

CALIFORNIA COASTAL COMMISSION

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Th19a

Prepared April 24, 2015 (for May 14, 2015 Hearing)

To: Commissioners and Interested Persons

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

**Subject: Half Moon Bay LCP Amendment Number LCP-2-HMB-14-0847-3 Part A
(Convalescence Facilities)**

Proposed Amendment

The City of Half Moon Bay proposes to modify the City's Local Coastal Program (LCP) Implementation Plan (IP) to amend IP Section 18.06.025, which allows the City to grant use permits for convalescence and general day care facilities for an initial period of two years. IP Section 18.0625 also allows for one year extensions to the initial two-year use permits to be granted administratively, at a duly noticed public hearing prior to the expiration of the initial two-year permit. The proposed amendment would delete the two year initial limit on use permits and the requirement for one-year extensions for all convalescence and general day care facilities. Please see Exhibit 1 for the full text of the proposed amendment and Exhibit 2 for the City Council Ordinance passing and adopting the change.

Minor LCP Amendment Determination

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing. If one-third of the appointed members of the Commission do not object to the minor LCP amendment determination by the Executive Director, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately (in this case, on May 14, 2015).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

The proposed LCP amendment will allow convalescence and general day care facilities to be permitted in all residential R-2 and R-3 districts upon grant of a use permit. The amendment will no longer require that the use be only permitted for two years and will no longer provide for an additional extension of one-year for such two-year use permits. The City of Half Moon Bay has no equivalent time limitation for other conditional uses issued use permits within residential zones. Further, any use permit granted for such convalescence and general day care facilities will still be required to show conformance to all other development standards in R-2 and R-3 zones. Finally, removing a limit on use permits for such convalescence and general day care facilities ensures consistency with Federal Fair Housing Act requirements. As such, the proposed amendment allows for such convalescence and general day care facilities to continue operating in the City and will not change the kind, location, intensity, or density of use of land.

California Environmental Quality Act (CEQA)

The Coastal Commission’s review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. The City has determined that the project is exempt from further review under CEQA, pursuant to Section 15305 of the Public Resources Code, “Minor Alterations in Land Use Limitations.” This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its May 14, 2015 meeting in Santa Barbara. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Stephanie Rexing at the North Central Coast District Office in San Francisco.

Exhibits:

Exhibit 1: Proposed Amendment Text

Exhibit 2: City Council Ordinance

Exhibit A

Text in ~~strike through~~ format denotes text that the City proposes to delete and text in underline format denotes text that the City proposes to add.

18.09.020 Permitted uses.

Uses permitted in a P-S district include the following:

PERMITTED USES

Fire station

School

Library

Church

Airport

Hospital/Animal Hospital

Cemetery

Park Civic center

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ORDINANCE NO. C-2014-11

PDPz-046-14

AN ORDINANCE OF THE CITY OF HALF MOON BAY TO AMEND ZONING ORDINANCE CHAPTER 18.09 "PUBLIC AND QUASI-PUBLIC (P-S) LAND USE" TO INCLUDE "ANIMAL HOSPITAL" TO THE LIST OF PRINCIPALLY PERMITTED USES ENUMERATED IN SECTION 18.09.020 "PERMITTED USES"

WHEREAS, the City of Half Moon Bay is committed to 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 City of Half Moon Bay Planning Commission, as the Advisory Body to the City Council, conducted a duly noticed hearing on August 12, 2014 at which time all those in attendance desiring to be heard were given an opportunity to speak on amendments proposed with this ordinance; and

WHEREAS, following the close of the public hearing the Planning Commission voted unanimously to recommend that the City Council amend Title 18 of the Municipal Code as set forth in this ordinance; and

WHEREAS, the City Council at its public hearing considered City-initiated text amendments to Chapters 18.09 of the Zoning Code, which involves including "Animal Hospital" to the use classifications listed Section 18.09.020 Permitted Uses for the purpose of modifying regulations that are outdated or otherwise ineffective; and

WHEREAS, the City Council considered all written and oral testimony presented in its consideration of the amendments; and

WHEREAS, the Zoning Code is part of the Implementation Plan of the City of Half Moon Bay's certified Local Coastal Program/Land Use Plan, which is intended to be carried out in a manner fully in conformity with the California Coastal Act.

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

Section 1. Chapter 18.09 "PUBLIC AND QUASI-PUBLIC (P-S) LAND USE IS AMENDED, to include "Animal Hospital" to the use classifications listed Section 18.09.020 Permitted Uses for the purpose of modifying regulations that are outdated or otherwise ineffective.

Section 2. Compliance with California Environmental Quality Act. This 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.

Section 3. Effective Date. This ordinance amending the LCP Implementation Plan shall be transmitted to the California Coastal Commission and shall take effect immediately upon its certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the ordinance adopted by the City is legally adequate.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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, at a public hearing held on September 16, 2014.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 7th day of October, 2014, by the following vote:

AYES, Alifano, Fraser, Kowalczyk, Patridge & Mayor Muller


ABSENT,

ABSTAIN,

ATTEST:

APPROVED:


Siobhan Smith, City Clerk


John Muller, Mayor

FOR