

BUSINESS OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **July 20, 2005**

TO: City Council and the Public

FROM: Jack Liebster, Planning Director
Wendy Brewer Lama, LCP Planning Consultant

TITLE: Public Hearing and Discussion of Issues Related to Proposed Amendments to the City of Half Moon Bay Local Coastal Program.

RECOMMENDATION: Discuss the issues summarized below and provide direction to staff to prepare related final proposed Local Coastal Program Amendment materials for Council to authorize submitting to the Coastal Commission for certification.

SUMMARY: In this staff report:

1. Announcement that Responses to Public Comments on the LCP Update are now posted on the City's website.
2. Discussion of the allocation of a portion of Measure D certificates to "New Development" in the Expansion Area, and development standards for New Development.

INTERAGENCY: This is the eighth hearing by the City Council on the update of the City of Half Moon Bay's Local Coastal Program (LCP). Notice for public hearings and public participation has met the standards set forth in Commission Regulations Section 13515 and 13552(a), as described below.

AVAILABILITY OF LCP DOCUMENTS FOR PUBLIC REVIEW

The public workshop schedule and related materials are posted on the City's website at www.half-moon-bay.ca.us. From the Home Page, click on Planning and follow the navigation to the listing of hearings and applicable staff reports. Staff reports are also available for review at the public library and at City Hall. Public comments are welcome in writing as well as at the hearings.

The April 29, 2005 Public Review Draft (PRD) is the reference document for this public hearings and staff report.

1. RESPONSES TO PUBLIC COMMENTS

Responses to Public Comments on the LCP Update, are now posted on the City's website at www.half-moon-bay.ca.us. From the Home Page, click on Planning and follow the navigation to the listing labeled "Responses to Public Comments on the LCP Update."

Residents, property owners, and business community members of Half Moon Bay have been actively participating in the LCP/GP update process. Since October 2004, there have been eleven joint Planning Commission-City Council workshops, three public educational sessions, three Planning Commission public hearings, and eight City Council public hearings, at which the public has brought numerous questions and comments to attention. The Planning Department has also received many letters with comments and questions about the LCP update.

The public input has been extremely helpful, and the comments and questions have been taken into account in the ongoing revisions to the LUP policies.

The Planning Department has now responded individually to comments and questions received up until early June. The Responses to Comments document is now posted on the City's website, representing the Department's continuing effort to identify how comments were integrated into the planning process and to provide information and background on the concerns that were raised. This document has not been reviewed by the City Council, Planning Commission or City Attorney's office.

The questions and answers are organized by policy number, according to the numbering system of the LCP Amendment Public Review Draft (April 29, 2005). Staff has attempted to briefly summarize comments, and to provide a response. The commenters' initials or name, and the date of the comment letter (or date received by City Hall), are noted at the end of each comment or question. In cases where several parties have asked the same question, the summarized questions are clustered and answered all at once. A reference number for each response (eg., [18a]) refers to the location of the question in the original comment letter. The packet of comment letters is too lengthy to post on the website but is available for review at from City Hall. A complete Responses to Public Comments document will be mailed to each person who submitted a substantive comment/question letter regarding the LCP update.

Staff invites the public to read the questions and answers to give a fuller understanding of the LCP and the update process.

The Planning Department thanks everyone who has taken the time to participate in the LCP update, and especially those who have submitted thoughtful and constructive comments and questions.

2. NEW DEVELOPMENT

The draft LCP/GP provides for orderly development, consistent with the objective of concentrating development in already developed areas able to accommodate it (PRC§30250), and within a logical and economical planning strategy that directs development where services are in place and where coastal resources are generally less impacted.

In discussions during LCP update public hearings, the Council has prioritized development to occur first in residentially and commercially zoned existing neighborhoods and the Downtown Area where water, sewer and road infrastructure are in place (ie, Infill); next, to areas where some but not all services are in place (ie, Tier 2); then to “New PUDs” and “environmentally challenged paper subdivisions;” and lastly to lands zones UR or OSR, and on agriculturally zoned lands that are no longer suitable for agricultural use.

At the May 31 and June 28 public hearings, the Council discussed annually allocating a portion of Measure D certificates to New Development projects in the Expansion Area (i.e., those areas that fall outside of the Infill area). (Please see pages 11-12 of the May 31 staff report). The allocation for New Development would begin as soon as the LCP is certified and would not wait until all Infill parcels that wish to develop have received Measure D certificates.

The Council also discussed retaining some flexibility in the proportion of annual Measure D certificates allocated to New Development, ranging from 25 to 50% per year, to achieve the following objectives:

- To respond to and provide incentives for high quality development, consistent with LUP standards, that generate community benefits while retaining project feasibility
- To enable the incremental allocation of Measure D certificates to a project over a period of several years, within a feasible development schedule;
- To allow for an iterative process between the City and developer that gives adequate assurances to the City and applicant on agreed upon standards and objectives, within the Specific Plan process.
- To retain flexibility to “smooth out” annual fluctuations in actual building activity.

Standards for New Development

Within the range of annual allocations (e.g., 25-50% of all Measure D certificates issued for a given year), the actual number of Measure D certificates allocated would be decided in the annual Measure D resolution, based in part upon proposed projects' satisfaction of specific minimum performance criteria, and their commitment to providing additional public benefits. Such criteria and incentives could speak to the following:

- Consistency with all LUP policies, and with other General Plan elements, including the Open Space Element when adopted
- Satisfaction of minimum requirements (re: protection of coastal views, scenic resources, open space, coastal access and recreational opportunities, and sensitive habitat and other coastal resources, etc.)
- Mandatory lot retirement
- Mitigation of project impacts

- Contribution to community service needs and benefits
- Improvements to transportation movement and safety toward achieving LOS D.

For further discussion by the Council, staff presents a series of development standards for New Development, particularly for PD/PUD sites. The following draft policies bring forward the latest versions of draft LUP policies considered at the December 2, 2005 joint PC/CC LUP update workshop, and show the current LCP policies in strike-out. The policy numbering reflects the current LCP policy numbers. The changes recommended in Attachment 2 of the December 2, 2005 staff report have been "accepted" here. Strike out and underline changes reflect further suggested modifications.

Besides these general PD policies, staff anticipates reviewing and finalizing additional Area-Specific PD Policies that give more site-specific direction to individual PD sites during Step 2 of the LCP update process. At that time, public input on Area-Specific PD policies will be sought, and the draft Open Space Element analysis and recommendations will be integrated into the consideration of each site.

Also during Step 2 of the LCP update, staff will address the Specific Plan process for PDs/New Development. (Note: Planned Development, PD, is the land use plan designation; Planned Unit Development, PUD, is the zoning designation. The term "PD" as used in the Land Use policies refers to sites designated as PD and zoned as PUD.)

9.3.2 SPECIFIC PLANNED DEVELOPMENT POLICIES POLICY 7.16: PLANNED DEVELOPMENT AND LAND DIVISION OBJECTIVES (from December 2 Policy Comparison Chart)

Utilize the subdivision process and the Planned Development (PD) designation to ensure the well-planned and coordinated development of large undeveloped areas, in accordance with the following standards objectives:

- Flexible ~~city~~ and innovative community design within well-planned and coordinated development of large undeveloped areas.
- Preservation of the scenic qualities and views of and along the ocean and toward the hills from public beach and blufftop areas.
- Protection of coastal resources including environmentally sensitive habitat areas, archaeological sites, and prime agricultural lands in accordance with LUP policies, and ~~to avoidance of~~ hazardous areas.
- Achievement of LCP coastal access and public recreation objectives, and where feasible, provision of affordable visitor-serving accommodations.
- Consolidation and/or elimination of antiquated 'paper' subdivisions.
- Provision of affordable housing.
- Provision of sufficient public open space for: conservation, public coastal access and recreation, as visual corridors, for aesthetics and general open space values.
- Provision of mixed types and densities of residential development, with neighborhood, local, and/or visitor-serving commercial uses, in accordance with LCP land use priorities and policies, and as a means of reducing traffic on local roads or ~~meeting~~ meeting visitor needs.

(i) Contribution to the achievement of the overall goals and objectives of the LUP and the Open Space Element, and consistency with other General Plan elements, including concentration of development in or contiguous to existing developed areas.

(j) Besides mitigation of project impacts, in accordance with LUP policies and City ordinances requirements, contribution to community service needs and benefits, including improvements to transportation movement and safety toward achieving LOS D.

(Current) LCP 9.3.2 Specific Planned Development Policies

~~The purpose of the Planned Development designation is to ensure well planned development of large, undeveloped areas planned for residential use in accordance with concentration of development policies. It is the intent of this designation to allow for flexibility and innovative design of residential development, to preserve important resource values of particular sites, to ensure achievement of coastal access objectives, to eliminate poorly platted and unimproved subdivisions whose development would adversely affect coastal resources, and to encourage provision for low and moderate income housing needs when feasible. It is also the intent of the Planned Development designation to require clustering of structures to provide open space and recreation, both for residents and the public. In some cases, commercial development such as convenience stores or visitor serving facilities may be incorporated into the design of a Planned Development in order to reduce local traffic on coastal access roads or to meet visitor needs.~~

(Current) LCP Policy 9-9

~~Use of flexible design concepts, including clustering of units, mixture of dwelling types, etc., shall be required to accomplish all of the following goals:~~

- ~~(a) — Protection of the scenic qualities of the site;~~
- ~~(b) — Protection of coastal resources, i.e. habitat areas, archaeological sites, prime agricultural lands, etc., as required by the Coastal Act;~~
- ~~(c) — Avoidance of siting of structures in hazardous areas; and~~
- ~~(a) Provision of public open space, recreation, and/or beach access.~~

POLICY 9-8 (FOUNDATION POLICY) (from Public Review Draft)

Planned Development (PD) sites shall be planned as a unit. Preparation of Specific Plans (Government Code Section 65450) and LCP amendments shall be required for one or more separate ownerships, individually or collectively, when parcels comprising a site designated PD are in separate ownerships.

POLICY 9-10 7-19 (and 7-20): CONDITIONALLY PERMITTED USES IN A PLANNED DEVELOPMENT *(from December 2 Policy Comparison Chart)*

Conditionally permit the following uses within areas designated as Planned Developments:

- (a) Any uses permitted and set forth in the PUD zoning ordinance of the City of Half Moon Bay and consistent with the approved Specific Plan for the site.
- (b) Public, common or private open space.
- (c) Where they serve to protect especially scenic coastal areas, visitor-serving commercial facilities, and coastal-dependent/related commercial or public recreational uses.
- (d) Small neighborhood commercial uses such as neighborhood grocery stores, delis or coffee shops that will reduce trips on Highway 1 and provide a pedestrian-accessible community gathering spot, provided that:

- (1) such establishments are an integral part of the Planned Development and provide services related to the needs of the prospective residents and users of the on-site visitor-serving or commercial/public recreation facilities;
- (2) such establishments and their parking areas will not collectively occupy more than 1 acre per * acres.
- (3) such establishments will be located, designed, and operated primarily to serve the trade and service needs of persons residing in or using the visitor-serving facilities within the Planned Development and not the general public or other shoppers who reside elsewhere;
- (4) such establishments will not, by reason of their location, construction, manner, or timing of operations, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential or visitor-serving, recreational or open space uses within or adjoining the development or create traffic congestion or hazards to vehicular or pedestrian traffic; and
- (5) such establishments will not be highway-related (ie, will not include gas stations, fast-food or quick-stop shops).

(Current) ~~Policy 9-10~~

Permitted uses shall include:

- ~~(a) Any uses permitted and set forth in the zoning ordinance of the City of Half Moon Bay and consistent with the Local Coastal Plan.~~
- ~~(b) Recreational facilities, including but not limited to tennis courts, golf courses, swimming pools, playgrounds, and parks for the private use of the prospective residents, or general public use.~~
- ~~(c) Open space.~~

~~In developments of 200 residential units or greater, or on 100 acres or more (unless otherwise specifically permitted in area specific policies), conditionally permitted uses include:~~

- ~~(d) Commercial recreational facilities (private or public) other than permitted above that are compatible with the proposed residential units;~~
- ~~(e) In especially scenic coastal areas, visitor serving commercial facilities, i.e. a motel or restaurant; and~~
- ~~(f) Convenience establishments of a commercial and service nature such as a neighborhood store, provided:

 - ~~1. Such convenience establishments are an integral part of the general plan of development for the Planned Development and provide services related to the needs of the prospective residents;~~
 - ~~2. Such convenience establishments and their parking areas will not collectively occupy more than 1 acre per 200 dwelling units;~~
 - ~~3. Such convenience establishments will be located, designed, and operated primarily to serve trade and service needs of persons residing in the Planned Development and not persons residing elsewhere;~~
 - ~~4. Such convenience establishments will not, by reason of their location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the development, or create traffic congestion or hazards to vehicular or pedestrian traffic; and~~
 - ~~5. Such convenience establishments will not be highway related or result in greater congestion on Highway 1.~~~~

POLICY 9-11 POLICY 7.21: PLANNED DEVELOPMENT DENSITIES

(from December 2 Policy Comparison Chart)

The base density of any parcel zoned or designated as Planned Development (PD) shall be 1 unit per 50 acres, consistent with the City's Residential Growth Limitation and Phased Growth program. The maximum net density of development permitted for each Planned Development site shall be determined in the development review process. The approved density shall be consistent with Coastal Act objectives, LUP policies, and the Planned Development ~~standards objectives~~ (Policy ~~9-10 7.16~~), open space needs, the density, scale and character of surrounding land uses, and within the capacities and priorities for infrastructure allocation.

Current Policy 9-5

~~The base permitted residential density for any parcel located within an area designated Planned Development (PD) District shall be no more than 2 units per acre, except as provided with respect to such District under Subsections 9.3.3 through 9.3.16.~~

~~This "base density" policy may be revised upward as a result of compliance with other conditions which limit the area which may be developed. However, the total amount of development permitted by the LUP shall not exceed the amount programmed in the Phasing Section of this Plan (see Table 9.3 and related text).~~

Current Policy 9-11

~~The City shall specify the maximum density of development permitted for each parcel under the Planned Development designation at the time development approval is given for a particular parcel(s), unless already specified in the Land Use Plan. Determination of an appropriate density shall take into account all of the factors listed in Policy 9-12 and shall be compatible with the density and character of surrounding land uses.~~

POLICY 9-12 POLICY 7.22: OPEN SPACE DEDICATION WITHIN PLANNED DEVELOPMENTS

(from December 2 Policy Comparison Chart)

Dedicate at least 40 percent of the potentially developable site area of any Planned Development as public open space. For this policy, "potentially developable area" shall not include ESHAs, hazardous land, archaeological sites or other areas considered inappropriate for public open space use consistent with LUP policies. The precise amount to be dedicated shall be specified in the ~~Development~~/Specific Plan and shall be based on the City's determination of the public open space required for coastal access and recreation, protection of scenic qualities and public views and view corridors, protection of sensitive habitat or natural areas and against hazards, and general open space, in accordance with the LUP.

As referenced in this policy, public open space shall include but not be limited to private land dedicated to public use, including parks and recreational areas, beach parking lots, access corridors and trails, usable natural areas (eg, buffer zones that the public can use for passive recreational uses such as walking or bird-watching) and publicly accessible vista points. Environmentally sensitive habitat areas and archaeological sites may not be counted as public open space.

As referenced in this policy, common open space shall include but not be limited to recreational areas and facilities for the use of prospective residents and paying guests of the development, such as tennis courts, golf courses, swimming pools, playgrounds, community gardens, and landscaped areas for common use. Common open space, which may not be counted toward the public open space requirement, shall not include streets, driveways, parking lots, private patios and yards, or other developed areas.

Private open space, which may not be counted toward the public open space requirement, shall include but not be limited to patios, decks, and yards for the private use of residents of individual units and or paying guests of any visitor-serving uses, and land permanently dedicated to agricultural use.

Additional open space dedication requirements for parcels designated as PD-Planned Development may be made at the time of consideration of the Specific Plan to achieve the objectives of the LUP.

(Current) Policy 9-12

~~The amount of public, private, and common open space in a Planned Development shall be specified in the Development Plan. The required amount of common and public open space shall be at least 20% of the gross area. The City shall determine the amount of public open space required for coastal access and recreation and protection of public views, if not specified elsewhere in this Plan.~~

Open space shall be defined as follows:

- ~~(a) Public open space shall include but not be limited to public parks and parking lots, beaches, access corridors such as bike paths, hiking or equestrian trails, usable natural areas, and vista points which are accessible to members of the general public. Public open space shall not include areas which are unusable for recreational purposes, i.e. private or public streets, private parking lots, or hazardous areas, such as steep slopes and bluff faces. Environmentally sensitive habitat areas and archaeological sites may be included in public open space only if such areas are usable by the public for light recreation, i.e., walking;~~
- ~~(b) Common open space shall include but not be limited to recreational areas and facilities for the use of prospective residents of the project, such as tennis courts, golf courses, swimming pools, playgrounds, community gardens, and other agricultural use, landscaped areas for common use, or other open areas of the site needed for the protection of the habitat, archaeological, scenic or other resources. Common open space shall not include driveways, parking lots, private patios and yards, or other developed areas; and~~
- ~~(c) Private open space shall include but not be limited to patios, decks, and yards for the private use of the residents of individual units, and shall include land permanently dedicated to agricultural use.~~

~~Additional conditions for parcels designated as PD-Planned Development are found in the following sections on specific areas.~~

POLICY 9-13 7-29: LOT CONSOLIDATION PROGRAMS (from December 2 Policy Comparison Chart)

Seek the assistance of the State Coastal Conservancy and other conservation agencies in the consolidation, acquisition and transfer of development credits or the re-subdivision as Planned Development Districts, of antiquated unimproved “paper lot” subdivision lots in accordance with the LUP.

(Current) Policy 9-13

~~The City will seek the assistance of the State Coastal Conservancy where required or useful in the consolidation of older, unimproved subdivisions, and in carrying out the purposes of the Planned Development Districts, and shall encourage the Conservancy to assist generally in consolidation and re-subdivision where build-out according to existing plans is not proposed.~~

POLICY 9-14 (FOUNDATION POLICY) (from Public Review Draft)

In the case of any Planned Development District hereafter described where portions of the District are in separate ownership, approval may be given for development of a parcel or group of parcels in the same or different ownerships, provided that the City has approved a specific plan for the District and it has been certified as an LCP amendment as required by the provisions of this section. (Note: underlining recommended by Planning Commission).

POLICY 9-14A 7-28 LOT RETIREMENT FOR SUBDIVISIONS AND PLANNED DEVELOPMENT (from December 2 Policy Comparison Chart)

All new subdivisions, including Planned Developments, shall be required to permanently extinguish existing legal subdivided lots (on or off-site) of a number equal to or greater than the number of new permitted units AND of an area equal or larger in size than the area to be developed. The location of the extinguished lots shall be approved by the Planning Director, with priority for those lots facing imminent development and whose sensitive coastal resource values would be compromised if developed, in accordance with the priorities established in the LCP.

Existing legal subdivided lots within those portions of the PD site that are reserved as open space (in accordance with Policy 9-12 7-22) or are deemed undevelopable due of the presence of environmental resources, archaeological resources, hazards constraints or for other reasons, shall be extinguished. Such lots shall not be counted towards fulfilling the requirements of this policy.

Jack Liebster
Planning Director

Debra Ryan
City Manager