, as set forth below.

Text in ~~striketrough~~ 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 striketrough~~ 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 Chapter 18.39 Historic Resources Preservation.

The amendment to Chapter 18.39 "Historic Resources Preservation" including Section 18.39.045 "Demolition of Any Historic Resource on the Inventory" is hereby modified as follows:

"Chapter 18.39 Historic Resources Preservation

For the purposes of Section 18.39.045 below, "this chapter" means Chapter 18.39 and Section 18.20.070.G. For the purposes of Section 18.39.045 below, "any historic resource on the inventory", "any building or object on the historic resource inventory from a site", or "building or object" refer to the Main Street Bridge.

18.39.045 Demolition of Any Historic Resource on the Inventory

Prior to authorizing the issuance of a demolition permit to remove any building or object on the historic resources inventory from a site, the procedures set forth in this section shall be followed:

A. The property owner shall submit evidence from a qualified professional that the building or object is a hazard to public health or safety and repairs or stabilization are not feasible; or

B. The property owner shall submit a written statement indicating that there is no viable economic use of the building or object in its present configuration or condition, and it is not feasible to derive a reasonable economic return from the building or object in its present configuration or condition; and

C. The property owner shall submit a written statement indicating that the building or object has been offered as a donation to a responsible organization such as the Spanish town historical society for relocation to an appropriate receptor site for preservation.

Notwithstanding any other provisions of this Chapter, the Main Street Bridge's historical, visual and physical integrity (including appearance and character) shall be preserved intact, and its demolition or physical expansion prohibited, unless preservation of the Bridge and its historical, visual and physical integrity is rejected and such demolition or physical expansion is authorized by the City Council and at least a majority of the City's electors voting at a general or special election at which such a measure is submitted."

Section 3. 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 4. Severability

If any words, phrases, provisions, or sections of this Ordinance 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 5. 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 21st day of July, 2015.

ADOPTED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 18th day of August, 2015 by the following vote:

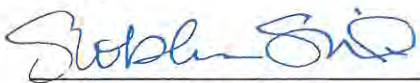
AYES, Council Members: Kowalczyk, Muller, Penrose, Ruddock and Mayor Fraser

NOES, Council Members:


ABSENT, Council Members:

ABSTAIN, Council Members:

ATTEST:



Siobhan Smith, City Clerk


Marina Fraser, Mayor 8/24/15