

**CALIFORNIA COASTAL COMMISSION**

North Central Coast District Office  
45 Fremont Street, Suite 2000  
San Francisco, California 94105-2219  
(415) 904-5260 or (415) 904-5200 FAX (415) 904-5400



# Th17

## **NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT**

*For the  
May Meeting of the California Coastal Commission*

### **MEMORANDUM**

Date: May 08, 2015

**TO:** Commissioners and Interested Parties  
**FROM:** Dan Carl, North Central Coast District Deputy Director  
**SUBJECT:** *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the May 2015 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Central Coast District.

## ***DETAIL OF ATTACHED MATERIALS***

### ***REPORT OF DE MINIMIS WAIVERS***

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<b>2-15-0464-W</b> Sonoma County Regional Parks	Repair 30 linear feet of existing dock decking and four dock slip fingers, and replace existing water, electric, and light fixtures, within one of five docks at Mason's Marina	1818 Bay Flat Rd., Bodega Bay, CA 94923

### ***REPORT OF EXTENSION - IMMATERIAL***

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<b>2-08-013-E1</b> Porto Bodega LP	for replacement of floating docks and three access ramps at the marina portion of the property	1500 Bay Flat Rd, Bodega Bay, Sonoma County
<b>2-10-030-E1</b> Porto Bodega LP	Repair and expansion of the former Sandpiper Restaurant and the adjacent bait shop building, including the creation of an outdoor covered patio area with outdoor seating and additional parking.	1355 Bay Flat Rd, Bodega Bay, Sonoma County

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**NOTICE OF PROPOSED PERMIT WAIVER**

**Date:** April 30, 2015

**To:** All Interested Parties

**From:** Nancy Cave, North Central Coast District Manager  
Ethan Lavine, Coastal Planner

A handwritten signature in cursive script, appearing to read "Nancy Cave".

**Subject:** Coastal Development Permit (CDP) Waiver 2-15-0464-W  
Applicant: Sonoma County Regional Parks

**Proposed Development**

Repair 30 linear feet of existing dock decking and four dock slip fingers, and replace existing water, electric, and light fixtures, within one of five docks at Mason's Marina, at 1818 Westshore Road, Bodega Bay in unincorporated Sonoma County.

**Executive Director's Waiver Determination**

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project will facilitate water-oriented recreational boating activities at a County-owned public marina by bringing one of five docks up to modern specifications and safety regulations, making it safe for use by the public. Replacement light fixtures would be downcast onto the dock and would not cast light over open water. As proposed, the project will not have any significant adverse impacts on coastal resources, including water quality and marine resources. The project includes construction methods and best management practices to avoid potential impacts to the water quality and biological resources of Bodega Harbor. For the reasons above, the proposed project is consistent with Chapter 3 of the Coastal Act and the certified Sonoma County Local Coastal Program.

**Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, May 14, 2015 in Santa Barbara. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Ethan Lavine in the North Central Coast District office.**

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**NOTICE OF PROPOSED PERMIT EXTENSION**

**Date:** April 27, 2015  
**To:** All Interested Parties  
**From:** Nancy Cave, North Central Coast District Manager *NCM*  
Ethan Lavine, Coastal Planner  
**Subject:** **Proposed Extension to Coastal Development Permits (CDP) 2-10-030 and 2-08-013**  
Applicant: Porto Bodega LP

**Original CDP Approval**

CDPs 2-10-030 and 2-08-013 were approved by the Coastal Commission on April 11, 2013. CDP 2-10-030 provided for repair and expansion of the Sandpiper Restaurant and the adjacent bait shop building, including the creation of an outdoor covered patio area with outdoor seating and additional parking, at 1355 Bay Flat Road, Bodega Bay, Sonoma County. CDP 2-08-013 provided for replacement of floating docks and three access ramps at the marina portion of the property at 1500 Bay Flat Rd., Bodega Bay, Sonoma County.

**Proposed CDP Extension**

The expiration date of CDPs 2-10-030 and 2-08-013 would be extended by one year to April 11, 2016. The Commission's reference numbers for the proposed extensions are **2-10-030-E1** and **2-08-013-E1**.

**Executive Director's Changed Circumstances Determination**

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified Sonoma County Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

**Coastal Commission Review Procedure**

The Executive Director's determination and any written objections to it will be reported to the Commission on Thursday, May 14, 2015, in Santa Barbara. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

**If you have any questions about the proposal or wish to register an objection, please contact Ethan Lavine in the North Central Coast District office.**

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# Th19c

**Prepared May 13, 2015 for May 14, 2015 Hearing**

**To:** Commissioners and Interested Persons

**From:** Nancy Cave, District Manager  
Stephanie Rexing, Coastal Planner

**Subject: STAFF REPORT ADDENDUM for Th19c  
City of Half Moon Bay Amendment Number LCP-2-HMB-14-0845-2**

In the time since the staff report was distributed, it has come to the City's attention that their initial submittal for the above-referenced Land Use and Implementation Plan (LUP and IP) amendments contained an inadvertent error. In order to clarify the submittal, Half Moon Bay City Attorney, Tony Condotti states in a letter dated May 8, 2015 that the City actually took two actions regarding ballot measures protecting the Main Street Bridge: a June 17, 2014 City Council action on an ordinance to adopt the Main Street Bridge Preservation Act, and a September 24, 2014 Planning Commission action on a resolution that identified proposed LUP and IP amendment text that differed slightly from both the initiative text and the previously adopted City Council ordinance. According to Mr. Condotti's recent letter, the City's initial LCP amendment submittal to the Coastal Commission erroneously included the Planning Commission resolution, and not the City Council ordinance. The May 8, 2015 letter asks that the Coastal Commission certify the LUP and IP amendments exactly as written in the City Council ordinance of June 17, 2014 (and attaches the corrected City Council Ordinance for this purpose (see **Exhibit 1**)), rather than certify the September 24, 2014 Planning Commission action that was originally submitted in error.

The intent of the distributed staff report's (dated prepared May 1, 2015) suggested modifications were to reconcile the City's then submitted proposed LUP and IP amendment text with the text of the citizen-sponsored initiative that was passed by the City of Half Moon Bay electorate on June 3, 2014 (because the Planning Commission version originally submitted by the City did not do this). The City now informs staff that the *City Council ordinance* is what they intended to propose, and thus these modifications are no longer necessary or accurate. Thus, the purpose of this addendum is to modify the staff recommendation for the above-referenced item and to correct the submittal to reflect what the City actually *meant* to submit for Coastal Commission certification. These staff report changes do not alter the staff recommendation, which was to modify the City's original submittal to reconcile the LUP and IP amendment text with the text of citizen-sponsored initiative, which is the same as what the City now indicates it proposes now. The proposed LCP text still needs to be slightly modified to address internal LCP cross-reference issues, and thus the submittal still requires suggested modifications. Thus, the staff report is

modified as shown below (where applicable, text in underline format indicates text to be added to reflect the corrected City submittal, and text in ~~striketrough~~ format indicates text to be deleted).

**Changes to the Staff Recommendation**

1. Delete language from the “Summary of Staff Recommendation” on staff report page 1 which refers to modifications that are necessary to reconcile the amendment text with the citizen-sponsored initiative.
2. Delete **Suggested Modification #1** on staff report page 5 (because the City’s corrected submittal matches the LUP text proposed in the initiative and no longer needs to be modified to reconcile the two).
3. Delete **Suggested Modification #2** on staff report page 5 (because the City’s corrected submittal matches the IP text proposed in the initiative and no longer needs to be modified to reconcile the two).
4. Insert new **Suggested Modification #1** on page 5 as follows (in order to add the required cross-reference to Historic Resource Preservation protections found elsewhere in the IP and to add back other relevant text deleted from Chapter 18.39 in prior amendment action):

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.*

5. On page 6 of the staff report, modify the description of the proposed LUP and IP amendments to reflect the City's corrected submittal, the City Council Ordinance of June 17, 2014 (see **Exhibit 1**).
6. On page 6 of the staff report, modify the "History of Submittal" section to reflect the action taken in the City's corrected submittal, the City Council Ordinance of June 17, 2014 (see **Exhibit 1**).
7. On page 7 of the staff report, delete the last paragraph from the "History of Submittal" section.
8. On page 8 of the staff report, delete paragraphs 2 and 3 from the "Analysis of Proposed LUP changes" section.
9. On page 9 of the staff report, modify the "Analysis of Proposed IP Changes" section to reflect the action taken in the City's corrected submittal, the City Council Ordinance of June 17, 2014 (see **Exhibit 1**).
10. On page 9 of the staff report, change references to **Suggested Modification 2** to be references to **Suggested Modification 1**.
11. On pages 9-10 of the staff report, modify the following text:

*Finally, ~~to assure consistency with the previously mentioned California Elections code requirements, Suggested Modification 1 2 is required to define terms that are being added back to Section 18.39.045 and to add back other relevant text deleted from Chapter 18.39 in prior action (LCP amendment HMB-MAJ-1-11)reconcile the IP amendment text as passed by the Planning Commission resolution with the Measure adopted by the City of Half Moon Bay voters. In short, the resolution language will revert back to the exact language as was passed by the citizen-sponsored voter initiative with the exception of correcting the referenced chapter. The City has agreed to this suggested modification.~~*

12. Replace staff report Exhibits 1 and 2 with the City's corrected submittal, the City Council Ordinance of June 17, 2014 (see **Exhibit 1**).

**Exhibit 1:** City's Letter and Corrected Submittal (the City Council Ordinance of June 17, 2014)



## CITY OF HALF MOON BAY

Office of the City Attorney

PO BOX 481, Santa Cruz, CA 95061-0481

Telephone: (831) 423-8383

Fax: (831) 576-2269

May 8, 2015

*Via Electronic Mail  
And United States Mail*

Stephanie Rexing, Coastal Planner  
California Coastal Commission  
North Central Coast District  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Re: **City of Half Moon Bay Amendment Number LCP-2-HMB-14-0845-2 (Measure F/  
Main Street Bridge Preservation Act)**

Dear Stephanie:

This is a follow-up to our conversations of yesterday and this morning, in which we discussed and agreed upon your issuance of an addendum to the Staff Report for the above-referenced item, the purpose of which is to correct an inadvertent error in the City's initial submittal of December 5, 2014, and to clarify its request for certification of proposed amendments to Policy 7-8 (Visual Resources) of the Local Coastal Program Land Use Plan (LUP) and Section 18.39.045 of the Implementation Plan (IP).

As we've discussed, events occurred in early 2014 that resulted in two substantially identical ballot measures being adopted in June, 2014. The first, Measure F, was a City Council sponsored ballot measure approved by the voters on June 3<sup>rd</sup>. The second, a citizen sponsored initiative entitled the "Main Street Bridge Preservation Act," (MSBPA) was later adopted by the City Council on June 17<sup>th</sup> as Ordinance No. C-2014-07 (in lieu of being placed before the voters at the November, 2014 statewide election), after proponents submitted their initiative petition containing a sufficient number of valid signatures to qualify for the ballot.

Following these actions, City staff proceeded to process the proposed amendments in accordance with the procedures set forth in IP Chapter 18.24, and a hearing properly noticed in accordance therewith was conducted by the Planning Commission on September 24, 2014, at which time it adopted a Resolution "RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING POLICY 7-8 "VISUAL RESOURCES" OF THE LOCAL COASTAL PLAN LAND USE PLAN (LCP/LUP) AND CHAPTER 18.39 "HISTORICAL RESOURCES PRESERVATION" OF THE ZONING CODE." The matter was then scheduled to be considered by the City Council at its November 18, 2014 regular meeting. In researching the matter in advance of November meeting, however, I came upon the case of *San Mateo*

Stephanie Rexing, Coastal Planner

May 8, 2015

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*County Coastal Landowners' Association v. County of San Mateo, et al.*, (1995) 38 Cal.App.4<sup>th</sup> 523, which essentially holds that the initiative process specified by the California Elections Code is the functional equivalent of the notice and hearing process for LCP amendments as contained in the Coastal Act.

Based on the *San Mateo County Coastal Landowners'* decision I concluded that, upon their approval in accordance with the process specified in the Elections law for ballot initiatives, no further action was required by the City and, therefore, that both Measure F and the MSBPA should have been submitted forthwith to the Commission for certification. Unfortunately, rather than the actual text of Measure F as approved by the voters on June 3<sup>rd</sup>, and the Ordinance adopted by the Council on June 17<sup>th</sup>, the City's December 5<sup>th</sup> submittal erroneously enclosed a copy of the Planning Commission's September 24<sup>th</sup>, 2014 Resolution, which recommended Council adoption of proposed LUP and IP amendments that differed slightly, although non-substantively, from the previously adopted measures. I understand that you later requested, and were furnished, copies of both Measure F and the MSBPA from City staff.

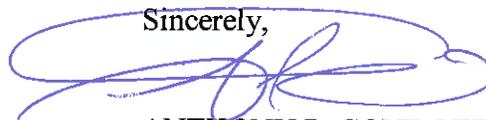
**To clarify, please consider this letter as the City of Half Moon Bay's formal request to the Coastal Commission for certification of amendments to LUP Policy 7-8 (Visual Resources) and Section 18.39.045 (Demolition of any Historic Resource on the Inventory) exactly as written in the citizen sponsored "Main Street Bridge Preservation Act," approved by the City Council on June 17<sup>th</sup>, 2014, a true and correct copy of which is attached hereto.**

As we have discussed, the MSBPA added non-substantive language not found in Measure F (mostly the phrase "preservation of the Bridge and its historical, visual and physical integrity"). Based on well-established rules of statutory construction, the later approved measure may be interpreted to have amended the earlier.

In addition to the foregoing, it is our understanding that Coastal Commission staff would like to recommend that the Commission certify the proposed amendment with some introductory language in Chapter 18.39 cross-referencing the historic resource protection requirements of Section 18.20.070.G. As we've discussed, the proposed modification is acceptable to City staff and we will be recommending that it be accepted by the City Council.

Thank you for your continued courtesy and cooperation.

Sincerely,



ANTHONY P. CONDOTTI  
City Attorney

/enclosure/

cc: Magda Gonzalez, City Manager  
Dante Hall, Community Development Director  
Bruce Ambo, Planning Manager

Ordinance No. C-2014-07

**AN ORDINANCE 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**

Be it ordained by the People of the City of Half Moon Bay:

**SECTION 1. Title**

This measure shall be known and may be cited as the "Main Street Bridge Preservation Act."

**SECTION 2. Findings and Declarations**

The People of the City of Half Moon Bay declare their findings and purposes in enacting this Initiative to include the following:

Whereas, the Main Street Bridge was the first concrete bridge built in San Mateo County, is the second oldest surviving example of a steel reinforced concrete arch bridge in California, and remains possibly the oldest concrete bridge to use braided steel cables for reinforcement in the world; and

Whereas, the Main Street Bridge is an irreplaceable public resource of the highest value; and

Whereas, the Main Street Bridge has been listed on the Half Moon Bay Historical Resource Inventory since 1986; and

Whereas, the California State Historical Resources Commission voted unanimously on February 7, 2014, to forward the Nomination of the Main Street Bridge to the Keeper of the Register of the National Register of Historic Places for inclusion on the National Register; and

Whereas, it is in the interest of the City of Half Moon Bay to preserve the unique character and quality of distinctive architectural, historical and visual resources of the City; and

Whereas, the City's Circulation Element, Action 3-1, requires consideration of special circumstances such as historical significance, environmental concerns, and/or lack of room as well as the need to incorporate complete streets to the extent feasible and to allow for well-designed deviations in updating its engineering and design standards;

Therefore, the people of Half Moon Bay declare that it is the policy of the City of Half Moon Bay that:

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 of the bridge's historical, visual, and physical integrity 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. Purpose and Intent**

The people of the City of Half Moon Bay hereby find and declare the following:

- a. The Main Street Bridge is an irreplaceable public resource of the highest value.
- b. It is in the interest of Half Moon Bay to preserve the unique character and quality of distinctive architectural and historical resources of the City's downtown.

### **SECTION 4. Definitions**

For the purposes of this Act, "Main Street Bridge" means the Pilarcitos Creek Bridge, also known as the Main Street Bridge, Site Number CA 0035C-25, spanning the Pilarcitos Creek, in Half Moon Bay, California.

### **SECTION 5. Local Coastal Program Land Use Plan Amendment**

(Amendments are indicated by ~~strikeout~~ and underlining.)

The Local Coastal Program Land Use Plan is amended as follows:

- a. Policy 7-8 of Chapter 7 (VISUAL RESOURCES) is amended to read as follows:

Policy 7-8:

New development, alterations to existing structures, and proposed demolitions in the downtown area, as designated on the Visual Resource Overlay Map, shall be subject to design approval in accordance with the following criteria:

- (a) Scale and style similar to that of the predominant older structures.
- (b) Continuity in building lines maintained along Main Street.
- (c) Existing older buildings which contribute significantly to the character of the area not demolished or altered in a manner which eliminates key architectural features.

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 6. Municipal Code Amendment**

(Amendments are indicated by ~~strikeout~~ and underlining.)

The City Municipal Code is amended as follows:

a. City Municipal Code Section 18.39.045 is amended as follows:

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 7. City Government Responsibilities**

- a. The City Council of the City of Half Moon Bay is hereby authorized and

directed to amend provisions of the General Plan, Local Coastal Program Land Use Plan, Municipal Code, and any other policies, specific plans, maps and ordinances not amended by this Initiative as soon as possible and in the manner and time required by State or Federal law, if such amendments are necessary to ensure consistency between this Initiative and other elements and provisions of the City's General Plan, Local Coastal Program Land Use Plan, Municipal Code, and other City policies, specific plans, maps and ordinances.

b. The City Council shall submit, and process to completion, any amendment(s) to the Local Coastal Program by this Initiative, which require approval, to the California Coastal Commission, not later than 60 days, after the Initiative becomes effective, except as provided in Section 8, in an appropriate manner with necessary supporting documents and information.

c. The City Council and other officials and employees of the City Government are mandated by the People of the City of Half Moon Bay to apply and enforce the provisions of this Initiative, except to the extent that application of any provision is determined by a valid and final order of the California Coastal Commission to violate the California Coastal Act of 1976, or is determined by a valid order of a court to violate the Constitution or law of California or the United States.

#### **SECTION 8. Effective Date**

In accordance with the provisions of California Elections Code section 9217, if a majority of the voters vote in favor of the Initiative, the Initiative shall go into effect 10 days after the vote is declared by the City Council, However, if in the year this Initiative becomes effective the maximum number of General Plan and Local Coastal Program amendments permitted by state law for that year have already been made, the General Plan and Local Coastal Program Land Use Plan and Municipal Code amendments made herein shall be made at the earliest possible time thereafter, but no demolition or physical expansion of the Main Street Bridge shall be allowed in the interim.

#### **SECTION 9. Severability**

If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts or portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

**SECTION 10. Construction of Initiative**

This Initiative shall be liberally construed to accomplish its purposes. This Initiative is not intended to preempt or conflict with any state or federal law or regulation, and shall be so construed and applied. This Initiative is also intended to be and shall be construed as consistent with each and every element, provision and map, and the whole of the Half Moon Bay General Plan.

**SECTION 11. Consistency with Other Ballot Measures**

If another ballot measure is placed on the same ballot as this measure and deals with the same subject matter, and if both measures pass, the voters intend that both measures shall be put into effect, except to the extent that specific provisions of the measures are in direct conflict. In the event of a direct conflict, the measure which obtained more votes will control as to the directly conflicting provisions only. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

**SECTION 12. Amendments.**

Except as expressly provided herein, this Initiative may be amended or repealed only by the voters of the City of Half Moon Bay.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 17<sup>th</sup> day of June, 2014, by the following vote:

AYES, Councilmembers: Alifano, Kowalczyk, Patridge & Mayor Muller

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

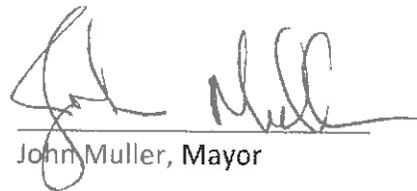
ABSENT, Councilmembers: Fraser

ABSTAIN, Councilmembers: \_\_\_\_\_

ATTEST:



Siobhan Smith, City Clerk



John Muller, Mayor