Title 18
ZONING*

Chapters:

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For the provisions pertaining to the adoption and administration of zoning laws and ordinances and the implementation of such laws and ordinances, see Gov. Code Title 7, Chapter 4, §65850 et seq. For the provisions relating to highway interchange districts, see Gov. Code §66400 et seq. For provisions relating to sign regulations in specific districts, see Ch. 15.12 of this code.
ARTICLE I. GENERAL PROVISIONS

Chapter 18.01
ZONING ORDINANCE--GENERAL PROVISIONS

Sections:

18.01.010 Intent and purpose.

Sections: (Continued)

18.01.015 Designation of districts.
18.01.020 Compliance required.
18.01.025 Adoption of zoning district map.
18.01.030 District boundaries.
18.01.035 Amendments to the zoning district map.

18.01.010 Intent and purpose.
The overall intent and purpose of this title is to protect and promote the public health, safety and general welfare, to implement the policies of the general plan, as provided in the California Government Code, Title 7, Chapters 3 and 4, and in the California Constitution, Chapter 11, Section 7, and to put the goals and policies of the land use plan and the Coastal Act of 1976 into effect. More specifically the zoning ordinance is intended to:

A. Guide, control and regulate the future growth of the city;
B. Prevent excessive population densities and overcrowding of land and buildings;
C. Protect the character and social and economic stability of agricultural, residential, commercial, industrial and other public and private areas within the city;
D. Provide adequate light, air, privacy and access to property;
E. Ensure that service demands associated with new development not exceed the capacity of existing streets, utilities or other public services;
F. Conserve and enhance the city’s architectural, historical and cultural resources;
G. Conserve and enhance important visual resources within the city, including views from Highway 1 of the Pacific Ocean and coastal beaches and bluffs, the visual character of the old downtown area, and views of the inland hillsides at the eastern edge of the city; and
H. Protect, conserve and, where possible, restore natural environmental resources within the city. (1996 zoning code (part)).

18.01.015 Designation of districts.
The districts established by this title are as follows:

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<td>Commercial--Downtown</td>
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IND Industrial
U-R Urban reserve
OS-R Open space reserve
0S-A Open space--Active
OS-P Open space--Passive
OS-C Open space--Conservation
A-1 Agriculture--Exclusive floriculture
A-2 Agriculture and agriculture reserve
PUD Planned unit development
MHP Mobile home park

(Ord. C-6-07 §2, 2007; 1996 zoning code (part)).

18.01.020 Compliance required.
No land shall be used and no structure shall be constructed, enlarged, altered, moved, or used in any district as shown on the zoning district map except in conformance with the regulations established by this title. (1996 zoning code (part)).

18.01.025 Adoption of zoning district map.
The zoning district map described in this title is on file with the city clerk and is adopted as a part of this title and is incorporated in this title by reference. The designations, locations and boundaries of the districts are as set forth in the map. (1996 zoning code (part)).

18.01.030 District boundaries.
Wherever any uncertainty exists as to the boundary of a district as shown on the zoning district map, the following regulations shall apply:
A. Where a district boundary line is indicated as following a street or alley, it shall be construed as following the right-of-way line thereof.
B. Where a district boundary line follows or coincides approximately with a lot line or a property ownership line, it shall be construed as following the lot line or property ownership line.
C. Where a district boundary line is not indicated as following a street or alley, and does not follow or coincides approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale shown on the zoning district map.
D. Where further uncertainty exists, the planning commission, upon written application or upon its own motion, shall determine the boundary of the district in question, giving due consideration to the location indicated on the zoning district map, the objectives of this title, and the purposes set forth in the district regulations. (1996 zoning code (part)).

18.01.035 Amendments to the zoning district map.
All changes in boundaries or reclassification of territory from one district to another shall be by ordinance adopted pursuant to the provisions of this title. Upon adoption of an ordinance amending the zoning district map, the planning director shall make the appropriate changes to the map, with a notation of the date and the number of the ordinance amending the map. The failure of any such notation of change to be placed on the map shall not effect the validity of the amendment or change. (1996 zoning code (part)).
Chapter 18.02
DEFINITIONS

Section 18.02.010 Purpose and applicability.
The purpose of this article is to ensure precision in interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this chapter shall apply throughout the zoning regulations, except where the context clearly indicates a different meaning or construction. (Ord. 5-00 §2 Exh. A (part), 2000).

Section 18.02.020 Rules for construction of language.
In addition to the general provisions of the municipal code, the following rules of construction shall apply:
A. The particular shall control the general.
B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
   C. “And” indicates that all connected words or provisions shall apply.
   D. “Or” indicates that the connected words or provisions may apply singly or in any combination.
   E. “Either...or” indicates that the connected words or provisions shall apply singly but not in combination.
   F. In case of conflict between the text and a diagram, the text shall control.
   G. All references to departments, commissions, boards, or other public agencies are to those of the city of Half Moon Bay, unless otherwise indicated.
   H. All references to public officials are to those of the city of Half Moon Bay, and include designated deputies of such officials, unless otherwise indicated.
   I. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or city holiday, it shall be extended to the next working day.
   J. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.
   K. The present tense includes the future, and the future the present.
   L. The singular number includes the plural and the plural the singular.
   M. References in the masculine and feminine genders are interchangeable.
   N. The words “activities” and “facilities” include any part thereof. (Ord. 5-00 §2 Exh. A (part), 2000).

Section 18.02.040 Definitions.
“Abutting” or “adjoining” means having district boundaries or lot lines in common.
“Accessory building” means a detached subordinate building, the uses of which are incidental to a permitted principal use conducted within the main or principal structure on a parcel. An accessory building or use is not permitted without a permitted use on the property.

Accessory Dwelling Unit. See “second dwelling unit.”
“Accessory use” means a use incidental and subordinate to the permitted or principal use on a property. An accessory building or use is not permitted without a permitted use on the property.
Acre, Gross. “Gross acre” means a measure of land area equal to forty-three thousand five hundred sixty square feet.

Acre, Net. “Net acre” means a measure of developable land area, after excluding dedicated rights-of-way, flood control and drainage easements, and permanent dedicated open space.

“Aggrieved person” means a person who informed the city of his or her concerns about an application for a local coastal development permit or any other discretionary permit such as a site and design permit, variance, or use permit at a public hearing, either in person or through a representative, or by other appropriate means such as in writing, or was unable to do so for good cause; and

A. Objects to the action taken on the local coastal development permit or discretionary permit; and

B. Documents that they are a legal resident of Half Moon Bay or owner of property in Half Moon Bay; and

C. Completes the required city appeal form completely and accurately. The appeal will not be deemed complete and timely filed until all information on the appeal form is verified by the planning director; and

D. Wishes to appeal any appealable action to a higher authority.

“Alley” means a public way having a width of not more than twenty feet permanently reserved primarily for pedestrian and vehicular service access to the rear or side of properties otherwise abutting on a street, and not intended for general traffic circulation.

“Alter” and/or “alteration” means to make a change in the allocation or configuration of interior space, exterior appearance, or the supporting members of a structure, such as bearing walls, columns, beams or girders, that may result in a change of the use within or otherwise prolong the life of the structure.

“Amendment” means a change in the wording, context or substance of this title, or a change in the district boundaries on the zoning map.

Animal, Domestic. “Domestic animal” means small animals of the type generally accepted as pets, including dogs, cats, rabbits, hens, fish and the like, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or the like.

Animal, Exotic. “Exotic animal” means any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

Animal, Large. “Large animal” means an animal larger than the largest breed of dogs. This terms includes boars, cows, goats, horses, llamas, mules, domestic pigs, sheep and other mammals customarily kept in corrals or stables.

Animal, Small. “Small animal” means small domestic animals of the type customarily kept as household pets, including birds other than domestic fowl, cats, chinchillas, dogs, fish, guinea pigs, miniature pigs, small reptiles, rodents and other similar animals no larger than the largest breed of dogs.

“Appealable area” means any area of the city that is:

A. Between the sea and the first public road paralleling the shoreline or within three hundred feet of the inland extent of any beach or the mean high tide where there is no beach; or

B. Within three hundred feet of the top of any coastal bluff or the line of mean high tide, whichever is further inland; or

C. Within one hundred feet of any wetland, estuary, stream, or other designated environmentally sensitive habitat or coastal resource.

“Applicant” means the person, partnership, corporation, governmental agency or other entity applying for a permit.

“Approving authority” means the final decision-making person, board, commission or council for any discretionary permit.

“Balcony” means a platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.
“Basement” means that portion of a building between the floor and ceiling which is partially below and partially above grade, or completely below grade. A basement, when designed for or occupied for business or manufacturing or for dwelling purposes (recreation rooms without kitchens excepted) shall be considered a story and requires a seven and one-half foot clearance between floor and ceiling with no obstructions.

“Boarding house” means a building with not more than five guest rooms where lodging and meals are provided for not more than ten persons, but shall not include rest homes of convalescent homes. Guest rooms numbering six or over shall be considered a hotel.

“Buildable area” means that area of a building site within the established setback areas. No construction or portion of a building will be allowed beyond the buildable area of a lot without planning commission approval of a variance or exception as may be provided for in this title in each case.

“Building” means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels or property of any kind.

“Building site” means and includes one or more subdivided lots or portions thereof assembled to create a site for purposes of constructing a building or buildings in accordance with this title. All plans and specifications submitted in conjunction with any required planning and/or building permits shall clearly show and define the boundaries of any and all subdivided lots or portions thereof comprising the proposed building site. All development standards such as gross floor area and required setbacks shall be established based upon the proposed building site as indicated on the plans submitted.

“Caretaker’s quarters” means a dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by a guard or caretaker.

“Cellar. See “basement.”

“Coastal Act” means the California Coastal Act of 1976, as amended.

“Coastal development permit” means a separate discretionary permit for any development within the coastal zone that is required pursuant to this title and subdivision (a) of Section 30600 of the Public Resources Code.

“Coastal zone” means that portion of the coastal zone, as established by the Coastal Act of 1976 or as subsequently amended, that lies within the city of Half Moon Bay, as indicated on a map on record with the planning department.

“Collection buildings” means buildings with a gross floor area of two hundred twenty-five square feet or less used for the deposit and storage of household articles or recyclables donated to a nonprofit organization.

“Conditionally permitted” means permitted subject to approval of a conditional use permit or temporary conditional use permit.

“Condominium” means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interior space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.

“Conforming building” means a building that fully meets the requirements of the Uniform Building Code as most recently adopted by ordinance of the city council and also conforms to all property-development regulations and requirements prescribed for the district in which it is located and as set forth in this title.

Coverage, Lot or Site. “Lot or site coverage” means the percentage of a building site covered by all structures, open or enclosed, on the site, measured horizontally to the outside face of exterior walls or structural members. Decks more than eighteen inches in height, balconies, chimneys and breezeways are also included in lot coverage. On standard sized lots, roof or soffit overhangs which do not extend beyond two and one-half feet from a wall, and architectural projections or window projections not providing floor area which do not extend beyond the two-and-one-half-foot eaves above are not included in lot coverage. On all substandard

sized lots, roof overhangs that extend a maximum of one and one-half feet from a wall are not included in lot coverage; all other features are included.

“Deck” means a platform, either freestanding or attached to a building, that is supported by pillars or posts (see also “balcony”).

“Distribution line” means an electric power line bringing power from a distribution substation to consumers.

“District” means a portion of the city within which the use of land and structures and the location, height and bulk of structures are governed by this title. This title establishes “base zoning districts” for residential, commercial, industrial, public and open space uses, and “overlay districts,” which may modify or complement base district regulations.

“Domestic fowl” means chickens, ducks, geese, pea fowl, pigeons, turkeys and other fowl typically used for food or food products.

“Dwelling unit” means one or more rooms with a single kitchen and sanitation facilities, designed for occupancy by one family for living and sleeping purposes.

Dwelling, Accessory or Second. “Second or accessory dwelling” means a detached or attached dwelling unit located on a single-family residential lot that contains a one-family dwelling.

Dwelling, Multifamily. “Multifamily dwelling” means a building containing two or more dwelling units.


Dwelling, Two-Family. “Two-family dwelling” means a building containing two dwelling units.

Environmental Impact Report (EIR). A report complying with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

“Exceptional lot” means a lot in an 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 that the parcel is within, but provides at least fifty feet in average lot width and provides at least five thousand square feet in gross lot area and 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.

Exemption, Categorical. “Categorical exemption” means an exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, based on a finding by the California Secretary for Resources that the class of projects does not have a significant effect on the environment.

“Family” means two or more persons living together as a single housekeeping unit in a dwelling unit, provided that this shall not exclude the renting of rooms in a dwelling unit as permitted by district regulations.

Floor Area, Gross. “Gross floor area” means the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, including: enclosed garages; halls; stairways and elevator shafts measured on one floor only; service and mechanical equipment rooms; basement areas even if unimproved; attic areas if improved; and crawl spaces that are four and one-half feet or more. Where an open interior space extends from a finished floor to a height over fifteen feet with no interruption, at the mid-point half of this vertical area the horizontal area between surrounding walls or floor area shall be included in the calculation of gross floor area. A total of fifty square feet of second floor covered decks are not included in the definition of floor area.

“Floor area ratio” means the gross floor area of the building or buildings on a lot, including area used for required parking and loading, divided by the area of the lot.
“Front wall” means the wall of the building or other structure nearest the street upon which the building faces but excluding certain architectural features as specified in this title.

Garage, Private. “Private garage” means an accessory building or portion of a main building designed for the storage of self-propelled passenger vehicles.

Garage, Public. “Public garage” means any building or premises, except those herein defined as a private garage, used for the storage or care of self-propelled vehicles, or where such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

“General plan” means the city of Half Moon Bay general plan and its elements, as amended, and the land use plan.

Grade, Existing. “Existing grade” means the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a development project regulated by this title.

Grade, Finished. “Finished grade” means the average of the finished grade as measured from the corners of the lot or building site.

Grade, Street. “Street grade” means the top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Greenhouse, Commercial. “Commercial greenhouse” means a glasshouse or similar structure or material for the propagating and cultivation of plants to be sold commercially.

Greenhouse, Hobby. “Hobby greenhouse” means a glasshouse or similar structure or material for the propagating and cultivation of plants as a hobby. No sales whatsoever will be permitted for plants grown as a hobby.

“Gross area of a lot, parcel or site” means the total of all area within the property lines.

“Guest house” or “accessory living quarters” means living quarters within a main or an accessory building for the sole purpose of providing for persons employed on the premises, or for temporary use by guests of the occupants of the premises. Kitchens are not permitted within detached guest houses. “Guest house” does not include “second dwelling unit” as defined in this title.

“Height” means the vertical distance from existing grade to the highest point of the roof or the highest point of any structure directly above. Chimneys may exceed the maximum height limit to the extent required by the Uniform Building Code.

“Historic structure” or “building” means any structure or building identified by the city of Half Moon Bay, county of San Mateo, state of California, or the U.S. Government as having a special character, or special historical, architectural, cultural, or aesthetic interest or value to the community.

“Home occupation” means occupations conducted in a dwelling unit, garage or accessory building in a residential district that are incidental to the principal residential use of a lot or site.

“Hotel” means any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied.

Illumination, Direct. “Direct illumination” means illumination by means of light that travels directly from its source to the viewer’s eye.

Illumination, Indirect. “Indirect illumination” means illumination by means only of light cast upon an opaque surface from a concealed source.

“Junk yard” means premises on which more than two hundred square feet of the area thereof is used for the storage of junk, including scrap metal, wrecked automobiles, or other scrap or discarded materials, whether for storage, repair, or wholesale or retail resale.

“Kitchen” means a room or portion of a room primarily designed, intended, or used for the preparation and/or cooking of food.

“Landscaping” means an area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials,
decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, loading or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings are not considered landscaping.

Landscaping, Interior. “Interior landscaping” means a landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and load facilities or to similar paved areas).

Landscaping, Perimeter. “Perimeter landscaping” means a landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

“Loading space” means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and that adjoins a street, alley or other appropriate means of access.

“Local coastal program” means the city’s local coastal program, including its land use plan, zoning ordinances, zoning maps and other implementing actions certified by the coastal commission as meeting the requirements of the California Coastal Act of 1976.

“Lot” means a site or parcel of land that has been legally subdivided, re-subdivided or combined.

“Lot area” means the total square footage of a legally subdivided parcel, excluding any applicable public easement for street use.

Lot, Corner. “Corner lot” means a site bounded by two or more adjacent street lines that have an angle of intersection of not more than one hundred thirty-five degrees.

“Lot depth” means the computed average distance between the front lot line and the rear lot line.

Lot, Double-Frontage. “Double-frontage lot” means an interior lot having frontage on more than one street. Each frontage from which access is permitted shall be deemed a front lot line.

Lot, Flag. “Flag lot” means a lot shaped or designed so that the lot has no direct street frontage and access except from a narrow strip of land.

Lot, Interior. “Interior lot” means a lot other than a corner or double-frontage.

Lot or Property Line, Front. “Front lot or property line” means in the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street lot line, except in those cases where the latest tract deed restrictions, approved as a part of a subdivision approval, specify another line as the front property line.

Lot or Property Line, Interior. “Interior lot or property line” means a lot line not abutting a street.

Lot or Property Line, Rear. “Rear lot or property line” means a lot line which is not a front as defined herein, which is parallel or approximately parallel to and opposite the front lot line. In the case of an irregularly-shaped lot, a line within the lot most nearly parallel to and at the farthest distance from the front lot line.

Lot or Property Line, Side. “Side lot or property line” means any lot line that is not a front lot line or rear lot line.

Lot or Property Line, Street. “Street lot or property line” means a lot line abutting a street.

“Lot width” means the computed average distance between the side lot lines.

“Manufactured home” means a modular housing unit on a permanent foundation that conforms to the National Manufactured Housing Construction and Standards Act. For purposes of this definition, a mobile home is considered a manufactured home.

"Net area of a lot, parcel or site" means the total of all area within the property lines excluding public-access corridors, flood control and drainage easements, vehicular easements, environmentally sensitive habitat areas and any required buffer zones, and any area to be included in future street rights-of-way as established by easement, dedication or ordinance.

"Nonconforming structure" means a structure that was lawfully erected but which does not conform with the current standards for yard spaces, height of structures, lot coverage, floor area ratios or distances between structures prescribed in the regulations for the district in which the structure is located by reasons of adoption or amendment of this chapter or by reason of annexation of territory to the city.

"Off-street loading facilities" means a site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

"Off-street parking facilities" means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

Open Space, Common. "Common open space" means an open space within a residential development that is reserved for the exclusive use of residents of the development and their guests.

Open Space, Private. "Private open space" means a usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Public. "Public open space" means that portion of a development site that has been dedicated to or otherwise set aside for public access, use or benefit.

Open Space, Total. "Total open space" means the sum of private and public open space.

Open Space, Usable. "Usable open space" means outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or corner side yard, and excluding any space with a dimension of less than six feet in any horizontal direction or an area of less than forty-eight square feet.

Outdoor Living Area. See "open space, usable."

"Parking space" means space within a building, or a public or private exterior parking area, exclusive of driveways, ramps, columns, and office, storage or work areas, for the parking of one automobile.

"Parking structure" means an enclosed or semi-enclosed area containing a ceiling or roof, used primarily for the temporary storage of motor vehicles, constructed either above or below grade, freestanding, or as part of a nonresidential building.

"Permitted" means permitted as a matter of right without a requirement for approval of a use permit or temporary use permit. An accessory building or use is not permitted without a permitted use on the property.

"Permittee" means the person, partnership, corporation, governmental agency or other entity issued a permit.

Planned Unit Development Plans. Planned unit development plans may take any form deemed appropriate by the planning director, planning commission and city council, and may be adopted by resolution or ordinance of the city council or incorporated into a use permit to guide the orderly development of a parcel which is under one owner, a common ownership such as a single corporation, or under multiple ownerships and the site is to be developed under a cohesive development plan. For purposes of conformance with this title, planned unit development plans and specific plans are synonymous.
“Porch” means a covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

“Preexisting” means in existence prior to the effective date of the ordinance codified in this title.

“Principal use” means the primary use of the land or structures within a parcel, as opposed to any secondary or accessory uses of that parcel. For example, a house is a principal use of a parcel in a residential district while a home occupation is not. An accessory building or use is not permitted without a principal use on the property.

“Project” means any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, or development including the division of land on any parcel, lot or site that is subject to the provisions of this title.

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.

Room, Habitable. “Habitable room” means a room meeting the requirements of the Uniform Building Code and this title for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages and similar spaces.

“Second dwelling unit” means a detached or attached rental dwelling unit located on a lot within a single-family residential zone which contains a single-family dwelling. Second dwelling units are governed by Chapter 18.33 of the zoning code titled “Second Dwelling Units.”

“Setback line” means a line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement or otherwise, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

“Severely substandard lot” means a lot that provides fifty-five percent or less of the required lot width or lot area required in the zoning district in which it is found.

“Single ownership” means holding record title, possession under a contract to purchase or possession under a lease by a person, firm, corporation or partnership, individually, jointly in common or in any other manner where the property is or will be under unitary or unified control.

“Site” means a lot, or group of contiguous lots not divided by an alley, street, other right-of-way or city limit, that is proposed for development in accord with the provisions of this title, and is in a single ownership or has multiple owners, all of whom join in an application for development.

“Specific plan” means a plan adopted by ordinance or resolution of the city council for the use or development within a defined geographic area that is consistent with the general plan and its elements, the local coastal program land use plan, and with the provisions of the California Government Code, Section 65450 et seq. (specific plans). Where the land use plan indicates a site shall be developed in accordance with a specific plan, a planned unit development plan as defined in this title may be substituted for a specific plan.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement is more than six feet above grade for more than fifty percent of the building perimeter, the basement shall be considered a story.
“Structure” means anything constructed or erected that requires a location on the ground, including but not limited to a building, a swimming pool, access drives or walks, but not including a fence or a wall used as a fence if the height does not exceed six feet, or infrastructure such as a road, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical power transmission or distribution line.

“Substandard lot” means any lot of record which has either a lot width as defined herein or a lot area as defined herein that is less than the requirements in the zoning district in which the lot is located.

“Swimming pools and hot tubs” means water-filled enclosures having a depth of eighteen inches or more used for swimming, recreation or therapy.

“Transmission line” means an electric power line bringing power to a receiving or distribution substation.

“Unique archaeological resources” means an archaeological artifact, object or site that meets any of the following criteria:

A. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;

B. Has a special and particular quality such as oldest of its type or best available example of its type;

C. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

“Used” means and includes the following: arranged, designed, constructed, altered, rented, leased, sold, occupied and intended to be occupied.

“Visible” means likely to be noticed by a person of average height walking on a public street or sidewalk or a public park or beach.

“Water feature” means any man-made body of water constructed or installed on a site that is not intended for human use or contact such as fish ponds or fountains.

“Wetland” means the definition of wetland as used and as may be periodically amended by the California Department of Fish and Game, the California Coastal Commission and the US Fish and Wildlife Service.

Window, Required. “Required window” means an exterior opening in a habitable room.

“Working day” means any day that city hall is open for business.

“Yard” means an open space on the same site as a structure as required by the setback rules contained in this chapter, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this chapter, including a front yard, side yard or rear yard.

Yard, Corner Side. “Corner side yard” means a yard between the side lot line abutting the street on a corner lot and the nearest line of building.

Yard, Front. “Front yard” means a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site. The front yard of a corner lot shall adjoin the shortest street property line along its entire length, provided that where street property lines are substantially the same length, the planning director shall determine the location of the front yard.

Yard, Rear. “Rear yard” means a yard, extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot the rear yard shall extend only to the side yard abutting the street.

Yard, Side. “Side yard” means a yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site, except that the side yard on the street side of a corner lot shall extend to the rear lot line.
“Zoning administrator” means the planning director, or his or her designee.
“Zoning ordinance” means the zoning ordinance of the city of Half Moon Bay, as may be adopted and amended from time to time. (Ord. 5-07 §1, 2007; Ord. O-2-06 §1, 2006; Ord. O-6-04 §1 Exh. A (part), 2004; Ord. 5-00 §2 Exh. A (part), 2000).
Chapter 18.03
USE CLASSIFICATIONS

Sections:
18.03.010 Purpose and applicability.
18.03.020 Uses not classified.
18.03.030 Residential use classifications.
18.03.040 Public and semipublic use classifications.
18.03.050 Commercial use classifications.
18.03.060 Industrial use classifications.
18.03.070 Accessory use classifications.
18.03.080 Temporary use classifications.

18.03.010 Purpose and applicability.
Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The planning director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this title. The planning director may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The planning director's decision may be appealed to the planning commission. (1996 zoning code (part)).

18.03.020 Uses not classified.
Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a zoning ordinance text amendment as provided in this title. (1996 zoning code (part)).

18.03.030 Residential use classifications.
A. Accessory or second dwelling unit. An attached or detached residential dwelling unit as defined in this title.
B. Day Care, Large Family. Nonmedical care and supervision of seven to twelve persons, inclusive, on a less than twenty-four-hour basis. This classification includes nursery schools, preschools, and day-care centers for children and adults licensed by the state of California.
C. Day Care, Limited. Nonmedical care and supervision of six or fewer persons on a less than twenty-four-hour basis. This classification includes nursery schools, preschools, and day-care centers for children and adults licensed by the state of California.
D. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boarding houses and private residential clubs, but excludes residential hotels or motels.
E. Multi-family Residential. Two or more dwelling units on a site. This classification includes manufactured homes.
F. Residential Care, Limited. Twenty-four-hour nonmedical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.
G. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes manufactured homes.
H. Temporary Use. Any use or activity proposed to be open, operated, established, or otherwise in existence for less than thirty consecutive days. (1996 zoning code (part)).
18.03.040 Public and semipublic use classifications.

A. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.

B. Convalescent Facilities. Establishments providing care on a twenty-four-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

C. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences or presenting musical, theatrical or literacy performances. This classification includes libraries, museums, art galleries and community theaters.

D. Day Care, General. Provision of nonmedical care for seven or more persons on a less than twenty-four-hour basis. This classification includes nursery schools, preschools and day-care centers for children or adults.

E. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.

F. Government Offices. Administrative, clerical or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

G. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas for public or quasi-public entities. This classification includes corporation yards, equipment service centers, and similar facilities for public or quasi-public entities.

H. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities and open spaces.

I. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.

J. Religious Assembly. Facilities for religious worship and incidental religious education, but not including private schools as defined in this section.

K. Residential Care, General. Twenty-four-hour nonmedical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.

L. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the state of California.

M. Temporary Use. Any use or activity proposed to be open, operated, established, or otherwise in existence for less than thirty consecutive days.

N. Utilities, Major. Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, transfer, recycling or disposal facilities, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

O. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act. (1996 zoning code (part)).

18.03.050 Commercial use classifications.

A. Adult Businesses. Establishments based primarily on materials or performances that depict, describe, or relate to “specified sexual activities” and “defined anatomical areas,” as defined in the municipal code.
B. Ambulance Services. Provision of emergency medical code or transportation, including incidental storage and maintenance of vehicles.

C. Animal Sales and Services.
   1. Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
   2. Animal Grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of forty-eight hours.
   3. Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (maximum thirty days) boarding of animals is included, if incidental to the hospital use.
   4. Animals, Retail Sales. Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of forty-eight hours.

D. Artist's Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. This classification includes instruction in the art or craft, the artist or artists are engaged in where instruction is limited to no more than ten students at one time.

E. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities.
   1. With Drive-Up Service. Institutions providing services accessible to persons who remain in their automobiles.

F. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors’ yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under vehicle/equipment sales and services, including vehicle towing services.

G. Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See subsection I of this section, Eating and Drinking Establishments.)

H. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding major utilities. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

I. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises. This classification includes cabarets with live entertainment serving food or drink.
   1. With Fast-Food or Take-Out Service. Establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption.
      a. Drive-Thru. Service from a building to persons in vehicles through an outdoor service window.
      b. Limited. Establishments that do not serve persons in vehicles.
   2. Bar or Tavern. An establishment in which the sales of alcoholic beverages at retail for consumption on the premises is the primary business and from which minors are excluded by law. This definition includes the incidental sale of food for consumption on the premises.
J. Equestrian Centers. Facilities for the care and feeding of horses and related activities, and establishments offering instruction in horseback riding, including rings, stables and exercise areas.

K. Filming, Commercial. Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year.

L. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which twenty percent of more of the transactions are sales or twenty percent of floor area is devoted to sales of prepared food for on-site or takeout consumption shall be classified as eating and drinking establishments.

M. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries.

N. Gardening Services. Any activity related to the installation and or maintenance of landscaping, trees, or other vegetation.

O. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than two thousand square feet providing photographic, analytical, or testing services. Other laboratories are classified as limited industry.

P. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats; see subsection (A)(4) of this section, vehicle or equipment repair.

Q. Nurseries. Establishments offering plants or gardening materials for sale, whether wholesale or retail.

R. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, city planning, engineering, graphic design, landscape design, interior design, real estate, insurance, investment, legal, veterinary, public surveying, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

S. Outdoor Use. Any use or activity operated or established in a nonfixed place of business, or in a temporary structure such as a tent, awning or ramada, or where the majority of the goods for sale, rental or use are displayed or otherwise stored or located outside of a structure.

T. Personal Improvement Services. Provision of instructional services or facilities, including photography, dine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, and fitness studios.

U. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning businesses (excluding large-scale plants), photocopying, and self-service laundries.

V. Recreation and Entertainment, Commercial. Provision of participant or spectator recreation or entertainment. This classification includes theaters, bowling alleys, dance halls, ice or roller skating rinks, golf courses, miniature golf courses, tennis or racquetball courts, health or fitness clubs, electronic games centers having more than three coin-operated game machines, and card rooms.

1. Limited. Indoor movie theaters, game centers and performing arts theaters.

2. Extensive Outdoor. Golf courses, ball fields, tennis courts and other outdoor facilities.

W. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, drug stores, clothing stores, furniture stores, and businesses retailing the following goods: toys, hobby
materials, hand-crafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and automotive parts and accessories (excluding auto service, repair, installation or dismantling). This classification includes outdoor sales on the site of an existing retail use.

1. Visitor-Oriented. Sale of arts and crafts, antiques, jewelry, clothing, books, toys, gifts, flowers, and recreational equipment. This classification includes arts and crafts studios, galleries and shops.

X. Secondhand Appliances and Clothing Sales. The retail sale of used appliances and clothing, by secondhand dealers. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances.

Y. Temporary Use. Any use or activity proposed to be open, operated, established, or otherwise in existence for less than thirty consecutive days.

Z. Travel Services. Establishments providing travel information and reservations. This classification excludes car rental agencies.

AA. Vehicle/Equipment Sales and Services.

1. Automobile Rentals. Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts and major repairs.
2. Automobile Washing. Washing, waxing or cleaning of automobiles or similar light vehicles.
3. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts and accessories. This classification includes incidental maintenance and repair of automobiles, recreational vehicles, and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.
4. Vehicle or Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles or boats, including the sale, installation and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.
5. Vehicle or Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, manufactured homes, boats, and similar equipment, including storage and incidental maintenance.
6. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling or junkyards.

BB. Visitor Serving Accommodations.

1. Hotels, Motels and Time-Share Facilities. Establishments offering lodging on a less than weekly basis, and having kitchens in no more than sixty percent of guest units. This classification includes eating, drinking, and banquet service associated with the facility.
2. Bed and Breakfast Inn. An owner-occupied dwelling unit where lodging, with or without meals, is provided for compensation.
3. Campgrounds. An area on which accommodations for the temporary occupancy by the general public, primarily for recreational, educational or vacation purposes, may be placed, including tents, cabins and recreational vehicles.

CC. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This classification includes facilities with a maximum of five thousand square feet of gross floor area, but excludes wholesale, distribution and storage, and vehicle storage. (1996 zoning code (part)).
18.03.060 Industrial use classifications.
   A. Industry, Custom. Establishments primarily engaged in on-site production of
goods by hand manufacturing involving the use of hand tools and small-scale equipment.
   B. Industry, General. Manufacturing of products, primarily from extracted or raw
materials, or bulk storage and handling of such products and materials. Uses in this
classification typically involve a high incidence of truck or rail traffic, and/or outdoor
storage of products, materials, equipment, or bulk fuel. This classification includes
chemical manufacture or processing, food processing and packaging, laundry and dry
cleaning plants, auto dismantling within an enclosed building, stonework and concrete
products manufacture (excluding concrete ready-mix plants), small animal production and
processing within an enclosed building, and power generation.
   C. Industry Limited. Manufacturing of finished parts or products, primarily from
previously prepared materials; and provision of industrial services; both within an
enclosed building. This classification includes processing, fabrication, assembly,
treatment and packaging, but excludes basic industrial processing from raw materials and
vehicle or equipment services, but does allow food processing for human consumption.
      1. Small-Scale. Limited to a maximum gross floor area of five thousand square
feet.
   D. Outdoor Use. Any use or activity operated or established in a nonfixed place of
business, or in a temporary structure such as a tent, awning or ramada, or where the
majority of the goods for sale, rental or use are displayed or otherwise stored or located
outside of a structure.
   E. Temporary Use. Any use or activity proposed to be open, operated, established,
or otherwise in existence for less than thirty consecutive days.
   F. Wholesaling, Distribution and Storage. Storage and distribution facilities without
direct public access. (1996 zoning code (part)).

18.03.070 Accessory use classifications.
   A. Accessory Uses and Structures. Uses and structures that are incidental to the
principal permitted or conditionally permitted use or structure on a site and are
customarily found on the same site. This classification includes detached or attached
garages, guest houses, caretaker's quarters and home occupations and excludes
accessory dwelling units.
   B. Accessory or Second Dwelling Unit. An attached or detached dwelling unit as
defined in Section 18.02.040. (1996 zoning code (part)).

18.03.080 Temporary use classifications.
   A. Animal Shows. Exhibitions of domestic or large animals for a maximum of seven
days.
   B. Seasonal Agricultural and Forestry Sales. Seasonal retail sales of agricultural
produce, Christmas trees, and flowers.
   C. Circuses and Carnivals. Provision of games, eating and drinking facilities, live
entertainment, animal exhibitions, or similar activities in a tent or other temporary
structure for a maximum of seven days. This classification excludes events conducted in
a permanent entertainment facility.
   D. Commercial Filming, Limited. Commercial motion picture or video taping at the
same location six or fewer days per quarter of a calendar year.
   E. Real Estate Sales. An office for the marketing, sales or rental of residential,
commercial or industrial development.
   F. Retail Sales, Outdoor. Retail sales of new merchandise on the site of a legally
established retail business, or on a vacant site within a zoning district where retail sales
are permitted.
G. Street Fair. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures. (1996 zoning code (part)).
Chapter 18.04
RESIDENTIAL GROWTH LIMITATIONS

Sections:
18.04.010 Maximum number of new dwellings.
18.04.020 Low- and moderate-income housing.
18.04.030 Exempt developments.

18.04.010 Maximum number of new dwellings.
A. The number of dwelling units which the city may authorize each calendar year shall not exceed the number of units which would result in a growth of one percent in the city’s population as of January 1st of that year. In determining the number of permissible units, the city shall use the most recent U.S. Census figures for Half Moon Bay to calculate the average number of persons per household.
B. The number of dwelling units authorized each year under subsection A of this section may be increased by fifty percent for additional dwelling units in the downtown area.
C. Applications for new units from areas of the city outside the downtown area shall have priority for one-half of the units authorized under subsection A of this section. If fewer applications are received, the remainder of these units may be authorized in the downtown area.
D. Subject to subsections B and C of this section, the city shall allocate permissible dwelling units among applications on the basis of the existing allocation system in Chapter 17.06 of this code, or a subsequently modified allocation system.
E. The “downtown area” is the area designated as the Downtown Half Moon Bay Redevelopment Survey Area in City Resolution No. C-91-98, November 3, 1998.* (Ord. 5-05 §3(part), 2005: 1996 zoning code (part)).

* Editor’s note: Section 4 of Ordinance 5-05 incorporates into this chapter the Half Moon Bay Redevelopment Survey Area Map, incorporated into this code at the end of Section 17.06.020.

18.04.020 Low- and moderate-income housing.
To the extent feasible, new residential development must provide dwelling units for low- and moderate-income persons. (Ord. 5-05 §3(part), 2005: 1996 zoning code (part)).

18.04.030 Exempt developments.
The limitations in Section 18.04.010 shall not apply to:
A. Replacement of existing dwelling units on a one-for-one basis.
B. Density bonuses for the provision of low- and moderate-income housing as required by state law. (Ord. 5-05 §3(part), 2005: 1996 zoning code (part)).
Chapter 18.05
WATER AND SEWER CAPACITY ALLOCATION AND RESERVATION

Sections:
18.05.010 Intent and purpose.
18.05.020 Priority uses defined.
18.05.030 Water capacity reserved for priority uses.
18.05.040 Sewer capacity reserved for priority uses.

18.05.010 Intent and purpose.
The intent and purpose of this water and sewer capacity allocation and reservation chapter is to ensure that the city shall reserve water supplies and sewage treatment capacity for land uses given priority by the land use plan.

A. In order to assure that sewer and water capacity is not consumed by other development permitted in the city,
   the city will monitor annually the number of priority and nonpriority water and sewer connections committed and available. (1996 zoning code (part)).

18.05.020 Priority uses defined.
A. Commercial Recreation. Visitor serving commercial uses and services; hotels; motels; restaurants; bars; equestrian supply stores; equestrian facilities; clubs; guest ranches and lodges; recreational vehicle campsites; art galleries; fishing and boating supplies; beaches; and golf courses and ancillary uses.
B. Public Recreation. Outdoor recreational uses such as parks, playgrounds, and ball fields for soccer, baseball, football, and similar activities; restaurant or food service stands, recreational vehicle parks, and retail concessions catering to visitors related to a permitted public recreational use; and information centers and structures ancillary to public recreation area maintenance; picnic facilities; and tent campsites.
C. Indoor Floriculture. Greenhouses used for the propagation and cultivation of plants of all types.
D. Outdoor Agriculture and Horticulture. Includes the propagation and cultivation of all field flowers, plants, trees and vegetables. (1996 zoning code (part)).

18.05.030 Water capacity reserved for priority uses.
The city council will support and require the reservation of water supplies for each priority land use in the land use plan. The planning and building department shall monitor the number of building permits issued annually by use category to ensure that the coastside county water district reserves sufficient capacity to serve priority uses as defined herein. Transfers of water reserved for priority uses to nonpriority uses shall be prohibited unless the city council determines that sufficient priority capacity is held in reservation to support the amount of priority uses provided for in the land use plan. (1996 zoning code (part)).

18.05.040 Sewer capacity reserved for priority uses.
The city shall reserve at least sixty thousand gallons per day of average dry weather flows (gpd/adwf) of its share of capacity in the existing sewer authority mid-coastside treatment plant for priority uses as defined herein and in the land use plan. The amount of sewage treatment capacity to be reserved for priority uses in the sewage treatment plant expansion shall be the same percentage of capacity for priority uses as that needed at build out. The city planning and building department shall monitor the number of building permits issued annually by use category to ensure that sewage treatment
capacity for other uses does not encroach upon the capacity reserved for priority uses in the sewage treatment plant. (1996 zoning code (part)).
ARTICLE II. ZONING DISTRICT DEVELOPMENT STANDARDS

Chapter 18.06
RESIDENTIAL LAND USE (R-1, R-2, R-3)

Sections:
18.06.010 Purpose and intent.
18.06.020 Schedule of uses.
18.06.025 Use regulations.
18.06.030 Residential development standards.
18.06.040 Specific development standards.
18.06.050 Exceptions to development standards.
18.06.060 Manufactured homes.
18.06.070 Nonconforming structures.
18.06.080 Permits and plan review.

18.06.010 Purpose and intent.
A. Purpose. The purpose of these residential district regulations is to: provide appropriately located areas for residential development that are consistent with the local coastal program, land use plan and general plan and with standards of public health and safety established by the municipal code; ensure adequate light, air, privacy and open space for each dwelling by establishing reasonable development standards for the mass, scale and location on a building site for all new residential construction; achieve a high standard of site and building design, and design compatibility with surrounding neighborhoods; provide for a range of permitted uses and activities within the various residential districts; and provide sites for public and semipublic land uses needed to complement residential development or requiring location in a residential environment.
B. Intent. The intent of this chapter is to establish the following residential districts and to guide the orderly development within each district:
1. Single-Family. R-1, single-family residential zoning district;
2. Two-Family. R-2, two-family residential zoning district;

18.06.020 Schedule of uses.
Tables A-1 through A-5, schedules of uses, of this chapter establish the uses permitted within each residential district. Certain uses are permitted as a matter of right, subject to the provisions of this title. Other uses, by their nature, require the approval of a use permit. Some uses are subject to the use regulations set forth in Section 18.06.025 of this chapter. Any use not expressly permitted is expressly prohibited. (Ord. 5-00 §2 Exh. B (part), 2000).

Table A-1 SCHEDULE OF RESIDENTIAL USES

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Allowed by Zoning</th>
<th>With a Use Permit</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>R-1, R-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-family</td>
<td>R-2, R-3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily</td>
<td>R-3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day care, limited</td>
<td>All R</td>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>
### Table A-2: Schedule of Commercial Uses

<table>
<thead>
<tr>
<th>Commercial Uses</th>
<th>Allowed by Zoning</th>
<th>With a Use Permit</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home occupations</td>
<td>All R</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Agriculture/ horticulture</td>
<td>All R</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Parking for adjacent business</td>
<td>All R</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Swimming schools</td>
<td>R-1, R-2</td>
<td></td>
<td>8</td>
</tr>
</tbody>
</table>

### Table A-3: Schedule of Public/Semi-Public/Institutional Uses

<table>
<thead>
<tr>
<th>Public/Semi-Public/Institutional Uses</th>
<th>Allowed by Zoning</th>
<th>With a Use Permit</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convalescence facilities</td>
<td>R-3</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Day care, general</td>
<td>R-2, R-3</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Residential care, general</td>
<td>R-3</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Schools, public</td>
<td>All R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools, private</td>
<td>All R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf courses</td>
<td>All R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libraries</td>
<td>All R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public parks</td>
<td>All R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private recreation facilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public safety</td>
<td>All R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious assembly</td>
<td>All R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities, major</td>
<td>All R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities, minor</td>
<td>All R</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table A-4: Schedule of Accessory Uses

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>Allowed by Zoning</th>
<th>With a Use Permit</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second dwelling units</td>
<td></td>
<td>R-1</td>
<td></td>
</tr>
</tbody>
</table>

### Table A-5: Schedule of Temporary Uses

<table>
<thead>
<tr>
<th>Temporary Uses</th>
<th>Allowed by Zoning</th>
<th>With a Use Permit</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial filming</td>
<td>All R</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>Construction trailer</td>
<td>All R</td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>Personal property/ garage sales</td>
<td>All R</td>
<td></td>
<td>10</td>
</tr>
</tbody>
</table>
New subdivision sales office All R

(Ord. 5-00 §2 Exh. B (part), 2000).

18.06.025 Use regulations.

Additional regulations for permitted uses in each residential district shall be met for the following uses:

A. Animals. In addition to the definitions and classifications of this subsection, all animals are subject to subsection B of this section, animal maintenance regulations. Animals which are not in compliance with animal maintenance regulations may be kept only upon such terms and conditions and for such time as may be prescribed by the planning commission in conjunction with the approval of a use permit.

1. Animal, Exotic. "Exotic animal" means any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

2. Animal, Large. "Large animal" means an animal larger than the largest breed of dogs. This term includes boars, cows, goats, horses, llamas, mules, domestic pigs, sheep, and other animals customarily kept in corrals or stables.

3. Animal, Small. "Small animal" means small domestic animals of the type customarily kept as household pets, including birds other than domestic fowl, cats, chinchillas, dogs, miniature pigs, small reptiles, rodents, and other similar animals no larger than the largest breed of dogs. No more than three small animals may be kept outside on any site in a residential district with less than five thousand square feet. A maximum of four small animals may be kept at any site in any residential district with a minimum of five thousand square feet. Five or more small animals may be permitted in the R-1 and R-2 districts upon securing a use permit in each case.

4. "Domestic fowl" means chickens, ducks, geese, pea fowl, pigeons, turkeys and other fowl typically used for food or food products, which may create a disturbance to the peace within residential districts. A maximum of two domestic fowl may be permitted in the R-1 and R-2 districts at any one time. Three or more domestic fowl are permitted in an R-1 district upon securing a use permit in each case. Domestic fowl are prohibited in the R-3 district.

5. Animal, Young. "Young animal" means any animal under the age of four months.

6. Roosters. Roosters are strictly prohibited in all residential districts.

B. Animal Maintenance Regulations. In addition to the additional regulations set forth in subsection A of this section, the maintenance of permitted animals and pets shall be in compliance with the following regulations:

1. Caged or Housed Within Residence. Except as may be approved as a part of a use permit, or in conjunction with a recognized agriculture or animal husbandry educational program, including any similar program such as those for police dogs or guide dogs for the blind or hearing impaired, no animal other than small animals such as household pets shall be caged or housed within a residence, or within twenty feet of the residence or adjacent residences, or within twenty feet of a required front yard or within sixty feet of the front lot line. No animal housing or caging shall be maintained closer than ten feet to any adjoining property line, nor should any such housing or cage be visible from adjacent public or private property.

2. Open Space Requirement. The maximum number of animals permitted on a property shall be determined by the amount of open space area on the lot. For purposes of this section, open space shall be defined as the sum total of the site less any coverage for the main and accessory buildings. Calculation of the total open space required shall be cumulative, based upon the number of animals. Young animals can be excluded when determining the open space requirements, if the number of such animals is not three.
times the number of permitted animals at any one time. The minimum amount of open
space devoted to the keeping of animals other than small animals such as household pets
shall be five thousand square feet. The following additional open space area
requirements shall apply:
   a. Additional Small Animals. For each additional small animal or domestic
      fowl: five hundred square feet;
   b. Additional Large Animals. For each large animal: two thousand square
      feet;
   c. Additional Exotic Animals. For each exotic animal: determined by use
      permit.
3. Adequate and Sanitary. Housing or caging of animals shall be adequate and
sanitary, and all animals shall be kept in a manner approved by the county health officer.
4. Rodent-Proof Storage. All animal food stored outside, except hay and straw,
shall be stored in rodent-proof containers.
5. Animal Slaughter. The slaughter of small animals raised on the site, such as
poultry and rabbits, is permitted only where intended for consumption by the resident
family.
6. Large Animal Use Permit Waived. A large animal as defined in this chapter
may be maintained in an R-1 district without the requirement for a use permit under the
following circumstances:
   a. Animal Husbandry Program. Participation in a recognized agriculture or
      animal husbandry educational program, including similar programs such as those for
      police dogs or guide dogs for the blind or hearing impaired is required.
   b. Maximum of One. A maximum of one large animal shall be permitted
      and only during the time of active participation in the program. In the event more than
      one large animal is proposed per resident, a use permit shall be required.
   c. Resolve Complaint. That in the event complaints are received from
      adjoining or nearby residents, the participant(s) shall make every attempt to resolve the
      conflict resulting in the complaint.
   d. Referred to Planning Commission. In the event the issue cannot be
      resolved to the satisfaction of the complaining party, either the animal(s) shall be removed
      or the matter shall be referred to the planning commission for resolution on a “no fee”
      basis. Prior to consideration by the planning commission, the planning director shall
      notify the complaining party and the animal owner(s) of the time, date and place of the
      planning commission meeting at which the issue will be discussed. The decision of the
      planning commission shall be final unless appealed to the city council.
C. Day Care, Limited, and Residential Care, Limited.
   1. Six or Fewer. As defined in this title, these uses are limited to non-medical
      care for six or fewer persons.
D. Convalescence Facilities and Day Care, General.
   1. Use Permit. A use permit shall be required prior to the establishment of any
      new or expanded convalescence facility or general day care business in the R-2 and R-3
      districts.
   2. Plans Reviewed. Plans shall be reviewed, and/or facilities inspected by the
      Half Moon Bay fire protection district prior to review by the city.
   3. Permits. All required city, county, or state permits or licenses must be
      obtained by the applicant prior to the issuance of permits to establish the use.
   4. Vehicle Control. Plans shall include controls for vehicle circulation, drop-off
      and pick up, and employee parking to ensure compatibility with the residential
      environment.
   5. Two-Year Permit. Use permits for convalescence and facilities and general
      day care may be granted for an initial period of two years. The planning commission may
      grant one two-year administrative extension upon finding that the permittee remains in
compliance with the terms and conditions of this section. All use permits for these uses shall be reconsidered at a duly noticed public hearing if deemed appropriate by the planning commission prior to the expiration of the initial two-year period, or prior to the expiration of the two-year administrative extension.

E. Agriculture/Horticulture. Commercial agriculture shall be limited to any site within any residential district with five acres or more of land; retail sales shall be allowed only if specifically addressed as a part of an approved use permit. Nurseries and greenhouses shall be used only for propagating and cultivating of plants and cut flowers; provided, that no retail sales shall be allowed, and the site shall be a minimum of one acre.

F. Home Occupations. Home occupations are permitted in all residential districts and shall comply with the following:

1. Resident Only. No one other than a resident of the dwelling shall be employed on site or report to work at the site of a home occupation. This prohibition also applies to independent contractors.

2. No Inconsistent Activity. There shall be no interior or exterior activity related to the home occupation inconsistent with or interfering with residential use of the property or detrimental to property in the vicinity.

3. Entirely Within. A home occupation shall be conducted entirely within a building, either the main residence or an accessory building, and shall occupy no more than five hundred square feet of floor area. No outdoor storage of materials or supplies shall be permitted in conjunction with the home occupation.

4. No Visibility. The existence of a home occupation shall not be apparent beyond the boundaries of the site, and no home occupation shall involve the use of a sign, nor the display of products visible from the street.

5. No On-site Retail. The home occupation shall not involve on-site retail business, interior or exterior alterations, nor construction features not normally found in dwellings.

6. No Traffic. A home occupation shall not create pedestrian, automobile, or truck traffic detrimental to property in the vicinity.

7. Submittal Required. Prior to the issuance of a business license for a home occupation, the applicant shall submit to the planning director a written description of the operational characteristics of the proposed home occupation. The planning director shall determine that the proposed home occupation complies with the requirements of this section. Decisions of the planning director may be appealed to the planning commission by the applicant or by any interested party.

8. Complaints. In the event a complaint is received regarding a home occupation, the planning director shall refer the issue to the planning commission to review the operational characteristics of the use. Both the complaining party and the operator of the home occupation shall be notified of the time, place, and date of the planning commission meeting. In the event it is determined that the home occupation is detrimental to the neighborhood, the planning commission may impose any conditions necessary to maintain consistency with the provisions of this chapter.

G. Parking Areas. Surfaced parking areas to support commercial uses adjacent to residential districts may be approved by use permit. Any such support parking area shall be subject to review by the architectural review committee prior to consideration by the planning commission of a use permit application.

H. Swimming Schools. Swimming schools may be approved by use permit in R-1 and R-2 districts on sites having a minimum of six thousand square feet.

I. Commercial Filming. Commercial filming is permitted in all residential districts upon securing all necessary permits and licenses required by this code.

J. Personal Property Sales. Personal property sales such as garage sales are limited to a maximum of three weekends per calendar year for each site in the R-1 districts and per dwelling unit in the R-2 and R-3 districts.
K. Construction Trailer. For purposes of this section, a construction trailer is defined as a mobile or temporary office facility for the use of the contractor during the construction of a residential structure or structures. The construction trailer shall be removed from the site within ten days of issuance of a certificate of occupancy or the final building inspection, whichever occurs first. The construction trailer may be converted to a sales office upon approval of a use permit in each case. (Ord. 5-00 §2 Exh. B (part), 2000).

18.06.030 Residential development standards.
Table B of this chapter provides the schedule of development standards for all R-1 districts. Table C provides the schedule of development standards for R-2 and R-3 districts. These standards are to be observed in conjunction with Section 18.06.040. Specific development regulations, for all development in residential districts.

Table BR-1 ZONING DISTRICT DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Building Site Characteristics</th>
<th>R-1</th>
<th>R-1-B1</th>
<th>R-1-B2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum site area (square feet)</td>
<td>5,000</td>
<td>6,000</td>
<td>7,500</td>
</tr>
<tr>
<td>Minimum average site width</td>
<td>50'</td>
<td>60'</td>
<td>75'</td>
</tr>
<tr>
<td>Minimum front setback</td>
<td>20'</td>
<td>25'</td>
<td>25'</td>
</tr>
<tr>
<td>Minimum side setback</td>
<td>5'</td>
<td>5'</td>
<td>6'</td>
</tr>
<tr>
<td>Minimum street facing side setback</td>
<td>20'</td>
<td>20'2</td>
<td>20'3</td>
</tr>
<tr>
<td>Combined minimum side setback</td>
<td>10'</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>Rear, minimum setback</td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Single-story, maximum height</td>
<td>20'5</td>
<td>20'6</td>
<td>20'7</td>
</tr>
<tr>
<td>Multi-story, maximum height</td>
<td>28'</td>
<td>28'</td>
<td>28'</td>
</tr>
<tr>
<td>Maximum single-story site coverage</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Maximum multi-story site coverage</td>
<td>35%</td>
<td>35%</td>
<td>35%</td>
</tr>
<tr>
<td>Floor area ratio</td>
<td>0.5:1</td>
<td>0.5:1</td>
<td>0.5:1</td>
</tr>
<tr>
<td>Parking garage spaces</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Usable open space per unit</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

1 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are not substandard. The actual required setback is the greater of fifteen feet or the ratio of actual lot width to required lot width and multiplying the fraction by twenty.
2 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are not substandard. The actual required setback is the greater of fifteen feet or the ratio of actual lot width to required lot width and multiplying the fraction by twenty.
3 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are not substandard. The actual required setback is the greater of fifteen feet or the ratio of actual lot width to required lot width and multiplying the fraction by twenty.
4 Combined side yards equal or exceed twenty percent of average site width with required minimum.
5 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.
6 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.
7 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.

Table CR-2 AND R-3 ZONING DISTRICT DEVELOPMENT STANDARDS
### Building Site Characteristic

<table>
<thead>
<tr>
<th></th>
<th>R-28</th>
<th>R-29</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum site area per unit (square feet)</td>
<td>5,000</td>
<td>2,700</td>
<td>1,500</td>
</tr>
<tr>
<td>Maximum site area</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum site area(square feet)</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Minimum average site width</td>
<td>28.5'</td>
<td>50'</td>
<td>75'</td>
</tr>
<tr>
<td>Minimum front setback</td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Minimum side setback</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
</tr>
<tr>
<td>Minimum street facing side setback</td>
<td>20'10</td>
<td>20'11</td>
<td>20'12</td>
</tr>
<tr>
<td>Combined minimum side setback</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>Rear minimum setback</td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>Single-story maximum height</td>
<td>20'14</td>
<td>20'15</td>
<td>20'16</td>
</tr>
<tr>
<td>Multi-story maximum height</td>
<td>28'</td>
<td>28'</td>
<td>40'</td>
</tr>
<tr>
<td>Maximum single-story site coverage</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Maximum multi-story site coverage</td>
<td>35%</td>
<td>35%</td>
<td>45%</td>
</tr>
<tr>
<td>Floor area ratio</td>
<td>0.5:1</td>
<td>0.5:1</td>
<td>N/A</td>
</tr>
<tr>
<td>In garage parking spaces per unit</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Other parking spaces</td>
<td>N/A</td>
<td>N/A</td>
<td>1</td>
</tr>
<tr>
<td>Guest parking spaces</td>
<td>N/A</td>
<td>N/A</td>
<td>0.2517</td>
</tr>
<tr>
<td>Usable open space per unit</td>
<td>N/A</td>
<td>15%</td>
<td>15%</td>
</tr>
</tbody>
</table>

8  For single-family residences on a site.
9  For two dwellings on a site.
10 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are substandard. The actual required setback is calculated by determining the ratio of actual lot width to required lot width and multiplying the fraction by twenty.
11 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are substandard. The actual required setback is the greater of fifteen feet or the ratio of actual lot width to required lot width and multiplying the fraction by twenty.
12 The twenty-foot street facing side yard setback can be reduced to as little as fifteen feet for lots that are substandard. The actual required setback is the greater of fifteen feet or the ratio of actual lot width to required lot width and multiplying the fraction by twenty.
13 Combined side yards equal or exceed twenty percent of average site width with required minimum.
14 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.
15 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.
16 Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.
17 A minimum of one parking space is required.
(Ord. 5-00 §2 Exh. B (part), 2000).

**18.06.040 Specific development standards.**

In conjunction with the specific development standards set forth in Tables B and C of this chapter, the following specific development regulations shall apply:
A. Open Space. Development of multi-family structures in the R-2 district and R-3 district shall include usable open space which is fifteen percent of the floor area per unit, as follows:

1. Usable Open Space. Usable open space shall be defined as the sum of private open space and common open space as defined in this section providing outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or street side yard and excluding any land area with a slope in excess of twenty percent.

2. Private Open Space. Private open space is open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests, such as patios or screened decks or balconies. Patios at grade level must have a minimum area of one hundred twenty square feet, and balconies must have a minimum area of sixty square feet with no dimension less than six feet, in order to meet a portion of the open space requirement.

3. Common Open Space. Common open space is open space used commonly by residents of a building, having a minimum dimension of fifteen feet in any direction and a minimum area of three hundred square feet. Common open space includes terraces, courts, nonstreet side yards, rear yards, open patios and decks, rooftops surrounded by parapet wall or similar structure having a minimum height of four feet. Common open space shall be open to the sky and shall not include driveways, pedestrian access to units, parking areas or area required for front or street side yards.

B. Landscaping.

1. Guideline Conformance. All planting areas, plant materials, and irrigation shall conform with guidelines in the city’s current water-efficient landscaping program.

2. Landscape Plan. A landscaping plan is required for all new multi-family residences, and shall be in conformance with design criteria contained in this title and the city’s current water-efficient landscaping program.

3. No Impediments. No landscaping may impede, block, obstruct, or otherwise be allowed to grow over a public sidewalk or other form of public or private access way such as a street, sidewalk or road. Trees and shrubs shall be maintained in such a manner as to provide a minimum clear distance between any public or private sidewalk, street, road or right-of-way and the lowest foliage.

4. Sight Distance. Within the sight distance area of any corner, as defined herein, trees must be pruned to allow a nine-foot clearance between natural grade and the lowest foliage, and shrubs must be trimmed to a maximum height of three feet.

   a. Sight Distance Area. A triangular area measured from the corner property marker or the apex of the radius of the curve, to two points located twenty-five feet back along the front and side property lines and completed by the diagonal connecting these two points. The volume of space between three feet and nine feet above this triangular area is to be kept clear to allow safe vehicular movements at the street intersection. During review of new development on corner lots, this sight distance area can be increased for streets, upon a finding that the increased sight distance is required for safety at the intersection made during the review of the discretionary permit(s) for the project.

C. Height of Fences, Walls, Gates and Hedges. The height of a fence, wall or hedge shall be measured vertically from the natural or finished existing grade, whichever is lower, at the base of the fence, wall or hedge to the top of the fence, wall or hedge above that grade. The following specific criteria shall apply in all residential districts:

1. Driveway Gates. Decorative gates may extend up to one foot higher than the fence height permitted in that location.

2. Maximum Height. The maximum height of a solid fence, wall or hedge shall be as follows:
a. Front Limited Height. Fences, walls, and hedges located within a required front yard setback area or within the site distance area as defined herein shall be limited to a maximum height of three feet.

b. Rear Limited Height. Fences, walls, and hedges located to the rear of the required front yard setback area shall be limited to a maximum height of six feet, unless this area is also within the site distance area as defined herein, in which case the maximum height shall not exceed three feet in the site distance area.

c. Trellis or Rails. An additional one foot of fence or wall height is permitted on front yard, rear yard and interior side yard fences, only if the added fencing has openings comprising at least fifty percent of the added area (such as lath trellis or rails).

d. Retaining Wall Fence. Where a retaining wall protects a cut below existing grade or contains a fill above the existing grade and is located on the line separating lots, such retaining wall may be topped by a fence, wall or hedge with the maximum total height not to exceed six feet.

D. Off-Street Parking. Off-street parking shall be provided for all uses within a residential district in accordance with the following minimum requirements:

1. Parking Spaces. Parking spaces shall conform to the following sizes:

<table>
<thead>
<tr>
<th>Type of Space</th>
<th>Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>9’ x 19’ clear</td>
</tr>
<tr>
<td>Parallel</td>
<td>10’ x 22’ clear</td>
</tr>
</tbody>
</table>

2. Access Aisles. Parking areas shall provide adequate aisles for all vehicle turning and maneuvering, and conform to the following parking standards:

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Circulation</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 degree</td>
<td>one-way</td>
<td>12 feet</td>
</tr>
<tr>
<td>0 degree</td>
<td>two-way</td>
<td>24 feet</td>
</tr>
<tr>
<td>85 -- 90 degree</td>
<td>one-way</td>
<td>22 feet</td>
</tr>
<tr>
<td>85 -- 90 degree</td>
<td>two-way</td>
<td>25 feet</td>
</tr>
<tr>
<td>30 -- 45 degree</td>
<td>one-way</td>
<td>14 feet</td>
</tr>
<tr>
<td>50 -- 55 degree</td>
<td>one-way</td>
<td>16 feet</td>
</tr>
<tr>
<td>60 degree</td>
<td>one-way</td>
<td>18 feet</td>
</tr>
<tr>
<td>65 -- 80 degree</td>
<td>two-way</td>
<td>20 -- 23 feet</td>
</tr>
</tbody>
</table>

3. Street Right-of-Way. No parking area shall be designed so that vehicular maneuvering on or backing up into public or private street right-of-way is necessary. This regulation shall not apply to driveways in R-1 and R-2 districts.

4. Location. Required garage spaces shall not be located within the front yard setback, but open, uncovered parking spaces may be located within the side or rear yards.

5. Multi-Family Residential. All parking spaces provided for tenants of multiple family residences shall be ninety-degree angle parking. At least one of the two required tenant parking spaces for each unit shall be enclosed within a garage. The second required tenant parking space shall be covered by a carport, at a minimum. Guest parking spaces may be uncovered.

6. Carports. Any carport or open parking area for five or more cars serving a residential use shall be screened by a solid wall or fence six feet in height, except that the...
height of a wall or fence adjoining a required front yard shall be not less than two feet or more than three feet.

7. Garages. Garages shall provide adequate interior area for standard parking spaces. Garage door openings shall have a minimum height of seven feet and shall be covered by a solid or sectional overhead door which shall be constructed of wood, metal or fiberglass, and painted, stained or treated to be harmonious with the exterior of the residential structure. All required garages shall be kept free, clear, and accessible for the parking of a vehicle or vehicles at all times.

E. Driveways. Visibility of a driveway crossing a street property line shall not be blocked between a height of three feet and nine feet for a depth of five feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of fifty feet or at the nearest property line intersection with the street property line, whichever is less.

1. Semi-Circular. Semi-circular driveways are permitted on lots with widths of seventy-five feet or more, if no more than fifty percent of the front setback area is to be paved, and if visible landscaping is to be installed between the driveway and the sidewalk.

2. Minimum Widths. On building sites in the R-1 district and R-2 district, driveways leading to two-car garages shall have a minimum width of eighteen feet for two-car garages and nine feet for single car garages, and a minimum depth of eighteen feet for roll-up doors and twenty feet for pull-up doors. Driveways located in side yards leading to a detached garage in the rear yard shall have a minimum width of ten feet.

F. Underground Utilities. All new electrical, telephone, cable TV and similar distribution lines providing direct service to a residential development site, and any existing such service on the site, shall be installed underground within the site unless such installation is deemed unfeasible.

G. Maximum Building Envelope. The maximum building envelope shall apply to all residential development within any residential zone. The maximum building envelope under which all structures in residential zones must fit is defined as follows: a height limitation of twenty-eight feet overall for any portion of the structure, and a plane that begins at ten feet above the side property lines and extends into the property at a forty-five-degree angle and sixteen feet above the front and rear setback line and extends into the property at a sixty-degree angle. The following features may breach the maximum building envelope as defined in this subsection:

1. Dormers or gables may extend beyond the building envelope provided that the combination of all of these features on one development site measures no more than fifteen horizontal feet at the intersection of the building envelope on any side yard building envelope, and the total overall height of the encroaching features does not exceed the maximum allowed building height. (Ord. 5-00 §2 Exh. B (part), 2000).

18.06.050 Exceptions to development standards.

A. Exceptions to Height Standard.

1. Chimneys. Chimneys may only exceed the maximum height limit of each residential district to the extent required by the Uniform Building Code.

2. Architectural Features. Towers, spires, cupolas, elevator penthouses or similar architectural features, and mechanical appurtenances shall conform with the maximum height limit of each residential district.

3. Exceptions. In addition to the findings for a variance as set forth in this title, the planning commission may approve an exception to allow a structure to exceed the maximum building height set forth for each residential district in Tables B and C of this chapter. Single-story buildings in excess of sixteen feet in height are required to follow these procedures. In no case shall a single-story building be approved in excess of twenty feet in height. Review of the application by the architectural review committee and planning commission shall include an evaluation of the proposed bulk of the structure.
including both horizontal and vertical dimensions, the location of the structure on the lot, and the treatment of all setback and open areas, and light planes. The following additional findings of approval shall be made:

a. Increased Building Height. That the increased building height will result in more public visual open space and views than if the building(s) were in compliance with the maximum building height standard for the residential district;

b. More Desirable Result. That the increased building height will result in a more desirable architectural treatment of the building(s) and a stronger and more appealing visual character of the area than if the maximum building height standard were complied with;

c. No Undesirable Results. That the increased building height will not result in undesirable or abrupt scale relationships being created between the structures and existing developments in the district;

d. No More Floor Area. The structures shall have no more floor area than could have been achieved without the exception.

4. Height Exception. Where the maximum height of an existing single-story structure exceeds the permitted maximum height of sixteen feet or the approved height according to the procedures set forth herein, any new construction or additions may maintain and conform with the existing maximum height. In no case may any portion of the new construction exceed the height of the existing structure or sixteen feet, or the approved height according to the procedures set forth herein which ever is greater.

B. Exceptions to Maximum Floor Area Ratio Standard. In addition to the findings for a variance as set forth in this title, the planning commission may approve an exception to the floor area ratio standards subject to the following additional findings in each case:

1. Predominant Pattern Retained. That the visual scale and bulk of the proposed structure is consistent with the predominant pattern established by the existing structures in the surrounding neighborhood;

2. Site Compatible. That the proposed structure is compatible with the physical characteristics of the site;

3. Views Not Impacted. The additional square footage of the proposed structure will not impact public or private views across the site;

4. Solar Access Protected. That the additional floor area shall not impact solar access for adjacent structures.

C. Exceptions to Lot Coverage Standard. The area of walks, patios, in-ground swimming pools or pools that do not project more than thirty inches above the ground, uncovered decks thirty inches or less above the ground, and eaves projecting thirty inches or less from the exterior surface of a building wall shall not be included in lot coverage calculations.

D. Exceptions to Setback Standards.

1. Detached Accessory Structure Height. Detached accessory structures not exceeding two hundred fifty square feet in floor area may be located within the required rear yard setback of a site but shall be no closer than five feet to the rear property line or five feet to the side property line, and shall not exceed eight feet in overall height, plus one additional foot in height for each additional three feet of setback from side or rear property lines, up to a maximum of ten feet in overall height.

2. Detached Accessory Structure Overall. Detached accessory buildings not exceeding overall dimensions of six feet in width and ten feet in length with a maximum height of eight feet may be located in a side or rear yard setback area provided a minimum setback of five feet from side property lines is maintained. Any such structure must conform with all applicable requirements of the Uniform Building Code.

E. Attached Structures and Features. The aggregate length of all bay windows, balconies, canopies, chimneys, covered porches and decorative features attached to a structure may project into a required yard or setback area across no more than twenty
percent of the buildable width of the lot along a rear building wall, and twenty percent of the buildable length of a street-side-building wall. The area defined by the permitted encroachment and the aggregate permitted length is the maximum projection area.

1. Enclosed Porches and Solariums. If attached to the first floor of a residence, may extend into the rear yard setback across twenty percent of the lot width, but shall provide a minimum rear yard setback of thirteen feet, and provide the required side yard setbacks set forth in Tables B and C of this chapter. Enclosed porches and solariums shall not exceed a maximum height of nine feet in the required setback area. Solariums, porch and deck covers added on upper floors may not encroach into required rear and side setbacks. The area covered by enclosed accessory structures shall be included in lot coverage calculations.

2. Balconies. Balconies on the second floor or above may project a maximum of thirty inches into either the required front or rear setback. Balconies or second floor decks encroaching into required front or rear yard setbacks shall have open railings, glass or architectural details with openings to reduce visible bulk; balconies composed solely of solid enclosures are not allowed to project into required yards. That portion of a balcony which projects into a setback area shall not be covered.

3. Patio Covers. Patio covers of open roof trellis design only, attached to the main structure, may be located in the required rear yards, but must provide a minimum of five feet for a rear yard setback and a side yard setback equal to the required side yard of the underlying zoning district.

4. Eaves, Cornices, Canopies, Awnings and Mechanical Equipment. These features may project a maximum of thirty inches into the required yards, provided that a minimum clearance of three feet remains.

5. Planter Boxes and Other Decorative Features. Decorative features attached to the walls of a structure may encroach a maximum of twelve inches into any required setback area.

6. Bay Window Encroachment. Bay windows providing floor area (i.e., extending from the finished floor upward) may not encroach into required setbacks, and are included in lot coverage calculations.

7. Bay Window Calculations. Bay windows having a minimum of eighteen inches of clear space above finished grade that do not provide floor area and do not project beyond the eaves are not included in lot coverage calculations. Bay windows that provide a minimum of eighteen inches of clear space above grade may encroach a maximum of thirty inches into required front and rear yard setbacks and a maximum of twelve inches into any required side yard setback.

8. No Exceptions for Severely Substandard Lots. There shall be no exceptions to the setback standards for attached structures and features on severely substandard lots.

F. Development Standards for Substandard and Severely Substandard Lots. This section sets forth standards for development on substandard or severely substandard lots, which are defined in the zoning code definitions in Section 18.02.040 of this title. The development shall meet all standards set forth in Tables E and F of this chapter respectively, unless otherwise specified.

1. Use Permit Required. Planning commission approval of a use permit is required for all development, including additions and accessory structures, on any substandard or severely substandard lot or building site except as provided in subsection (F)(3) of this section.

2. Coastal Act Consistency. The exception to development standards for substandard, severely substandard, and exceptional lots set forth in this subsection shall only be applied in full conformity with coastal development permitting requirements pursuant to Sections 30600 and 30610 of the Coastal Act and Title 14 Sections 13250,
3. Exceptions to the Requirement for a Use Permit. The following is a list of exceptions to the use permit requirement for development on substandard and severely substandard lots:

a. Ninety-Five Percent Width Rule. Any substandard lot or building site that provides at least ninety-five percent of the required lot width, and at least one hundred percent of the lot area in the underlying zoning district. Such exempted lots are subject to the same development standards as standard size lots, including but not limited to Table B of this chapter.

b. Small Additions and Accessory Structures. An accessory building or addition to an existing building not exceeding the lesser of (i) two hundred fifty square feet in floor area or lot coverage or (ii) the applicable development standard for lot coverage and floor area ratio. This exception may only be granted one time in a twenty-four-month period. The twenty-four-month period will begin on the date of the final inspection for the issued building permit. If the permit never received a final inspection by the city, no further development may be applied for until the permit has received a final inspection and the twenty-four-month period has lapsed.

c. Exceptional Lots. An addition or an accessory structure on any substandard lot or building site in R-1-B-1 and R-1-B-2 zoning districts that meets all of the following (exceptional lots will be required to apply the development standards in Table B with the exception of floor area ratio and lot coverage, which is explained in subsection (F)(3)(c)(iii) of this section):

i. Does not meet the minimum average width and/or lot area requirement for the zoning district that the parcel is within, but provides at least fifty feet of average lot width and at least five thousand square feet of lot area;

ii. Has an existing 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;

iii. The addition or accessory structure does not exceed the maximum allowed floor area ratio (FAR) for exceptional lots, which is fifty percent for the first five thousand square feet of lot area, thirty percent for lot area between five thousand and seven thousand five hundred square feet, and twenty percent for lot area above seven thousand five hundred square feet, and lot coverage equal to one hundred percent of the allowed FAR for a single-story house and thirty-five percent of the lot area for a two-story house;

iv. Application for architectural review committee review provides the same mailing procedure as specified in Sections 18.20.060(A) and 18.20.060(B)(1) through (B)(3) of the zoning code.

d. Limited Extension of Nonconforming Setbacks on Exceptional Lots. Notwithstanding Section 18.06.080(B), where a legally constructed single-family dwelling encroaches upon presently required setbacks, the encroaching wall(s) may be extended in accord with this section. The addition shall be limited as follows:

i. An existing nonconforming front setback may be extended in width to follow the furthest forward existing front setback, but in no case shall the addition provide less than a twenty-foot front setback;

ii. Minimum side setbacks of five feet, except that street facing side setbacks shall conform to Table B of this chapter. The encroaching side yard addition may not extend the wall along the nonconforming side setback line more than twelve linear feet or up to the required front and rear setbacks, whichever is less;

iii. An existing nonconforming combined side setback may be extended consistent with this section, but in no case shall a nonconforming combined side setback
be created on a site when the existing combined side setback is fully compliant with the zoning district’s regulations;

iv. A minimum rear setback of twenty feet;

v. Provide an appropriate design that is consistent with the guidelines set forth in Chapter 18.21 of this title.

4. Water Quality. No coastal development permit for development on exceptional lots shall be granted unless the approved development conforms to the water quality protection standards specified in Section 18.38.120.

Table EDEVELOPMENT STANDARDS FOR SUBSTANDARD LOTS

<table>
<thead>
<tr>
<th>Lot coverage</th>
<th>Proportionality rule (definitions in Section 18.02.040)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor area ratio</td>
<td>Proportionality rule. Basements with floor area of 15% or less of the total calculated FAR, up to a maximum of 225 square feet, may be allowed subject to use permit.</td>
</tr>
<tr>
<td>Maximum building envelope</td>
<td>Applicable</td>
</tr>
<tr>
<td>Required parking</td>
<td>Two spaces: one garage space with dimensional standards as set forth in this chapter, and one covered space not located in the front yard setback.</td>
</tr>
<tr>
<td>Front setback</td>
<td>Standard for the zone</td>
</tr>
<tr>
<td>Side setback</td>
<td>Standard for the zone</td>
</tr>
<tr>
<td>Rear setback</td>
<td>Standard for the zone</td>
</tr>
<tr>
<td>Street-facing side yard setback</td>
<td>Standard for the zone</td>
</tr>
<tr>
<td>Height</td>
<td>28 feet for two-story, 20 feet for single-story, including single-story and loft1</td>
</tr>
</tbody>
</table>

1 Single-story structures with height above sixteen feet are required to follow the procedures for exemption to the height standards set forth in this chapter.

Table FDEVELOPMENT STANDARDS FOR SEVERELY SUBSTANDARD LOTS

<p>| Lot coverage | Single-story maximum lot coverage is equal to the maximum FAR. The maximum two-story lot coverage is 70% of the maximum FAR for two-story. |
| Floor area ratio | A maximum of 200 square feet above the maximum calculated floor area ratio. Maximum FAR is calculated as follows: the ratio of the actual lot area to the required lot area times 50%. Basements with floor area of 15% or less of the total calculated FAR, up to a maximum of 225 square feet, may be allowed subject to use permit. |
| Maximum building envelope | Applicable |
| Required parking | Two spaces: one garage space with dimensions as set forth in this chapter. One additional parking space, whether covered or not, and not located within the front yard setback. |
| Front setback | Standard for the zone applies |
| Side setback | A minimum of 8 feet combined, with a minimum of 3 feet on one side. On a side that contains less than a 4-foot setback, the structure must be separated by a minimum of... |</p>
<table>
<thead>
<tr>
<th><strong>Eave overhangs</strong></th>
<th>Notwithstanding any other rules set forth in this title, severely substandard lots may have an eave encroachment that extends no more than 18 inches into the side yard. All other yards may have a 30-inch encroachment.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rear setback</strong></td>
<td>Standard for the zone</td>
</tr>
<tr>
<td><strong>Street-facing side yard setback</strong></td>
<td>10', including garage</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td>28 feet for two-story, including single-story and loft3</td>
</tr>
</tbody>
</table>

2. The seventy percent is calculated only on the living space for severely substandard lots, i.e., before adding the “maximum of two hundred square feet” allowance.

3. Single-story structures with height above sixteen feet are required to follow the procedures for exception to the height standards set forth in this chapter.

G. General Design Guidelines for Substandard and Severely Substandard Lots. In addition to the architectural design guidelines set forth in Chapter 18.21, the following guidelines shall apply to all substandard and severely substandard lots:

1. To the maximum extent possible, garages must be located in the rear yard.
2. Where located in the front of the building, the other features in the front facade shall work to de-emphasize the garage.
3. Where the proposed development is located within one hundred feet of at least one other substandard lot, the architectural review committee shall strongly consider following design characteristics when making its determination of whether the design is compatible with the neighboring area: setbacks, front facade, orientation to the street, side orientation to adjacent properties and their daylight planes, mass and bulk.

H. Exceptions for Affordable Housing. Any of the development standards and regulations of this chapter may be waived or relaxed by the planning commission for an affordable housing project as defined in the city of Half Moon Bay housing element if the resulting development fully conforms with the policies of the certified land use plan and all other applicable provisions of the zoning code outside this chapter. (Ord. O-2-06 §2, 2006; Ord. O-6-04 §2 Exh. A (part), 2004; Ord. O-5-04 §1 Exh. A, 2004; Ord. O-4-04 §1 Exh. A, 2004; Ord. 5-00 §2 Exh. B (part), 2000).

18.06.060 Manufactured homes.

A. Intent. It is the intent of the city to provide opportunities for the placement of manufactured homes in single-family residential districts, consistent with state law, and to ensure that such manufactured homes are designed and located so as to be harmonious within the context of the surrounding houses and neighborhood.

B. Approval. Approval by the architectural review committee and the planning director is required prior to the issuance of building permits for individual manufactured homes on a site in any R-1 district, subject to the provisions of this section. The architectural review committee and planning director shall review each proposed manufactured home to determine compatibility in design and appearance with residential structures in the vicinity, based upon design and development criteria set forth in this section.

C. Location. Manufactured homes may be located in any residential district where a single-family detached dwelling is permitted, subject to the same restrictions on density.
and to the same property development regulations. Manufactured homes may be located on building sites with an average slope of less than or equal to ten percent.

D. Design and Development. The design and development criteria set forth in this section is intended to protect neighborhood integrity, provide for harmonious relationships between manufactured homes and surrounding uses, and minimize problems that could occur as a result of locating manufactured homes on building sites designated for single-family residential uses. Each manufactured home:

1. Width. Shall be at least eighteen feet wide, as measured at its narrowest point;
2. Foundation. Shall be built on a permanent foundation approved by the building official;
3. Recent Manufacture. Shall have been manufactured after June 15, 1976, and shall be certified under the National Manufactured Home Construction and Safety Act of 1974, and shall be installed in accordance with the provisions of the most recent edition of the Uniform Building Code adopted by the city;
4. Skirting. Shall provide skirting of exterior finish materials extending to the finished grade;
5. Siding. Shall provide exterior siding material compatible with adjacent residential structures; shiny or metallic finishes are prohibited;
6. Roof Pitch. Shall have a roof with a pitch of not fewer than three inches vertical rise per twelve inches horizontal distance;
7. Roof Material. Shall have roofing material of concrete or asphalt tile, shakes, or shingles complying with the most recent editions of the Uniform Building Code adopted by the city;
8. Roof Eaves or Overhang. Shall provide eaves or roof overhangs of not less than one foot as measured from the vertical side of the unit;
9. Floor Elevation. Shall maintain a finished floor elevation no higher than twenty inches above the exterior finished grade; and
10. Covered Parking. Shall maintain required covered parking in accordance with the provisions of this chapter. The exterior materials and roofing proposed for any garage shall be the same as those materials used on the main structure.

E. Cancellation of State Registration. Whenever a manufactured home is installed on a permanent foundation, any registration of such manufactured home with the state of California shall be canceled, pursuant to state laws and regulations. Before any occupancy certificate may be issued for use of such a manufactured home, the owner shall provide to the building official satisfactory evidence showing that the state registration of the manufactured home has been or will, with certainty, be canceled; if the manufactured home is new and has never been registered with the state, the owner shall provide the building official with a statement to that effect from the dealer selling the home. (Ord. 5-00 §2 Exh. B (part), 2000).

18.06.070 Nonconforming structures.
Any existing residential structure legally constructed in accordance with the zoning code prior to the effective date of the ordinance codified in this title that is damaged by catastrophe such as fire, flood, explosion, wind, earthquake, war, riot or other calamity may be replaced, restored, rebuilt or repaired and used as before such event occurred provided that all of the following conditions are satisfied:

A. No Increased Nonconformance. That any nonconforming lot coverage, height, floor area ratio or setback encroachments of the structure will not be increased beyond that in existence prior to the damage occurring unless a variance is approved subject to the provisions of this title;
B. Building Permit Requirement. That an application for a building permit to replace or repair a damaged or destroyed building shall be filed within twenty-four months after the event;
C. Building Code Compliance. That all applicable provisions of the Uniform Building Code adopted by the city at the time building permits are requested for the repair or reconstruction shall be incorporated into the plans. (Ord. 5-00 §2 Exh. B (part), 2000).

18.06.080 Permits and plan review.
A. Building permit requirement. Building permits are required for any new construction, remodeling or additions, except for fences which do not exceed seven feet in height, and decks less than eighteen inches in height.
B. Variance Requirement. A variance shall be required for any project in any residential district which does not meet the development standards and additional regulations set forth in this chapter, or for projects which include proposals to extend existing nonconforming conditions on the site.
C. Architectural and Site Plan Review. The provisions of this title addressing architectural and site plan review shall be followed prior to the issuance of any building permits for which design review is required. (Ord. 5-00 §2 Exh. B (part), 2000).
Chapter 18.07
COMMERCIAL LAND USE (C-D, C-R)

Sections:
18.07.010 Purpose.
18.07.015 C-D and C-R zoning districts established.
18.07.020 Permitted uses.
18.07.025 Use regulations.
18.07.030 General development standards.
18.07.035 C-R zoning district development standards.
18.07.040 C-D zoning district development standards.
18.07.045 Exceptions to development standards.
18.07.050 Nonconforming structures.
18.07.055 Historic downtown area, structures and uses.
18.07.060 Required permits and plan review.

18.07.010 Purpose.
The purpose of establishing these commercial-downtown and commercial-residential districts and adopting development standards and use regulations is to:
A. Guide the orderly development of lands designated on the land use plan map for general commercial uses;
B. Implement the policies of the downtown historic district specific plan encouraging a range of uses to serve the local residents and visitors to the area;
C. Provide appropriately located areas consistent with the policies for the Half Moon Bay downtown specific plan, the land use plan, and the general plan for a full range of office, retail commercial, service commercial, and visitor serving uses needed by residents of the city, and visitors to the historic downtown area;
D. Strengthen and expand the city’s economic base, by providing for visitor serving needs while protecting the small businesses that currently serve city residents in the historic downtown area on a daily basis;
E. Minimize the impact of commercial development on adjoining residential areas by providing a transition area of lower intensity commercial uses;
F. Encourage new commercial development and adaptive reuse of existing historic buildings and sites compatible with surrounding development and consistent with site limitations;
G. Maintain the existing character of the historic downtown area and discourage the development of new incompatible commercial structures and uses;
H. Ensure the provision of adequate on-site parking, loading and circulation while maintaining the economic vitality of the area;
I. Ensure that the size, scale, character and design of any new buildings are consistent with other structures in the immediate vicinity;
J. Allow public and semipublic uses in commercial areas that are compatible with or supportive of commercial development;
K. Providing for the continued economic use of historic buildings and sites so as to ensure their restoration and preservation. (1996 zoning code (part)).

18.07.015 C-D and C-R zoning districts established.
The intent of this chapter is to establish the following commercial districts and to guide the orderly development within each district as follows:
A. C-D District, Commercial-Downtown. The intent of establishing this zoning district is to implement the provisions of the downtown specific plan calling for the establishment
of development standards and a range of uses that would maintain and be consistent with the historic patterns and pedestrian scale of development within the historic downtown area. Of special importance is the visual quality of the historic downtown area.

1. This district is intended to provide for visitor serving commercial uses such as restaurants and art galleries, certain public uses, and other retail and service commercial uses and professional offices that serve the local residents on a daily basis.

2. Retail and visitor serving commercial uses are encouraged on the ground or first floor, with professional offices on the upper floors. This policy is not intended to be used to preclude professional offices on the ground floor, particularly in single story buildings.

B. C-R District, Commercial-Residential. The intent of establishing this zoning district is to provide a transition zone between the active commercial districts and single-family residential areas. In this transition zone between residential neighborhoods and the more intensive commercial areas, development is limited to residential uses, low intensity professional offices, and semipublic uses.

1. It is intended that commercial and professional uses be limited to those with low noise levels, minimal vehicular traffic from patrons, deliveries or pick-ups, and hours of operation that would not adversely impact residents. (1996 zoning code (part)).

18.07.020 Permitted uses.

Table 18.07.020A of this chapter establishes the uses permitted in the commercial-downtown and commercial-residential districts.

A. The uses listed in Table 18.07.020A are numbered and categorized into types of uses. Definitions of each type of use are located within this title in Chapter 18.03, Use Classifications. Uses that are not listed are prohibited within the commercial-downtown and commercial-residential districts.

B. Use classifications followed by the term “OK” are permitted, whereas use classification followed by the term “UP” require approval of a use permit. A use classification followed by the term “NO” means that the use is not permitted. In the event the planning director determines that a proposed use is not permitted, an applicant may appeal the determination to the planning commission. The term “UPCC” means that some or all uses in the use classification are permitted in most cases, but that approval of a use permit is required in certain cases.

C. Further description of the circumstances related to the “UPCC” listings in Table 18.07.020A, and other specific regulations for certain uses listed in Table 18.07.020A can be found in Section 18.07.025. The letters and numbers in Section 18.07.025 correspond to the use categories and specific uses listed in Tables 18.07.020A through E.

Table 18.07.020A
COMMERCIAL USES

C-D Commercial downtown zoning district
C-R Commercial residential zoning district

<table>
<thead>
<tr>
<th>Key</th>
<th>Commercial Uses</th>
<th>C-D Zoning</th>
<th>C-R Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Adult Business</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>A-2</td>
<td>Ambulance Service</td>
<td>UPCC</td>
<td>NO</td>
</tr>
<tr>
<td>A-3</td>
<td>Animal Sales or Service:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>UPCC</th>
<th>OK</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Boarding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A-2</td>
<td>Grooming</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-3</td>
<td>Medical Care</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-4</td>
<td>Retail Sales</td>
<td>OK</td>
<td>UP</td>
</tr>
<tr>
<td>A-5</td>
<td>Art Gallery</td>
<td>OK</td>
<td>UPCC</td>
</tr>
<tr>
<td>A-6</td>
<td>Bank:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a • Full Service</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td></td>
<td>b • ATM Only</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td></td>
<td>c • Drive-Up Teller</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-7</td>
<td>Building Materials Sales or Service</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-8</td>
<td>Catering</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-9</td>
<td>Circus, Carnival or Exhibition</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-10</td>
<td>Commercial Filming</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>A-11</td>
<td>Commercial Recreation or Entertainment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a • Indoor</td>
<td>UPCC</td>
<td>NO</td>
</tr>
<tr>
<td></td>
<td>b • Outdoor</td>
<td>UPCC</td>
<td>NO</td>
</tr>
<tr>
<td>A-12</td>
<td>Communication Facility</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-13</td>
<td>Eating or Drinking Establishment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a • Cafe, Diner or Restaurant</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td></td>
<td>b • Fast Food or Takeout</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td></td>
<td>c • Drive-Thru Fast Food</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td></td>
<td>d • Bar or Tavern</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-14</td>
<td>Equestrian Center</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>A-15</td>
<td>Food or Beverage Sales</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-16</td>
<td>Funeral or Internment Service</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-17</td>
<td>Gardening Service</td>
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<td>NO</td>
</tr>
<tr>
<td>A-18</td>
<td>Laboratory</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-19</td>
<td>Maintenance or Repair Service</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-20</td>
<td>Nursery, Plant</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-21</td>
<td>Office:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a • Business or Professional</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td></td>
<td>b • Health Service</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td></td>
<td>c • Travel Agency</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-22</td>
<td>Personal Improvement Service</td>
<td>OK</td>
<td>UP</td>
</tr>
<tr>
<td>A-23</td>
<td>Personal Service</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-24</td>
<td>Printing or Publication Facility</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-25</td>
<td>Real Estate Office</td>
<td>OK</td>
<td>NO</td>
</tr>
<tr>
<td>A-26</td>
<td>Research and Development</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>A-27</td>
<td>Retail Sales:</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>a • Indoor Retail</td>
<td>OK</td>
<td>UP</td>
</tr>
<tr>
<td>Use</td>
<td>C-D Zoning</td>
<td>C-R Zoning</td>
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</tr>
<tr>
<td>------------------------------------</td>
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<td></td>
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<tr>
<td>a. Outdoor Retail</td>
<td>OK</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>b. Visitor-Serving Retail</td>
<td>OK</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A-28 Seasonal Agricultural Sales</td>
<td>OK</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A-29 Secondhand Sales, Pawn Shop</td>
<td>OK</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A-30 Vehicle/Equipment Sales or Service</td>
<td>OK</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>a. Automobile Rental</td>
<td>OK</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>b. Automobile Washing</td>
<td>UP</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>c. Service Station</td>
<td>OK</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>d. Vehicle or Equipment Repair</td>
<td>UP</td>
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<td></td>
</tr>
<tr>
<td>e. Vehicle or Equipment Sales or Rental</td>
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</tr>
<tr>
<td>f. Vehicle Storage</td>
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</tr>
<tr>
<td>A-31 Visitor Accommodation:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Bed and Breakfast Inn</td>
<td>OK</td>
<td>UP</td>
<td></td>
</tr>
<tr>
<td>b. Campground or RV Park</td>
<td>NO</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>c. Hotel, Motel or Time Share</td>
<td>OK</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>d. Spa Resort</td>
<td>OK</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A-32 Warehouse or Storage</td>
<td>OK</td>
<td>NO</td>
<td></td>
</tr>
</tbody>
</table>

**Table 18.07.020B**

INDUSTRIAL USES

C-D Commercial downtown zoning district
C-R Commercial residential zoning district

OK = Allowed without permit
NO = Not allowed
UP = Use permit required
UPCC = Use permit required under certain circumstances

<table>
<thead>
<tr>
<th>Key</th>
<th>Industrial Uses</th>
<th>C-D Zoning</th>
<th>C-R Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>Custom Industry</td>
<td>UPCC</td>
<td>NO</td>
</tr>
<tr>
<td>B-2</td>
<td>General Industry</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>B-3</td>
<td>Limited Industry</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>B-4</td>
<td>Wholesaling, Distribution or Storage</td>
<td>UP</td>
<td>NO</td>
</tr>
</tbody>
</table>

**Table 18.07.020C**

PUBLIC AND QUASI-PUBLIC USES

C-D Commercial downtown zoning district
C-R Commercial residential zoning district

OK = Allowed without permit
NO = Not allowed
UP = Use permit required
UPCC = Use permit required under certain circumstances

<table>
<thead>
<tr>
<th>Key</th>
<th>Public and Quasi-Public Uses</th>
<th>C-D Zoning</th>
<th>C-R Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1</td>
<td>Club or Lodge</td>
<td>OK</td>
<td>UP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Convalescent Facility</th>
<th>UP</th>
<th>UP</th>
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<tbody>
<tr>
<td>C-3</td>
<td>Cultural Institution</td>
<td>OK</td>
<td>UP</td>
</tr>
<tr>
<td>C-4</td>
<td>Day Care, General</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>C-5</td>
<td>Government Office</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>C-6</td>
<td>Health Care:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>Hospital or Clinic</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>b</td>
<td>Emergency Health Care</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>C-7</td>
<td>Park or Recreation Facility</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>C-8</td>
<td>Public Safety Facility</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>C-9</td>
<td>Religious Assembly</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>C-10</td>
<td>Residential Care, General</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>C-11</td>
<td>School, Public or Private</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>C-12</td>
<td>Utility:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>Major</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>b</td>
<td>Minor</td>
<td>OK</td>
<td>OK</td>
</tr>
</tbody>
</table>

**Table 18.07.020D**

**RESIDENTIAL USES**

C-D Commercial downtown zoning district
C-R Commercial residential zoning district

<table>
<thead>
<tr>
<th>Key</th>
<th>Residential Uses</th>
<th>C-D Zoning</th>
<th>C-R Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>D-1</td>
<td>Group Residential</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>D-2</td>
<td>Large Family Day Care</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>D-3</td>
<td>Limited Day Care</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>D-4</td>
<td>Limited Residential Care</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>D-5</td>
<td>Multi-Family Residential</td>
<td>UP</td>
<td>UPCC</td>
</tr>
<tr>
<td>D-6</td>
<td>Single-Family Residential</td>
<td>UP</td>
<td>OK</td>
</tr>
</tbody>
</table>

**Table 18.07.020E**

**ACCESSORY USES**

C-D Commercial downtown zoning district
C-R Commercial residential zoning district

<table>
<thead>
<tr>
<th>Key</th>
<th>Accessory Uses</th>
<th>C-D Zoning</th>
<th>C-R Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
E-1 Accessory Use or Structure  OK  OK
E-2 Accessory Dwelling  UP  UP
E-3 Mixed Commercial and Residential  UP  UP

(1996 zoning code (part)).

18.07.025 Use regulations.
The following use categories and any additional regulations associated with an identified use are to be taken together with the permit requirements listed for each use classification in Tables 18.07.020A through E. These regulations shall apply to both permitted uses and for uses which are only allowed upon approval of a use permit by the planning commission.

A. Commercial Uses.
   A-1 Adult Business. No additional regulations specified.
   A-2 Ambulance Service. A use permit is required only where a proposed ambulance service would be located within one thousand feet of an R district or fifty feet of a site occupied by a public or private school or a park or recreation facility.
   A-3 Animal Sales or Service. No additional regulations specified.
   A-3 a. Boarding. A use permit is required when a proposed boarding facility would be located within two hundred feet of a residential district to ensure that potential noise impacts are adequately addressed.
   A-3 b. Grooming. No additional regulations specified.
   A-3 c. Medical Care. No additional regulations specified.
   A-3 d. Retail Sales. The sale of domestic animals is allowed as an incidental use to any permitted use in the C-D district.
   A-4 Art Gallery. No additional regulations specified.
   A-5 Artist’s Studio. Studios where the artist works, displays and sells artwork are permitted. A use permit is required in the C-R district only when the artist also lives on the premises and/or maintains an active sales operation.
   A-6 Banking. No additional regulations specified.
   A-6 a. Full Service. No additional regulations specified.
   A-6 b. ATM Only. No additional regulations specified.
   A-6 c. Drive-Up Teller. No additional regulations specified.
   A-7 Building Materials Sales or Service. Activities shall be conducted and materials shall be stored within a building or shall be enclosed by a fence, wall or permanent planting at least six feet in height. Milling or planing of lumber or other wood products is prohibited unless incidental to a retail use or contractor’s yard.
   A-8 Catering. Catering businesses may be permitted in conjunction with a residential use subject to approval by the San Mateo County environmental health department.
   A-9 Circus, Carnival or Exhibition. Such uses, including street fairs and markets on city streets are permitted upon approval of special events permit. The event may be in one location no longer than two weekend days over two consecutive weekends, unless otherwise permitted by the city council in conjunction with the special events permit. Signs advertising the event shall be approved by the city council in conjunction with the approval of the special events permit.
   A-10 Commercial Filming. Use permitted upon securing all necessary permits and licenses required by the municipal code.
   A-11 Commercial Recreation or Entertainment. No additional regulations specified.
   A-11 a. Indoor. Small-scale billiards/pool halls and movie theaters are permitted in the C-D district by use permit only. Electronic game centers shall not be located within three hundred feet of a school site or the boundary of a residential district, or within five hundred feet of a liquor store, cocktail lounge or bar. At least one adult manager shall be on the premises during the time a game center is open to the public. No game center
owner, manager or employee shall allow a minor under eighteen years of age to play

game machines during the hours the public schools are open, or after nine p.m. on nights

preceding school days. The planning commission may impose restrictions on the design,

location and operation of a game center in order to minimize the effects of noise,

congregation, parking, and other nuisance factors that may be detrimental to the

community. Bowling alleys, indoor skating rinks and tennis courts and the like are not

permitted in the C-D and C-R districts.

A-11 b. Outdoor. Small-scale outdoor commercial recreation uses and activities such

as bocce courts and seasonal events such as live music may be permitted. Golf courses

and driving ranges, outdoor skating rinks and skateboard parks and tennis courts are not

permitted in the C-D and C-R, districts. A use permit shall be required for any extensive

outdoor uses not listed.

A-12 Communication Facility. No additional regulations specified.

A-13 Eating or Drinking Establishment. No additional regulations specified.

A-13 a. Cafe, Diner or Restaurant. No additional regulations specified.

A-13 b. Fast Food or Takeout. Identifiable containers and napkins shall be used for all

carry-out food, and all litter resulting shall be promptly removed.


A-13 d. Bar or Tavern. No additional regulations specified.

A-14 Equestrian Center. No additional regulations specified.

A-15 Food or Beverage Sales. No additional regulations specified.

A-16 Funeral or Internment Service. No additional regulations specified.

A-17 Gardening Service. No additional regulations specified.

A-18 Laboratory. No additional regulations specified.

A-19 Maintenance or Repair Service. No additional regulations specified.

A-20 Nursery, Plant. Outdoor storage and display is limited to plants and garden

features such as statues, fountains and benches. All merchandise must be kept in an

enclosed building or a fully screened enclosure, and fertilizer of any type is stored and

sold in package form only.

A-21 Office. No additional regulations specified.

A-21 a. Business or Professional. In the C-D district, business and professional offices

are encouraged on the upper floors of multiple story structures. This does not preclude

the establishment of business and professional offices on the ground floor. In the C-R

district, business and professional offices shall be limited to small scale, low intensity

uses.

A-21 b. Health Service. In the C-R district, health services offices shall be limited to

small scale, low intensity uses.

A-21 c. Travel Agency. No additional regulations specified.

A-22 Personal Improvement Service. No additional regulations specified.

A-23 Personal Service. No additional regulations specified.

A-24 Printing or Publication Facility. No additional regulations specified.

A-25 Real Estate Sales Office. No additional regulations specified.

A-26 Research and Development. No additional regulations specified.

A-27 Retail Sales. No additional regulations specified.

A-27 a. Indoor Retail. Display of products usually sold inside a building on a

commercial site may be permitted outside the building on a temporary or occasional

basis, subject to approval by the planning director. Retail sales within the C-R district

may only be permitted by use permit if ancillary to a permitted use.

A-27 b. Outdoor Retail. Outdoor display of merchandise on a temporary basis shall be

subject to approval by the planning director. Permanent outdoor sales operations, such

as flower and produce stands, hot dog carts, coffee/pastry stands, T-shirts, outdoor

furniture gardens, are permitted on an ongoing basis only if located on private property

and not on city or state right-of-way, and only after (1) receiving a determination by the
planning commission that the proposed use and operational characteristics are consistent with the underlying zoning designation and development standards, and (2) securing approval of a business license in accordance with the provisions of the municipal code.


A-28 Seasonal Agricultural Sales. Fruit, vegetable and Christmas tree sales are permitted for a period of forty-five days, and shall be subject to the requirements of the municipal code. The planning director shall impose reasonable conditions upon the establishment to ensure adequate parking, safe and convenient traffic circulation, and that minimum health and safety standards are met.

A-29 Second Hand Sales, Pawn Shop. No additional regulations specified.

A-30 Vehicle or Equipment Sales and Service. No additional regulations specified.

A-30 a. Automobile Rental. No additional regulations specified.

A-30 b. Automobile Washing. No additional regulations specified.

A-30 c. Service Station. All auto, truck and equipment repair and service facilities shall be appropriately landscaped and maintained. Inoperative vehicle storage on the premises is prohibited. Operative vehicles and/or equipment stored on the premises shall be screened from public view. Display racks for automobile products no more than four feet wide may be maintained at each pump island of a service station, or within three feet of the main building, and shall be limited to one per street frontage.

A-30 d. Vehicle or Equipment Repair. Repair shops such as auto body and painting, fender work, upholstery and detailing, and major auto repairs shall be appropriately landscaped and maintained. Conditions of approval of a use permit may require buffering, screening, planting areas or limits on the hours of operation to avoid adverse impacts on properties in the surrounding area. Inoperative vehicle storage on the premises is prohibited, and operative vehicles and/or equipment stored on the premises shall be screened from public view.

A-30 e. Vehicle or Equipment Sales or Rental. No additional regulations specified.

A-30 f. Vehicle Storage. All vehicle storage facilities shall be enclosed by a six foot high fence and all vehicles shall be screened from view.

A-31 Visitor Accommodation. No additional regulations specified.

A-31 a. Bed and Breakfast Inn. In the C-R district, a maximum of three guest rooms on any one site may be permitted upon approval of a use permit in each case.

A-31 b. Campground or RV Park. Landscaping at recreational vehicle parks shall be fully matured within five years of development to assure full screening from public roads, vista points, public recreation areas and residential areas.

A-31 c. Hotel, Motel or Time Share. Within the CD district, hotel, motel, time shares, and bed and breakfast inns are permitted only if the number of bedrooms does not exceed thirty-six per net acre of the building site area. Living rooms in suites shall be considered bedrooms for purposes of this calculation.

A-32 Warehouse or Storage. Only warehousing/storage area having two thousand five hundred square feet or less that is incidental to a commercial use is permitted within an enclosed building. Mini-storage or self-storage facilities may be permitted in the C-D district only by approval of a use permit and site and design permit.

B. Industrial Uses.

B-1 Custom Industry. Small scale custom industries such as ceramic studios, candle-making shops and custom jewelry manufacturing which may also sell goods produced on-site directly to customers are permitted in the C-D district.

B-2 General Industry. No additional regulations specified.

B-3 Limited Industry. No additional regulations specified.

B-4 Wholesaling, Distribution or Storage. No additional regulations specified.

C. Public and Quasi-Public.

C-1 Club or Lodge. No additional regulations specified.
C-2 Convalescent Facility. City, county and state permits or licenses must be obtained prior to establishing the use. The Half Moon Bay fire protection district shall review and approve all aspects of the use prior to the issuance of building permits.

C-3 Cultural Institution. No additional regulations specified.

C-4 Day Care, General. All required city, county and state permits or licenses must be obtained prior to establishing the use. The Half Moon Bay fire protection district shall review and approve all aspects of the use prior to the issuance of building permits.

C-5 Government Office. No additional regulations specified.

C-6 Health Care. No additional regulations specified.

C-6 a. Hospital or Clinic. No additional regulations specified.

C-6 b. Emergency Health Care. No additional regulations specified.

C-7 Park or Recreation Facility. No additional regulations specified.

C-8 Public Safety Facility. No additional regulations specified.

C-9 Religious Assembly. No additional regulations specified.

C-10 Residential Care, General. No additional regulations specified.

C-11 School, Public or Private. No additional regulations specified.

C-12 Utility. No additional regulations specified.

C-12 a. Major. All public utility substations shall be enclosed by a solid fence or wall a minimum of six feet in height. The planning commission may approve alternative screening such as a hedge or other plant materials, where appropriate to the design and location in relationship to other properties.

C-12 b. Minor. No additional regulations specified.

D. Residential Uses.

D-1 Group Residential. No additional regulations specified.

D-2 Large Family Day Care. No additional regulations specified.

D-3 Limited Day Care. No additional regulations specified.

D-4 Limited Residential Care. No additional regulations specified.

D-5 Multi-Family Residential. Two-family residences are permitted, and plans must be approved by the architectural review committee prior to receiving a building permit. Structures providing three or more residential units require planning commission approval of a use permit as well as architectural review committee approval.

D-6 Single-Family Residential. No additional regulations specified.

E. Accessory Uses.

E-1 Accessory Use or Structure. Accessory uses and structures are permitted when they are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. Accessory uses to a residential use would include home occupations and garage sales. Accessory uses for retail or office uses would include storage incidental to a permitted use. Accessory structures such as garages or storage and maintenance sheds are permitted.

E-2 Accessory Dwelling. No additional regulations specified.

E-3 Mixed Commercial and Residential. No additional regulations specified. (1996 zoning code (part)).

18.07.030 General development standards.

A. Residential Development. Separate dwelling units shall be subject to the standards for minimum setbacks, height limits, floor area ratios, lot coverage, landscaping, fences and useable open space as specified in this title for the proposed dwelling. Single-family residences shall meet all of the development standards for the R-1 district; two-family residences shall meet the requirements for the R-2 district; and structures with three or more units shall meet the R-3 district standards. For mixed use projects, residential development standards may be modified by the planning commission as a part of any use permit.
B. Minimum Site Area and Width. The standards for minimum site area and width are established for each commercial district in this chapter. Existing legal parcels created before the effective date of this chapter are not subject to these minimum area and width requirements. Only new subdivisions of existing parcels shall be subject to the minimum site and area requirements.

C. Site Coverage. Commercial buildings are not limited to a percentage coverage of commercially zoned sites, however, for any new construction, parking and any setback requirements shall dictate the area available for building. For residential uses in a commercial district, one-family and two-family residential structures are limited to thirty-five percent site coverage for multiple stories, and fifty percent site coverage for a single story. A maximum site coverage of thirty-five percent shall be permitted for multiple-family residential structures. These standards are not applicable to mixed-use projects.

D. Exterior Noise Limit. Sound levels measured at the property line of the lot where the lot borders an R, OS, UR or OSR district, may not exceed the following levels:

<table>
<thead>
<tr>
<th>Time of Day</th>
<th>More than 30 minutes/hour</th>
<th>More than 5 minutes/hour</th>
<th>At any time</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 a.m. to 10 p.m.</td>
<td>60 dBA</td>
<td>70 dBA</td>
<td>80 dBA</td>
</tr>
<tr>
<td>10 p.m. to 7 a.m.</td>
<td>55 dBA</td>
<td>65 dBA</td>
<td>75 dBA</td>
</tr>
</tbody>
</table>

E. Off-Street Parking Plans. A parking plan which meets the off-street parking requirements contained in this title shall be submitted with each project for new development or addition of floor area, or whenever plans are submitted for a use conversion which will result in an intensification of use. The plan will be reviewed for conformance with standards for parking spaces and aisles, location, units of measurement, and other standards as may be applicable.

F. Landscaping. A landscaping plan is required for all new construction or extensive remodel projects, and shall be in conformance with design criteria contained in this title and with the city’s current water-efficient landscaping program.

   1. All planting areas, plant materials, and irrigation shall conform with the guidelines in the city’s current water efficient landscaping program.
   2. No landscaping may impede, block, obstruct, or otherwise be allowed to grow over a public sidewalk or other form of public or private access way such as a street, sidewalk or road. Trees and shrubs shall be maintained in such a manner as to provide adequate, clear site distance for traffic safety on public or private sidewalks, streets, roads or rights-of-way.
   3. Parking lots shall have perimeter landscaping areas and interior landscaping areas distributed throughout the parking lot. The landscaped areas shall have a minimum width of two feet, separated from the parking lot paving by a six inch curb. A minimum of one tree for every six parking spaces shall be distributed throughout the parking lot.

G. Signs. Each project shall comply with the sign regulations contained in Titles 15 and 18 of the municipal code. All new signs shall be reviewed and approved by the planning department and the architectural review committee when deemed appropriate prior to installation.

H. Fences. The height of a fence, wall or hedge shall be measured vertically from the natural or finished existing grade, whichever is lower, from the base to the top of the fence, wall or hedge above that grade. The following specific criteria shall apply:

   1. Along rear or side property lines, a maximum fence height of eight feet is permitted.
   2. Where the side or rear property line adjoins a residential property, a fence having a minimum height of six feet shall be installed along that property line, unless one exists.
3. A solid wall or fence within fifteen feet of a street property line shall not exceed three feet in height. The planning director may approve an increased fence height to four feet if the fence materials have openings comprising at least fifty percent. In no case may a fence in this area exceed four feet in height.
   a. A lower fence height limit may be imposed by the planning director if it is determined that the fence would: (a) obstruct visibility thereby negatively impacting traffic safety, or (b) obscure an approved sign advertising a business on an adjoining property.
4. A solid masonry or concrete wall at least six feet in height shall be installed along any property line shared by a nonresidential site and the site of an existing ground-floor residential use, unless there is a ten-foot landscaped buffer area on the commercial site. If a nonresidential building has a zero setback and has no openings along the adjoining property lines, no wall needs to be installed along the length of the building.
   I. Refuse Storage Areas. For all nonresidential and multi-family residential projects, recyclable materials and refuse storage area shall be provided prior to occupancy, either inside a building or within a trash enclosure, as specified in this title.
   J. Second Dwelling Units. All second dwelling units in these commercial districts must comply with the regulations contained in this title and state law.
   K. Satellite Antennas. All satellite antennas shall meet the standards and regulations contained in this title.
   L. Underground Utilities. All new electrical, telephone and similar distribution lines providing direct service to a commercial site, and any existing services on the site shall be installed underground within the site unless such installation is deemed to be not feasible by the planning commission.
   M. Screening. All outdoor storage and display areas shall be screened from view by a solid fence or wall, unless otherwise approved by the planning director or planning commission. Mechanical equipment and utility meters shall be screened from view from public rights-of-way. Screening materials may have evenly distributed openings or perforations averaging fifty percent of the surface area, as long as the mechanical equipment is screened so that it is not visible from a street or adjoining lot.
   N. Performance Standards. No activity on a commercial site may produce vibration, dust, odors, heat and humidity, electromagnetic interference which are perceptible without instruments by a reasonable person at the property lines of a site. Minors or highly reflective glass shall not cover more than twenty percent of a building surface visible from a street, unless an applicant submits information demonstrating that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles. Combustibles, explosives, radioactive materials and hazardous materials shall comply with HMBFPD fire prevention codes, California hazardous materials regulations, and/or any other applicable laws.
   O. Coastal Resource Conservation Standards. The standards and regulations contained in this title for habitat conservation, archaeological resource conservation, coastal access, scenic corridors and community visual resources shall be met for each project.
   P. Architectural and Site and Design Review. The standards and review process contained in this title shall be met for each project.
   Q. Coastal Development Permit. The requirements contained in this title for a coastal development permit shall be met for each project which is subject to those requirements. (1996 zoning code (part)).

18.07.035 C-R zoning district development standards.
Development standards for the C-R commercial residential zoning district are as follows:
   A. Minimum Lot Size and Width. The minimum lot size shall be five thousand square feet with a minimum width of fifty feet.
B. Minimum Setbacks. The front yard setback shall be a minimum of twenty feet, the rear and side yard setbacks shall be a minimum of five feet each. Where a parcel borders an R district, a solid six foot high wall or fence shall be installed along the adjoining rear and/or side property line.

C. Maximum Height. The maximum building height permitted shall be twenty-eight feet.

D. Minimum Landscaping. A total of twenty-five percent of any site used for commercial purposes shall be landscaped.

E. Lot Coverage. Single-story structures shall not exceed fifty percent coverage of the site, and multi-story structures shall not exceed thirty-five percent coverage of the site.

F. Floor Area Ratio. The maximum floor area ratio for exclusive residential uses is fifty percent.

G. Parking. Two enclosed garage spaces are required for each dwelling unit. (1996 zoning code (part)).

18.07.040 C-D zoning district development standards.

Development standards for the C-D commercial downtown zoning district are as follows:

A. Minimum Lot Size and Width. The minimum lot size for any new parcels shall be five thousand square feet with a minimum width of fifty feet.

B. Minimum Setbacks. There are no setbacks required within the C-D district. However, where a parcel borders an R district, a minimum setback of five feet is required from the property line adjoining any residential parcel.

1. For all new commercial structures and for remodels or additions to existing buildings fronting on Main Street between Pilarcitos Creek and Correas Street, a zero front setback shall be encouraged to create a continuous line of building frontages.

C. Maximum Height. The maximum height permitted shall be thirty-six feet and three stories.

D. Minimum Landscaping. Landscaping shall be required within parking areas and elsewhere on the site as may be feasible and in keeping with landscaping on the surrounding properties, and shall be reviewed by the architectural review committee for all projects involving new construction or conversions.

E. Residential Development. For mixed commercial and residential projects, dwellings shall be on the upper floors, and two garage spaces shall be provided for each new dwelling unit, unless otherwise approved by the planning commission.

F. Off-site Parking. Notwithstanding the provisions of this title, parking at an off-site location is encouraged at a distance no greater than three hundred feet from the development site.

1. In reviewing development proposals with an off-site parking area, the planning commission may approve an exception to allow a greater distance between the development site and parking area, if it is determined that it is not feasible to meet the suggested distance standard to comply with off-street parking requirements.

2. In approving an off-site parking location to support a proposed development, the planning commission shall require the recordation of a deed restriction, restrictive covenant, or other instrument to the satisfaction of the city attorney, ensuring that the parking area will remain available to serve the parking needs of the proposed development or use for as long as the development or use exists.

3. Any off-site parking area created pursuant to the provisions herein shall be landscaped and a solid fence or wall installed along adjoining property lines to the satisfaction of the architectural review committee and planning commission. Any lighting shall be directed away from adjoining properties. (1996 zoning code (part)).
18.07.045 Exceptions to development standards.
   A. Legal Nonconforming Parcels. Any parcel legally subdivided prior to the effective date of this chapter within any commercial district which does not meet the standards for minimum site area and width may nevertheless be developed without the need for a variance or exception, subject to compliance with the other development standards and regulations in this chapter.
   B. New Parcels. The planning commission and or city council may approve an exception to development standards established in the sections above for each commercial district, in conjunction with the review of a lot line adjustment or subdivision, as may be applicable.
   C. Development on Lots divided by District Boundaries. The regulations applicable to each district shall be applied to the area within that district; however, parking provisions serving a principal use on the site may be located in a district in which a parking lot is not permitted, or is a conditional use.
   D. Exceptions to Maximum Height. Chimneys may exceed the maximum permitted building height in the district only as may be needed to comply with the Uniform Building Code.
   E. Parking Exceptions. For all new construction, the requirements for off-street parking shall be met. For any additions to existing buildings, off-street parking spaces shall be provided as required for the new area, at a minimum, unless a parking exception is approved by the planning commission. For conversions of existing buildings to a more intensive use, the planning commission shall ensure that the applicant has made every reasonable effort to provide the required off-street parking spaces designated for the use as specified in this title.
      1. When granting a parking exception in either the downtown commercial or commercial residential districts, the planning commission shall make the following findings:
         a. The applicant has made every reasonable effort to provide the required number of parking spaces;
         b. The applicant has submitted evidence to the planning commission that approval of a parking exception is necessary to ensure the economic viability of the project; or
         c. The planning commission finds that approval of the parking exception will ensure that an historic resource is retained or otherwise preserved or protected; and
         d. The planning commission has found that the proposed number, size, configuration, and/or location of the parking spaces is as nearly in conformance with the standards contained in Title 15 as is reasonably possible, and the granting of the parking exception is not contrary to the policies of the downtown specific plan. (1996 zoning code (part)).

18.07.050 Nonconforming structures.
   Any existing structure legally constructed in accordance with the zoning code prior to the effective date of the ordinance codified in this chapter that is damaged by catastrophe such as fire, flood, explosion, wind, earthquake, war, riot, or other calamity may be replaced, restored, rebuilt, or repaired and used as before such event occurred provided that all of the following conditions are satisfied:
   A. Any nonconforming height, setback encroachments or other nonconformity shall not be increased beyond that in existence prior to the damage occurring, unless a variance or exception is approved subject to the provisions of this title.
   B. An application for a building permit to replace or repair a damaged or destroyed building shall be filed within twenty-four months after the event;
C. All applicable provisions of the Historic Building Code or Uniform Building Code adopted by the city at the time building permits are requested for the repair or reconstruction shall be incorporated into the plans. (1996 zoning code (part)).

18.07.055 Historic downtown area, structures and uses.
A. Historic Downtown Area. The historic downtown area possesses character, interest and value as part of the heritage of the city. Preservation of those structures which exemplify historical architectural styles or which contribute to the historical fabric of the community within this area is essential to the integrity of the district.
   1. Municipal Code Chapter 2.48 contains review criteria for the designation of a landmark or historic district. Any development within the historic downtown area shall also be in accordance with the policies for the Half Moon Bay historic downtown plan as well as the historic resources ordinance.
B. Historic Structures. Any proposal for alteration to a designated landmark shall be subject to the provisions below and the historic resources ordinance.
   1. Changes to Existing Structures. Within the historic downtown area, alterations to existing structures and proposed demolition shall be subject to review by the architectural review committee and planning commission, in order to protect the architectural and historical character of the area.
   2. Maintenance of Structures and Premises. All property owners in the historic downtown area shall have the obligation to maintain structures and premises in good repair. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises. Maintenance does not include a change in design, material or external appearance of a structure.
   3. Change of Use Within a Historic Structure. Whenever a change of use is proposed within an historic structure, such as a conversion from residential use to commercial use, exceptions to the development standards in this chapter may be granted where applicable and necessary to maintain the historic integrity of the structure. The State Historical Building Code may be used in some cases, however, intensification of use may require safety measures to conform to the requirements of current Uniform Building Code.
C. New Development. New construction within the historic downtown area shall be reviewed for compliance with the following criteria:
   1. The scale and style shall be similar to that of the predominant older structures.
   2. There shall be continuity in building lines maintained along Main Street.
(1996 zoning code (part)).

18.07.060 Required permits and plan review.
A. Building permits are required for any new construction, remodeling, or additions, except for fences which do not exceed the eight foot height limit.
B. Except as may be otherwise provided for in this chapter, a variance or exception shall be required for any project in any commercial district which does not meet the development standards and regulations of this chapter, or for projects which include proposals to extend existing nonconforming structures or conditions on the site.
C. The provisions of this title pertaining to architectural and site and design review shall be followed prior to the issuance of any building permits for which design review is required. (1996 zoning code (part)).
Chapter 18.08
COMMERCIAL LAND USE (C-VS, C-G)

Sections:

18.08.010 Purpose.
18.08.015 C-VS and C-G zoning districts established.
18.08.020 Permitted uses.
18.08.025 Use regulations.
18.08.030 General development standards.
18.08.035 C-VS zoning district standards.
18.08.040 C-G zoning district standards.
18.08.045 Exceptions to development standards.
18.08.050 Nonconforming structures.
18.08.055 Historic structures.
18.08.060 Required permits and plan review.

18.08.010 Purpose.
The purpose of establishing adopting these visitor serving commercial and general commercial districts and adopting development standards and use regulations is to:

A. Guide the orderly development of lands designated on the land use plan map for visitor serving commercial and general commercial uses;

B. Provide appropriately located areas consistent with the land use plan and general plan for a full range of office, retail commercial, service commercial, and visitor serving uses needed by residents of, and visitors to, the city and region;

C. Strengthen and expand the city’s economic base, while protecting the small businesses that currently serve city residents;

D. Minimize the impact of commercial development on adjoining residential areas;

E. Encourage new commercial development compatible with surrounding development and consistent with site limitations;

F. Ensure the provision of adequate on-site parking, loading and circulation; and

G. Allow public and semipublic uses in commercial areas that are compatible with or supportive of commercial development. (1996 zoning code (part)).

18.08.015 C-VS and C-G zoning districts established.
The intent of this chapter is to establish the following commercial districts and to guide the orderly development within each district as follows:

A. C-VS District, Commercial--Visitor Serving. Recreational commercial areas that serve the needs of visitors attracted to coastal recreational opportunities, emphasizing ease of movement and attractiveness for the pedestrian while allowing safe and efficient movement of vehicles, having a consistent design theme, and protecting coastal resources. The intensity and nature of visitor serving commercial uses shall be subordinate to the character of the recreational setting and existing neighborhood character.

B. C-G District, Commercial--General. General commercial areas designated for the development of a full range of retail, service, commercial and professional office businesses serving both residents and visitors to the city. (1996 zoning code (part)).

18.08.020 Permitted uses.
Table 18.08.020A of this chapter establishes the uses permitted in the visitor-serving commercial and general commercial districts.
A. The uses listed in Table 18.08.020A are numbered and categorized into types of uses. Definitions of each type of use are located within this title in Chapter 18.03, “Use Classifications.” Uses that are not listed are prohibited within visitor-serving commercial and general commercial districts.

B. Use classifications followed by the term “OK” are permitted, whereas use classifications followed by the term “UP” require approval of a use permit. A use classification followed by the term “NO” means that the use is not permitted. In the event the planning director determines that a proposed use is not permitted, an applicant may appeal the determination to the planning commission. The letters “UPCC” mean that some or all uses in the use classification are permitted in most cases, but that approval of a use permit is required in certain cases.

C. Further description of the circumstances related to the “UPCC” listings in Tables 18.08.020A through E, and other specific regulations for certain uses listed in Tables 18.08.020A through E can be found in Section 18.08.025. The letters and numbers in Section 18.08.025 correspond to the use categories and specific uses listed in Tables 18.08.020A through E.

### Table 18.08.020A

**COMMERCIAL USES**

<table>
<thead>
<tr>
<th>OK = Allowed without permit</th>
<th>UP = Use permit required</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO = Not allowed</td>
<td>UPCC Use permit required under certain circumstances</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Key</th>
<th>Commercial Uses</th>
<th>C-VS Zoning</th>
<th>C-G Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Adult Business</td>
<td>NO</td>
<td>UP</td>
</tr>
<tr>
<td>A-2</td>
<td>Ambulance Service</td>
<td>NO</td>
<td>UPCC</td>
</tr>
<tr>
<td>A-3</td>
<td>Animal Sales or Service:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>• Boarding</td>
<td>NO</td>
<td>UP</td>
</tr>
<tr>
<td>b</td>
<td>• Grooming</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>c</td>
<td>• Medical Care</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>d</td>
<td>• Retail Sales</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>A-4</td>
<td>Art Gallery</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>A-5</td>
<td>Artist’s Studio</td>
<td>UPCC</td>
<td>UPCC</td>
</tr>
<tr>
<td>A-6</td>
<td>Banking:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>• Full Service</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>b</td>
<td>• ATM Only</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>c</td>
<td>• Drive-Up Teller</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>A-7</td>
<td>Building Materials Sales or Service</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>A-8</td>
<td>Catering</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>A-9</td>
<td>Circus, Carnival or Exhibition</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>A-10</td>
<td>Commercial Filming</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>A-11</td>
<td>Commercial Recreation or Entertainment:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| A-12 | Communications Facility | NO | OK |
| A-13 | Eating or Drinking Establishment: | | |
| a | Cafe, Diner or Restaurant | UP | OK |
| b | Fast Food or Takeout | UP | OK |
| c | Drive-Through Fast Food | UP | OK |
| d | Bar or Tavern | UP | OK |
| A-14 | Equestrian Center | UP | NO |
| A-15 | Food or Beverage Sales | OK | OK |
| A-16 | Funeral and Internment Service | NO | OK |
| A-17 | Gardening Service | NO | OK |
| A-18 | Laboratory | NO | OK |
| A-19 | Maintenance or Repair Service | NO | OK |
| A-20 | Nursery, Plant | NO | OK |
| A-21 | Office: | | |
| a | Business or Professional | NO | OK |
| b | Health Service | NO | OK |
| c | Travel Agency | OK | OK |
| A-22 | Personal Improvement Service | NO | OK |
| A-23 | Personal Service | UP | OK |
| A-24 | Printing or Publications Facility | NO | OK |
| A-25 | Real Estate Sales Office | NO | OK |
| A-26 | Research and Development | UP | OK |
| A-27 | Retail Sales: | | |
| a | Indoor Retail | OK | OK |
| b | Outdoor Retail | OK | OK |
| c | Visitor-Serving Retail | OK | OK |
| A-28 | Seasonal Agricultural Sales | OK | OK |
| A-29 | Secondhand Sales, Pawn Shop | NO | OK |
| A-30 | Vehicle/Equipment Sales or Service: | | |
| a | Automobile Rental | NO | OK |
| b | Automobile Washing | NO | UPCC |
| c | Service Station | NO | OK |
| d | Vehicle or Equipment Repair | UP | OK |
| e | Vehicle or Equipment Sale or Rental | UP | OK |
| f | Vehicle Storage | UP | OK |
| A-31 | Visitor Accommodation: | | |
| a | Bed and Breakfast Inn | OK | OK |
| b | Campground or RV Park | UP | UP |
| c | Hotel, Motel or Time Share | OK | OK |
Table 18.08.020B
INDUSTRIAL USES

C-VS Visitor-serving commercial zoning district
C-G General commercial zoning district

OK = Allowed without permit  
NO = Not allowed  
UP = Use permit required  
UPCC = Use permit required under certain circumstances

<table>
<thead>
<tr>
<th>Key</th>
<th>Industrial Uses</th>
<th>C-VS Zoning</th>
<th>C-G Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>Custom Industry</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>B-2</td>
<td>General Industry</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>B-3</td>
<td>Limited Industry</td>
<td>NO</td>
<td>UP</td>
</tr>
<tr>
<td>B-4</td>
<td>Wholesaling, Distribution or Storage</td>
<td>NO</td>
<td>UP</td>
</tr>
</tbody>
</table>

Table 18.08.020C
PUBLIC AND QUASI-PUBLIC USES

C-VS Visitor-serving commercial zoning district
C-G General commercial zoning district

OK = Allowed without permit  
NO = Not allowed  
UP = Use permit required  
UPCC = Use permit required under certain circumstances

<table>
<thead>
<tr>
<th>Key</th>
<th>Public and Quasi-Public Uses</th>
<th>C-VS Zoning</th>
<th>C-G Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1</td>
<td>Club or Lodge</td>
<td>UP</td>
<td>OK</td>
</tr>
<tr>
<td>C-2</td>
<td>Convalescent Facility</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>C-3</td>
<td>Cultural Institution</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>C-4</td>
<td>Day Care, General</td>
<td>NO</td>
<td>UP</td>
</tr>
<tr>
<td>C-5</td>
<td>Government Office</td>
<td>OK</td>
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<tr>
<td>C-6</td>
<td>Health Care:</td>
<td></td>
<td></td>
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<tr>
<td>a</td>
<td>• Hospital or Clinic</td>
<td>NO</td>
<td>UP</td>
</tr>
<tr>
<td>b</td>
<td>• Emergency Health Care</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>C-7</td>
<td>Park or Recreation Facility</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>C-8</td>
<td>Public Safety Facility</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>C-9</td>
<td>Religious Assembly</td>
<td>NO</td>
<td>UP</td>
</tr>
<tr>
<td>C-10</td>
<td>Residential Care, General</td>
<td>NO</td>
<td>UP</td>
</tr>
<tr>
<td>C-11</td>
<td>School, Public or Private</td>
<td>NO</td>
<td>UP</td>
</tr>
<tr>
<td>C-12</td>
<td>Utility:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>• Major</td>
<td>NO</td>
<td>UP</td>
</tr>
</tbody>
</table>

Table 18.08.020D
RESIDENTIAL USES

C-VS Visitor-serving commercial zoning district
C-G General commercial zoning district

OK = Allowed without permit  UP = Use permit required
NO = Not allowed       UPCC = Use permit required under certain circumstances

<table>
<thead>
<tr>
<th>Key</th>
<th>Residential Uses</th>
<th>C-VS Zoning</th>
<th>C-G Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>D-1</td>
<td>Group Residential</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>D-2</td>
<td>Large Family Day Care</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>D-3</td>
<td>Limited Day Care</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>D-4</td>
<td>Limited Residential Care</td>
<td>NO</td>
<td>OK</td>
</tr>
<tr>
<td>D-5</td>
<td>Multi-Family Residential</td>
<td>NO</td>
<td>UP</td>
</tr>
<tr>
<td>D-6</td>
<td>Single-Family Residential</td>
<td>UP</td>
<td>UP</td>
</tr>
</tbody>
</table>

Table 18.08.020E
ACCESSORY USES

C-VS Visitor-serving commercial zoning district
C-G General commercial zoning district

OK = Allowed without permit  UP = Use permit required
NO = Not allowed       UPCC = Use permit required under certain circumstances

<table>
<thead>
<tr>
<th>Key</th>
<th>Accessory Uses</th>
<th>C-VS Zoning</th>
<th>C-G Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-1</td>
<td>Accessory Use or Structure</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>E-2</td>
<td>Accessory Dwelling</td>
<td>OK</td>
<td>OK</td>
</tr>
<tr>
<td>E-3</td>
<td>Mixed Commercial and Residential</td>
<td>UP</td>
<td>UP</td>
</tr>
</tbody>
</table>

(1996 zoning code (part)).

18.08.025 Use regulations.

The following use categories and any additional regulations associated with an identified use are to be taken together with the permit requirements listed for each use classification in Tables 18.08.020A through E. These regulations shall apply to both permitted uses and for uses which are only allowed upon approval of a use permit by the planning commission.

A. Commercial Uses.

A-1 Adult Business. No adult business may be located within one thousand feet of another adult business, or within five hundred feet of any R district, any public or private school or day care facility for children, or any park or recreation facility.
A-2 Ambulance Service. A use permit is required only where a proposed ambulance service would be located within one thousand feet of an R district or fifty feet of a site occupied by a public or private school or a park or recreation facility.

A-3 Animal Sales or Service. No additional regulations specified.

A-3 a. Boarding. All kennels shall be maintained in accordance with the San Mateo County humane society regulations, and shall comply with all conditions of the use permit. If the facility is not in compliance with the humane society regulations or use permit conditions at any time, the use permit may be revoked. The boarding of horses shall be subject to the use regulations contained in this section under “equestrian centers.”

A-3 b. Grooming. No additional regulations specified.

A-3 c. Medical Care. No additional regulations specified.

A-3 d. Retail Sales. The sale of domestic animals is allowed as an incidental use to any permitted use.

A-4 Art Gallery. No additional regulations specified.

A-5 Artist’s Studio. A studio where the artist works, displays, and sells artwork is permitted. In those cases where the artist lives on the premises and maintains an active studio or sales operation, a use permit is required.

A-6 Banking. No additional regulations specified.

A-6 a. Full Service. No additional regulations specified.

A-6 b. ATM Only. In the C-VS district, an ATM (automatic teller machine) is permitted only as an incidental use to a permitted use.

A-6 c. Drive-Up Teller. No additional regulations specified.

A-7 Building Materials Sales or Service. Activities shall be conducted and materials shall be stored within a building or shall be enclosed by a fence, wall or permanent planting at least six feet in height. Milling or planing of lumber or other wood products is prohibited unless incidental to a retail use or contractor’s yard.

A-8 Catering. Catering businesses may be permitted in conjunction with a residential use subject to approval by the San Mateo County environmental health department.

A-9 Circus, Carnival or Exhibition. Such uses, including street fairs and markets on city streets are permitted upon approval of special events permit. The event may be in one location no longer than two weekend days over two consecutive weekends, unless otherwise permitted by the city council in conjunction with the special events permit. Signs advertising the event shall be approved by the city council in conjunction with the approval of the special events permit.

A-10 Commercial Filming. Commercial filming is permitted upon securing all necessary permits and licenses required by the municipal code.

A-11 Commercial Recreation or Entertainment. No additional regulations specified.

A-11 a. Indoor. In the C-G district, electronic game centers shall not be located within three hundred feet of a school site or the boundary of a residential district, or within five hundred feet of a liquor store, cocktail lounge or bar. At least one adult manager shall be on the premises during the time a game center is open to the public. No game center owner, manager or employee shall allow a minor under eighteen years of age to play game machines during the hours the public schools are open, or after nine p.m. on nights preceding school days. The planning commission may impose restrictions on the design, location and operation of a game center in order to minimize the effects of noise, congestion, parking, and other nuisance factors that may be detrimental to the community.

A-11 b. Outdoor. In the C-G district, the establishment of a golf course requires approval of a use permit.

A-12 Communication Facility. No additional regulations specified.

A-13 Eating or Drinking Establishment. No additional regulations specified.
A-13 a. Cafe, Diner or Restaurant. In C-VS districts, sidewalk cafes and outdoor food service requires approval of a site and design permit. A use permit is required for cabarets with live entertainment within the C-VS districts.

A-13 b. Fast Food or Takeout. Identifiable containers and napkins shall be used for all carry-out food, and all litter resulting shall be promptly removed.


A-13 d. Bar or Tavern. No additional regulations specified.

A-14 Equestrian Center. Grooming and incidental sales of horses and equestrian supplies are permitted. Animal shows are permitted by use permit. New equestrian facilities shall be located near proposed county trail systems in upland areas east of Highway One or on sites where the coastal terrace is broad enough to accommodate such use without conflicts with public recreation. All stables shall be maintained in accordance with the San Mateo County humane society regulations, and shall comply with all conditions of the use permit. If the facility is not in compliance with the humane society regulations or use permit conditions at any time, the use permit may be revoked.

A-15 Food or Beverage Sales. In C-VS districts, food and beverage sales must be ancillary to approved recreational uses.

A-16 Funeral or Internment Service. No additional regulations specified.

A-17 Gardening Service. No additional regulations specified.

A-18 Laboratory. In C-VS districts, laboratories shall be limited to research related to oceanographic, fisheries, and/or coastal resource management.

A-19 Maintenance or Repair Service. No additional regulations specified.

A-20 Nursery, Plant. Outdoor storage and display is limited to plants and garden features such as statues, fountains and benches. All merchandise must be kept in an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

A-21 Office. In C-VS districts, only those office uses which are auxiliary functions of visitor-serving establishments are permitted.

A-21 a. Business or Professional. In the C-G district, professional and other business offices providing the following services are permitted: accountancy, architectural, construction and/or contracting, design, engineering, and legal services, insurance and travel agencies, investment services other than banks, savings and loans, such as mortgage, stocks and commodities brokerages, and similar consulting or business services.

A-21 b. Health Service. In the C-G district, health service offices or clinics offering medical or dental services, including laboratories incidental to these uses, and therapeutic services such as massage, chiropractic and psychiatric therapy are permitted.

A-21 c. Travel Agency. In the C-VS district, travel services are permitted only where incidental to a permitted use.

A-22 Personal Improvement Service. No additional regulations specified.

A-23 Personal Service. In the C-VS district, personal services may be permitted only where they are an auxiliary function of a visitor serving establishment.

A-24 Printing or Publication Facility. No additional regulations specified.

A-25 Real Estate Sales Office. No additional regulations specified.

A-26 Research and Development. In the C-VS district, only research related to oceanographics, fisheries, and/or coastal resource management is permitted.

A-27 Retail Sales. No additional regulations specified.

A-27 a. Indoor Retail. Display of products usually sold inside a building on a commercial site may be permitted outside the building on a temporary or occasional basis, subject to approval by the planning director. In the C-VS district, indoor sales shall be limited to visitor-oriented sales.

A-27 b. Outdoor Retail. Outdoor display of merchandise on a temporary basis shall be subject to approval by the planning director. Permanent outdoor sales operations, such
as flower and produce stands, hot dog carts, coffee/pastry stands, T-shirts, outdoor furniture gardens, are permitted on an ongoing basis only if located on private property and not on city or state right-of-way, and only after (1) receiving a determination by the planning commission that the proposed use and operational characteristics are consistent with the underlying zoning designation and development standards, and (2) securing approval of a business license in accordance with the provisions of the municipal code. In the C-VS district, outdoor sales shall be limited to visitor oriented sales.

A-27 c. Visitor-Serving Retail. In a C-VS district, this category is limited to retail sales directly related to visitors attracted to the city's coastal recreational opportunities such as boating and fishing supplies, equestrian supply stores, surf shops, the incidental sale of merchandise at recreational vehicle campsites and golf courses, and related uses.

A-28 Seasonal Agricultural Sales. Fruit, vegetable and Christmas tree sales are permitted for a period of forty-five days, and shall be subject to the requirements of municipal code Chapter 3.73. The planning director shall impose reasonable conditions upon the establishment to ensure adequate parking, safe and convenient traffic circulation, and that minimum health and safety standards are met.

A-29 Second Hand Sales, Pawn Shop. No additional regulations specified.

A-30 Vehicle or Equipment Sales and Service. No additional regulations specified.

A-30 a. Automobile Rental. No additional regulations specified.

A-30 b. Automobile Washing. New self-service operations may be established in a C-G district by securing a site and design permit. A use permit is also required in order to establish full-service operations.

A-30 c. Service Station. All auto, truck and equipment repair and service facilities shall be appropriately landscaped and maintained. Inoperative vehicle storage on the premises is prohibited. Operative vehicles and/or equipment stored on the premises shall be screened from public view. Display racks for automobile products no more than four feet wide may be maintained at each pump island of a service station, or within three feet of the main building, and shall be limited to one per street frontage. These uses are not permitted in a C-VS district.

A-30 d. Vehicle or Equipment Repair. Repair shops such as auto body and painting, fender work, upholstery and detailing, and major auto repairs shall be appropriately landscaped and maintained. Conditions of approval of a use permit may require buffering, screening, planting areas or limits on the hours of operation to avoid adverse impacts on properties in the surrounding area. Inoperative vehicle storage on the premises is prohibited, and operative vehicles and/or equipment stored on the premises shall be screened from public view.

A-30 e. Vehicle or Equipment Sales or Rental. In the C-VS district, sales shall be limited to marine equipment and parts used for recreational vehicles other than motor homes such as boats, jet skis and vehicles used to transport horses or which are designed to be transported by horses. Marine vehicles may be rented in the C-VS district. Outdoor storage and display shall be limited to vehicles, boats or equipment offered for sale or rent only.

A-30 f. Vehicle Storage. In the C-VS district, vehicular storage shall be limited to the storage of recreational vehicles and water-oriented vehicles. All vehicle storage facilities shall be enclosed by a six foot high fence and all vehicles shall be screened from view.

A-31 Visitor Accommodation. No additional regulations specified.


A-31 b. Campground or RV Park. Landscaping at recreational vehicle parks shall be fully matured within five years of development to assure full screening from public roads, vista points, public recreation areas and residential areas.

A-31 c. Hotel, Motel or Time Share. Within the C-VS district, hotel, motel and time shares are permitted only if the number of bedrooms does not exceed thirty-six per net
acre of the building site area. Living rooms in suites shall be considered bedrooms for purposes of this calculation.

A-32 Warehouse or Storage. Only warehousing/storage area having two thousand five hundred square feet or less, that is incidental to commercial use is permitted within an enclosed building. Mini-storage or self-storage facilities may be permitted in the C-G district only by approval of a use permit and site and design permit.

B. Industrial Uses.

B-1 Custom Industry. Small scale custom industries such as ceramic studios, candle-making shops and custom jewelry manufacturing which may also sell goods produced on-site directly to customers are permitted in the C-G district.

B-2 General Industry. No additional regulations specified.

B-3 Limited Industry. No additional regulations specified.

B-4 Wholesaling, Distribution or Storage. No additional regulations specified.

C. Public and Quasi-Public.

C-1 Club or Lodge. In the C-VS district, only yacht clubs or clubs catering to visitor-serving commercial uses shall be permitted.

C-2 Convalescent Facility. City, county and state permits or licenses must be obtained prior to establishing the use. The Half Moon Bay fire protection district shall review and approve all aspects of the use prior to the issuance of building permits.

C-3 Cultural Institution. No additional regulations specified.

C-4 Day Care, General. All required city, county and state permits or licenses must be obtained prior to establishing the use. The Half Moon Bay fire protection district shall review and approve all aspects of the use prior to the issuance of building permits.

C-5 Government Office. In a C-VS district, these uses shall be limited to those that, as determined by the planning director, involve the regulation or study of natural or oceanographic processes, private or recreational fishing, aquaculture, or shoreline recreation.

C-6 Health Care. No additional regulations specified.

C-6 a. Hospital or Clinic. No additional regulations specified.

C-6 b. Emergency Health Care. No additional regulations specified.

C-7 Park or Recreation Facility. In the C-VS district, this use includes public parking for shoreline access and recreation, public restrooms, parks and visitor information centers. Development unrelated to on-site recreational activities shall not be permitted in publicly owned recreational areas, with the exception of the state park administrative and maintenance operations located at Half Moon Bay state beach. Parking facilities and recreational structures, including campers, located in public regional recreational areas, private recreational areas, visitor-serving commercial areas and other developments shall be designed to minimize visibility from the beach.

C-8 Public Safety Facility. No additional regulations specified.

C-9 Religious Assembly. No additional regulations specified.

C-10 Residential Care, General. No additional regulations specified.

C-11 School, Public or Private. No additional regulations specified.

C-12 Utility. No additional regulations specified.

C-12 a. Major. All public utility substations shall be enclosed by a solid fence or wall a minimum of six feet in height. The planning commission may approve alternative screening such as a hedge or other plant materials, where appropriate to the design and location in relationship to other properties.

C-12 b. Minor. No additional regulations specified.

D. Residential Uses.

D-1 Group Residential. No additional regulations specified.

D-2 Large Family Day Care. No additional regulations specified.

D-3 Limited Day Care. No additional regulations specified.

D-4 Limited Residential Care. No additional regulations specified.
D-5 Multi-Family Residential. No additional regulations specified.
D-6 Single-Family Residential. No residential uses are permitted in the C-VS district unless ancillary to a permitted use and upon the approval of a use permit in each case.

E. Accessory Uses.

E-1 Accessory Use or Structure. Accessory uses and structures are permitted when they are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. Accessory uses to a residential use would include home occupations and garage sales. Accessory uses for retail or office uses would include storage incidental to a permitted use. Accessory structures such as garages or storage and maintenance sheds are permitted.

E-2 Accessory Dwelling. No additional regulations specified.

E-3 Mixed Commercial and Residential. No additional regulations specified. (1996 zoning code (part)).

18.08.030 General development standards.

A. Residential Development.

1. As Primary Use of Property. When a C-VS or C-G zoned site is developed primarily for residential use, the dwelling unit(s) shall be subject to the standards for tenant and guest parking spaces, minimum setbacks, floor area ratio, lot coverage, maximum height limits, landscaping, fences, and usable open space as specified in this title for the proposed residential dwelling type.

2. As Secondary Use of Property. When a C-VS or C-G zoned site is developed with nonresidential use(s) and residential use is proposed, or when a mixed residential/nonresidential project is proposed, the setbacks, floor area ratio, lot coverage and maximum height limits required within the residential districts shall not be imposed. However, such development shall be subject to the requirements for parking spaces, landscaping, fences and usable open space for the proposed type of dwelling as specified in this title.

B. Minimum Site Area and Width. The standards for minimum site area and width are established for each commercial district in this chapter. Existing legal parcels created before the effective date of this chapter are not subject to these minimum area and width requirements. Only new subdivisions of existing parcels shall be subject to the minimum site and area requirements.

C. Site Coverage. Commercial buildings and mixed use buildings are not limited to a percentage coverage of commercially zoned sites, however, for any new construction, parking requirements shall dictate the area available for building. For residential uses in a commercial district, one-family and two-family residential structures are limited to thirty-five percent site coverage for multiple stories, and fifty percent site coverage for a single story. A maximum site coverage of thirty-five percent shall be permitted for multiple-family (three or more units) residential structures. These standards are not applicable to mixed-use projects.

D. Exterior Noise Limit. Sound levels measured at the property line of the lot where the lot borders on R, OS, UR or OSR district, or along any property boundary in the C-VS district, may not exceed the following levels:

<table>
<thead>
<tr>
<th>Time of Day</th>
<th>More than 30 minutes/hour</th>
<th>More than 5 minutes/hour</th>
<th>At any time</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 a.m. to 10 p.m.</td>
<td>60 dBA</td>
<td>70 dBA</td>
<td>80 dBA</td>
</tr>
<tr>
<td>10 p.m. to 7 a.m.</td>
<td>55 dBA</td>
<td>65 dBA</td>
<td>75 dBA</td>
</tr>
</tbody>
</table>

E. Off-Street Parking Plans. A parking plan which meets the development standards for off-street parking requirements contained in this title shall be submitted with each
project for new development or addition of floor area, or whenever plans are submitted for a use conversion which will result in an intensification of use. The plan will be reviewed for conformance with standards for parking spaces and aisles, location, units of measurement, and other standards as may be applicable.

F. Landscaping. A landscaping plan is required for all new construction or extensive remodel projects within the C-VS or C-G commercial districts, and shall be in conformance with design criteria contained in this title and the city’s current water-efficient landscaping program.

1. All planting areas, plant materials, and irrigation shall conform with the guidelines in the city’s current water efficient landscaping program.

2. No landscaping may impede, block, obstruct or otherwise be allowed to grow over a public sidewalk or other form of public or private access way such as a street, sidewalk or road. Trees and shrubs shall be maintained in such a manner as to provide adequate, clear site distance for traffic safety on public or private sidewalks, street, road or rights-of-way.

3. Parking lots shall have perimeter landscaping areas and interior landscaping areas distributed throughout the parking lot. The landscaped areas shall have a minimum width of two feet, separated from the parking lot paving by a six inch curb. A minimum of one tree for every six spaces shall be distributed throughout the parking lot.

G. Signs. Each project shall comply with the sign regulations contained in Titles 15 and 18 of the municipal code. Prior to installation, all new signs shall be reviewed and approved by the planning department and, when deemed appropriate, the architectural review committee.

H. Fences. The height of a fence, wall or hedge shall be measured vertically from the natural or finished existing grade, whichever is lower, from the base to the top of the fence, wall or hedge above that grade. The following specific criteria shall apply:

1. Along rear or side property lines, a maximum fence height of eight feet is permitted.

2. Where the side or rear property line adjoins a residential property, a fence having a minimum height of six feet shall be installed along that property line.

3. A solid wall or fence within fifteen feet of a street property line shall not exceed three feet in height. The planning director may approve an increased fence height to four feet if the fence materials have openings comprising at least fifty percent. In no case may a fence in this area exceed four feet in height.

a. A lower fence height limit may be imposed by the planning director, if it is determined that the fence would: (a) obstruct visibility thereby negatively impacting traffic safety, or (b) obscure an approved sign advertising a business on an adjoining property.

4. A solid masonry or concrete wall at least six feet in height shall be installed along any property line shared by a nonresidential site and the site of an existing ground-floor residential use, unless there is a ten foot landscaped buffer area on the commercial site. If a nonresidential building has a zero setback and has no openings along the adjoining property lines, no wall needs to be installed along the length of the building.

I. Refuse Storage Areas. For all nonresidential and multifamily residential projects, recyclable materials and refuse storage area shall be provided prior to occupancy, either inside a building or within a trash enclosure, as specified in this title.

J. Second Dwelling Units. All second dwelling units in these commercial districts must comply with the regulations contained in this title and state law.

K. Satellite Antennas. All satellite antennas shall meet the standards and regulations contained in this title.

L. Underground Utilities. All new electrical, telephone and similar distribution lines providing direct service to a commercial site, and any existing services on the site shall be installed underground within the site unless such installation is deemed to be not feasible by the planning commission.
M. Screening. All outdoor storage and display areas shall be screened from view by a solid fence or wall, unless otherwise approved by the planning director or planning commission. Mechanical equipment and utility meters shall be screened from view from public rights-of-way. Screening materials may have evenly distributed openings or perforations averaging fifty percent of the surface area, as long as the mechanical equipment is screened so that it is not visible from a street or adjoining lot.

N. Performance Standards. No activity on a commercial site may produce vibration, dust, odors, heat and humidity, electromagnetic interference which are perceptible without instruments by a reasonable person at the property lines of a site. Mirrors or highly reflective glass shall not cover more than twenty percent of a building surface visible from a street, unless an applicant submits information demonstrating that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles. Combustibles, explosives, radioactive materials and hazardous materials shall comply with HMBFPD fire prevention codes, California hazardous materials regulations, and/or any other applicable laws.

O. Coastal Resource Conservation Standards. The standards and regulations contained in this title for habitat conservation, archaeological resource conservation, coastal access, scenic corridors, and community visual resources shall be met for each project.

P. Architectural and Site and Design Review. The standards and review process contained in this title shall be met for each project.

Q. Coastal Development Permit. The requirements contained in this title for a coastal development permit shall be met for each project which is subject to those requirements. (1996 zoning code (part)).

18.08.035 C-VS zoning district standards.

A. Minimum Lot Size and Width. The minimum lot size shall be ten thousand square feet with a minimum width of one hundred feet.

B. Minimum Setbacks. The front yard setback shall be a minimum of twenty feet, the rear and side yard setbacks shall be a minimum of ten feet each. Where a parcel borders an R district, a minimum setback of twenty feet is required from the property line adjoining any residential parcel. Within this setback, the ten foot width nearest the residential parcel shall be landscaped.

C. Maximum Height. The maximum building height permitted shall be twenty-eight feet and two stories.

D. Floor Area Ratio. The maximum floor area ratio shall be 0.5:1.

E. Lot Coverage. For single story buildings the lot coverage shall not exceed fifty percent of the lot area. For two story buildings, the lot coverage shall not exceed thirty-five percent of the lot area.

F. Minimum Landscaping. A total of fifteen percent of the site shall be landscaped.

G. Residential Development. For mixed commercial/ residential projects, dwellings shall be on the upper floors and two garage spaces shall be provided for each new dwelling unit, unless otherwise approved by the planning commission. (Ord. 13-96 §1, 1996).

18.08.040 C-G zoning district standards.

A. Minimum Lot Size and Width. The minimum lot size shall be ten thousand square feet with a minimum width of one hundred feet.

B. Minimum Setbacks. The front yard setback shall be a minimum of twenty-five feet, the rear and side yard setbacks shall be a minimum of ten feet each. Where a parcel borders an R district, the five foot width nearest the residential parcel shall be landscaped. A solid masonry wall of at least six feet in height shall be installed adjacent to any R district.
C. Maximum Height. The maximum building height permitted shall be thirty-six feet and three stories.

D. Minimum Landscaping. A total of ten percent of the site shall be landscaped. Landscaping shall be in keeping with landscaping on the surrounding properties, and shall be reviewed by the architectural review committee for all projects involving new construction or conversions.

E. Residential Development. For mixed commercial/residential projects, dwellings shall be on the upper floors and two garage spaces shall be provided for each new dwelling unit, unless otherwise approved by the planning commission.

F. Off-Site Parking. Parking may be located on an off-site location, at a distance no greater than three hundred feet from the development site.

1. In reviewing development proposals with an off-site parking area, the planning commission may approve an exception to allow a greater distance between the development site and parking area, if it is determined that it is not feasible to meet the maximum distance requirement, to comply with off-street parking requirements.

2. In approving an off-site parking location to support a proposed development, the planning commission shall require the recordation of a deed restriction, restrictive covenant, or other instrument to the satisfaction of the city attorney, ensuring that the parking area will remain available to serve the parking needs of the proposed development or use for as long as the development or use exists.

3. Any off-site parking area created pursuant to the provisions herein shall be landscaped and a solid fence or wall installed along adjoining property lines to the satisfaction of the architectural review committee and planning commission. Any lighting shall be directed away from adjoining properties. (1996 zoning code (part)).

18.08.045 Exceptions to development standards.

A. Legal Nonconforming Parcels. Any parcel legally subdivided prior to the effective date of this chapter within any commercial district which does not meet the standards for minimum site area and width may nevertheless be developed without the need for a variance, subject to compliance with the other development standards and regulations in this chapter.

B. New Parcels. The planning commission and/or city council may approve an exception to development standards established in the sections above for each commercial district, in conjunction with the review of a lot line adjustment or subdivision, or variance as may be applicable.

C. Development on Lots divided by District Boundaries. The regulations applicable to each district shall be applied to the area within that district; however, parking provisions serving a principal use on the site may be located in a district in which a parking lot is not permitted, or is a conditional use.

D. Exceptions to Maximum Height. Chimneys may exceed the maximum permitted building height in the district only as may be needed to comply with the Uniform Building Code.

E. Parking Exceptions. For all new construction, the requirements for off-street parking shall be met. For any additions to existing buildings, off-street parking spaces shall be provided as required for the new area, at a minimum, unless a parking exception is approved by the planning commission. For conversions of existing buildings to a more intensive use, the planning commission shall ensure that the applicant has made every reasonable effort to provide the required off-street parking spaces designated for the use as specified in this title.

1. When granting a parking exception in either the general commercial or visitor-serving commercial districts, the planning commission shall make the following findings:

a. The applicant has made every reasonable effort to provide the required number of parking spaces;
b. The applicant has submitted evidence to the planning commission that approval of a parking exception is necessary to ensure the economic viability of the project; or

c. The planning commission finds that approval of the parking exception will ensure that an historic resource is retained or otherwise preserved or protected; and

d. The planning commission has found that the proposed number, size, configuration, and/or location of the parking spaces is as nearly in conformance with the standards contained in Title 15 as is reasonably possible. (1996 zoning code (part)).

18.08.050 Nonconforming structures.

Any existing structure legally constructed in accordance with the zoning code prior to the effective date of the ordinance codified in this chapter that is damaged by catastrophe such as fire, flood, explosion, wind, earthquake, war, riot, or other calamity may be replaced, restored, rebuilt, or repaired and used as before such event occurred provided that all of the following conditions are satisfied:

A. Any nonconforming height, setback encroachments or other nonconformity shall not be increased beyond that in existence prior to the damage occurring, unless a variance is approved subject to the provisions of this title.

B. An application for a building permit to replace or repair a damaged or destroyed building shall be filed within twenty-four months after the event;

C. All applicable provisions of the Uniform Building Code adopted by the city at the time building permits are requested for the repair or reconstruction shall be incorporated into the plans. (1996 zoning code (part)).

18.08.055 Historic structures.

Any proposal for alteration to a designated landmark shall be subject to the provisions below and the historic resources ordinance.

A. Changes to Existing Structures. Alterations to existing historic structures and proposed demolition shall be subject to review by the architectural review committee and planning commission design approval, in order to protect the architectural and historical character.

B. Maintenance of Structures and Premises. All property owners of historic structures shall have the obligation to maintain structures and premises in good repair. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation and decay of the exterior portions of the structure and premises. Maintenance does not include a change in design, material or external appearance of a structure.

C. Change of Use Within a Historic Structure. Whenever a change of use is proposed within an historic structure, such as a conversion from residential use to commercial use, exceptions to the development standards in this chapter may be granted where applicable. The state Historical Building Code may be used in some cases, however, intensification of use may require safety measures to conform to the requirements of current Uniform Building Code. (1996 zoning code (part)).

18.08.060 Required permits and plan review.

A. Building permits are required for any new construction, remodeling, or additions, except for fences which do not exceed the height limit.

B. Except as may be otherwise provided for in this chapter, a variance or exception shall be required for any project in any commercial district which does not meet the development standards and regulations of this chapter, or for projects which include proposals to extend existing nonconforming structures or conditions on the site.
C. The provisions of this title pertaining to architectural and site and design review shall be followed prior to the issuance of any building permits for which design review is required. (1996 zoning code (part)).
Chapter 18.09
PUBLIC AND QUASI-PUBLIC LAND USE (P-S)

Sections:
18.09.010 Applicability.
18.09.020 Permitted uses.
18.09.030 Building height limit.
18.09.040 Minimum area of lot or building site.
18.09.050 Front yard.
18.09.060 Side yard.
18.09.070 Rear yard.

18.09.010 Applicability.
The following regulations, as designated in this chapter, shall apply in all P-S districts. (1996 zoning code (part)).

18.09.020 Permitted uses.
Uses permitted in a P-S district include the following:

PERMITTED USES
Fire station Airport
School Hospital
Library Cemetery
Church Park Civic center

(1996 zoning code (part)).

18.09.030 Building height limit.
The building height limit in a P-S district shall be four stories but not exceeding fifty feet. (1996 zoning code (part)).

18.09.040 Minimum area of lot or building site.
The required minimum area of a lot or building site in a P-S district shall be an area having an average width of not less than five thousand square feet. (1996 zoning code (part)).

18.09.050 Front yard.
The required front yard in a P-S district shall be not less than twenty feet. (1996 zoning code (part)).

18.09.060 Side yard.
There is no required side yard in a P-S district, except that there shall be a side yard five feet wide along the side of every lot in a P-S district which side is bordering on property in any R district. (1996 zoning code (part)).

18.09.070 Rear yard.
There is no required rear yard in a P-S district, except that there shall be a rear yard five feet deep on the rear of every lot in a P-S district which rear yard is bordering on property in any R district. (1996 zoning code (part)).
Chapter 18.10
INDUSTRIAL LAND USE (IND)

Sections:
18.10.010 Permitted uses.
18.10.020 Conditionally permitted uses.
18.10.030 Building height limit.
18.10.040 Minimum building site.
18.10.050 Front yard.
18.10.060 Side yard.
18.10.070 Rear yard.
18.10.080 Noise.
18.10.090 Maximum floor area, retail uses.
18.10.100 Screening of outdoor storage facilities.

18.10.010 Permitted uses.

The following uses are permitted in the IND district; provided, that no use shall be carried on in a manner that is, in the opinion of the planning commission, objectionable from the standpoint of odor, dust, smoke, gas, noise or vibration, and any emission shall not be damaging or have a tendency to damage sensitive vegetation:

A. Provided the planning commission has had a review of the industry applying for possible location in Half Moon Bay by the Bay Area air pollution control district to assist the planning commission in its decisions, and provided that, when required by the standards in this title, the project has been reviewed by the city’s architectural review committee and a site and design permit has been approved by the planning commission:

1. Acetylene. The storage of oxygen and acetylene in tanks if oxygen is stored in a room separate from acetylene, and such rooms are separated by a not less than one-hour fire resistant wall,
2. Aircraft assembly plants,
3. Animal experimental research institute,
4. Animal hospitals,
5. Automobile assembly plants,
6. Auto, truck and heavy equipment service and repair including tire repair, sales and service,
7. Bags and boxes, papers, manufacture of,
8. Barrels, storage of empty barrels,
9. Baseball park,
10. Batteries, the manufacture and rebuilding of batteries,
11. Billboards, the manufacture and storage of,
12. Blacksmith shops,
13. Boat building,
14. Bone products, the manufacture of bone products,
15. Book bindery,
16. Bottling plant,
17. Breweries,
18. Brushes, the manufacture of,
19. Cabinet making and carpentry shop,
20. Candles, the manufacture of,
21. Canvas products, the manufacture of,
22. Car barns for busses and streetcars,
23. Carnivals, commercial or otherwise,
24. Carpet cleaning,
25. Cellophane, the manufacture of cellophane products,
26. Ceramics, the manufacture of ceramics,
27. Cesspool pumping, cleaning and draining,
28. Cigars, the manufacture of cigarettes and cigars,
29. Circus,
30. Clay products, the manufacture and storage of,
31. Cleaning and dyeing establishments, wholesale,
32. Clothing, the manufacture of cloth products, including clothing of all kinds but not tanning,
33. Coffee roasting,
34. Coffins, the manufacture of,
35. Contractor’s equipment yard, including farm equipment and all equipment used in building trades,
36. Cork, the manufacture of cork products,
37. Cosmetics, the packaging and distribution of pharmaceutical and cosmetic items,
38. Cotton storage,
39. Curtain cleaning plants,
40. Dairy products depot and manufacture of dairy products,
41. Distributing plants, including bulk petroleum plants,
42. Draying yard or terminal,
43. Drugs, the manufacture of and sale at wholesale of drugs,
44. Dry goods, the manufacture and storage of and wholesale of dry goods,
45. Electrical appliance assembly,
46. Electrical parts, the manufacture of, the sale at wholesale of, or the storage of small electrical parts,
47. Electronics industry,
48. Engines, the manufacture of steam engines. This paragraph does not permit a foundry,
49. Engraving. Machine metal engraving,
50. Fabricating, other than snap riveting or any process used in bending or shaping which produces any annoying or disagreeable noises,
51. Fiber products, the manufacture of,
52. Fixtures, the manufacture of gas or electrical fixtures, or both,
53. Frozen food process plants,
54. Fruit packaging plants,
55. Fuel yard,
56. Fur products, the manufacture and storage of,
57. Furniture, the manufacture of,
58. Glass, the production by hand of crystal glass art novelties within a closed building of fire resistant construction,
59. Gloves, the manufacture of,
60. Heating equipment, the manufacture of,
61. Hemp storage,
62. Humane societies,
63. Incinerators, the manufacture of,
64. Ink, the manufacture of,
65. Iron. Ornamental iron works but not including a foundry,
66. Jewelry, the manufacture of,
67. Leather products, the manufacture of, but not including tanning,
68. Light bulbs, the manufacture of,
69. Linen and towel supply,
70. Lubricating oil. The canning and packaging of lubricating oil if not more than one hundred barrels are stored above ground at any one time,
71. Lumber yards,
72. Machine shops and storage yard and repair,
73. Malt products, the manufacture of,
74. Marine oil service station,
75. Mattresses, the manufacture and renovation of,
76. Medicines, the manufacture of,
77. Metals,
78. Manufacture of products of precious metals,
79. Manufacture of metal, steel and brass stamp, including hand and machine engraving,
80. Metal fabrication, spinning and storage,
81. Moving van storage or operating yard,
82. Musical instruments, the manufacture of,
83. Novelties, the manufacture of,
84. Oil, the manufacture of vegetable oil,
85. Optical goods, the manufacture of,
86. Paint mixing, except the mixing of lacquers and synthetic enamels,
87. Paper products, the manufacture of, but not including the manufacture of paper itself,
88. Perfume, the manufacture of,
89. Pest control service, including residential termite control,
90. Pharmaceuticals, the manufacture and packaging of,
91. Phonographs, the assembly of,
92. Planing mill,
93. Plaster, the storage of,
94. Poultry and rabbits, the wholesale and retail sale of poultry and rabbits, including slaughtering and dressing within a building,
95. Presses, hydraulic presses for the molding of plastics,
96. Public utility substations and service groups,
97. Produce yard or terminal,
98. Radios, the assembly of,
99. Refrigeration plants,
100. Roofing contractor’s establishment,
101. Rugs, the manufacture of,
102. Sand, the washing of sand to be used in sandblasting,
103. Sash and door manufacturing,
104. Shell products,
105. Shoes, the manufacture of,
106. Shooting gallery,
107. Signs, the manufacture of,
108. Skating rinks,
109. Soft drinks, the manufacture and bottling of,
110. Stables,
111. Starch, the mixing and bottling of starch,
112. Statuary, the manufacture of clay, paper mache and stone statuary and monuments,
113. Stencils, the manufacture of,
114. Stone, marble and granite, grinding, dressing and cutting,
115. Storage and rental of plows, tractors, busses, contractor’s equipment and cement mixers, not within a building,
116. Tire repair, sales and service,
117. Tools, the manufacture of,
118. Toys, the manufacture of,
119. Trailers, the manufacture of,
120. Truck storage or rental,
121. Ventilating ducts, the manufacture of,
122. Veterinary, the consulting office and hospital of a veterinary,
123. Vitamin tablets, the manufacture of,
124. Warehouse, storage warehouse,
125. Wine storage and manufacture,
126. Wood, the manufacture of wood products,
127. Wood yard,
128. Yarn, the dyeing and manufacture of yarn Products,
129. Outdoor advertising structures or sign as defined in Sections 5202 and 5203 of the Business and Professions Code of the state,
130. Extraction of chemicals from sea water by natural evaporation,
131. Other uses which in the opinion of the planning commission are of the same general character as those enumerated in this subsection. (1996 zoning code (part)).

18.10.020 Conditionally permitted uses.
The following uses are permitted subject to planning commission approval of a conditional use permit in each case, provided the project plans and characteristics of the proposed industry or business have been reviewed by the planning director and the architectural review committee in accordance with the requirements contained in this title:

A. Dog kennels, commercial dog raising establishments and dog training schools, provided, that no such use shall be permitted within five hundred feet of an R district, and the planning commission shall require as a condition of any use permit adequate provision for surfaced floors and runs, drainage, fencing and other facilities to assure sanitary maintenance.

B. Retail uses within those buildings located on the front portion of parcels fronting Highway 92 or Main Street. The planning commission’s review of the use permit request shall include, at a minimum, a review of the following:
   1. The percentage of the building or site to be used for retail businesses;
   2. Plans for construction or conversion;
   3. Parking and landscaping plans;
   4. Site ingress and egress;
   5. Use characteristics; and
   6. Signage plans. (1996 zoning code (part)).

18.10.030 Building height limit.
The maximum building height in an IND district shall be forty feet. (1996 zoning code (part)).

18.10.040 Minimum building site.
The minimum building site in an IND district shall be ten thousand square feet. (1996 zoning code (part)).

18.10.050 Front yard.
There is no required front yard in an IND district. (1996 zoning code (part)).

18.10.060 Side yard.
The required side yard in an IND district shall be five feet, except that a lot bordering on an R district shall have a minimum side yard of twenty feet. (1996 zoning code (part)).
18.10.070 Rear yard.
   There is no required rear yard in an IND district, except that any lot which borders on an R district shall have minimum rear yard of twenty feet. (1996 zoning code (part)).

18.10.080 Noise.
   Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association, Inc., New York, NY. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed; provided, that such noises shall be capable of being accurately measured with such equipment. Noises incapable of being so measured, such as those of an irregular and intermittent natures, shall be controlled so as not to become a nuisance to adjacent uses.
   A. At no point, either on the boundary of an R district or a commercial district or at one hundred twenty-five feet from the nearest property line of a plant or operation; whichever distance is greater, shall the sound pressure level of an individual operation or plant (other than the operation of motor vehicles and other transportation facilities) exceed the decibel levels at the designated octave bands shown hereafter for the district indicated.

<table>
<thead>
<tr>
<th>Octave Band Cycles Per Second</th>
<th>Sound Level Residence*</th>
<th>Sound Level Commercial**</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 75</td>
<td>67</td>
<td>73</td>
</tr>
<tr>
<td>75 to 150</td>
<td>62</td>
<td>68</td>
</tr>
<tr>
<td>150 to 300</td>
<td>58</td>
<td>64</td>
</tr>
<tr>
<td>300 to 600</td>
<td>54</td>
<td>60</td>
</tr>
<tr>
<td>600 to 1200</td>
<td>49</td>
<td>55</td>
</tr>
<tr>
<td>1200 to 2400</td>
<td>45</td>
<td>51</td>
</tr>
<tr>
<td>2400 to 4800</td>
<td>41</td>
<td>47</td>
</tr>
<tr>
<td>above 4800</td>
<td>37</td>
<td>43</td>
</tr>
</tbody>
</table>

* Maximum permitted sound level in decibels along R district boundaries or one hundred twenty-five feet from plant or operation property line.
** Maximum permitted sound level in decibels along C district boundaries or one hundred twenty-five feet from plant or operation property line.
(1996 zoning code (part)).

18.10.090 Maximum floor area, retail uses.
   The maximum building floor area permitted for retail uses on any parcel having frontage on a major thoroughfare shall be determined by the planning commission as a part of the use permit review process. (1996 zoning code (part)).

18.10.100 Screening of outdoor storage facilities.
   All outdoor storage facilities on parcels fronting main thoroughfares shall be screened from public view by fencing and/or landscaping in accordance with the visual resources ordinance and all other applicable sections of the zoning code. (1996 zoning code (part)).
Chapter 18.11

OPEN SPACE RESERVE AND URBAN RESERVE LAND USE (OS-R, U-R)

Sections:

18.11.010 Purpose and intent.  
18.11.015 Permitted uses in OSR and UR districts.  
18.11.020 OSR and UR district use regulations.  
18.11.025 OSR and UR district development standards.  
18.11.030 Conversion of a UR district to a PUD district.  
18.11.035 Conversion of OSR district to a PUD district.  
18.11.040 Nonconforming structures and uses.

18.11.010 Purpose and intent.  
A. Purpose. The purpose of the open space reserve and urban reserve district regulations are to:  
1. Reserve land within the city to meet the future needs for urban development, consistent with the local coastal program land use plan and the general plan and its elements.  
2. Allow for the continued use of lands designated urban reserve and open space reserve for agriculture, horticulture and floriculture as well as very low density residential uses until those areas are needed for urban development. For purposes of this chapter, “open field agriculture,” “agriculture,” and “horticulture” are synonymous, and include the growing of row crops, farm produce, vegetables, fruits, flowers, trees, ornamental flowers and shrubs.  
3. Protect continuing agriculture, horticulture and floriculture uses from intrusion of incompatible uses and activities.  
4. Prevent premature development of areas designated for future urban development before necessary public services would be available to those areas.  
5. Encourage the orderly conversion of parcels within the open space reserve and urban reserve districts to urban development through the use of planned unit development plans and similar planning tools. When consistent with the local coastal program land use plan and the general plan and its elements, and when adequate public facilities are or can be made available, land in the open space reserve and urban reserve districts may be rezoned to the planned development district, subject to the established procedures for amending the land use plan map and zoning district map, and subject to the development limitations set forth in the land use plan and general plan and its elements.  
B. Intent. The intent of this chapter is to establish the following reserve districts, and to provide for the orderly development of land within each district:  
1. UR--Urban Reserve District. To reserve areas of open land for continuing agricultural, floricultural and horticultural uses until such uses are no longer economically feasible; to provide for the reservation of these lands until other areas in Half Moon Bay designated in the local coastal program land use plan and map and general plan for the expansion of urban uses have been substantially developed; and to reserve these lands until adequate public facilities are available to serve the ultimate use of the property.  
2. OSR--Open Space Reserve District. To reserve areas of open space along the inland edge of the city for agricultural, horticultural, floricultural, timber or open space use until needed to meet demands for urban use. Lands in this district are intended only for low-density urban development or recreational use and only after all other areas designated for urban development in the local coastal program and general plan have been substantially developed. (1996 zoning code (part)).
18.11.015 Permitted uses in OSR and UR districts.

Table 18.11.015 of this chapter establishes the uses permitted within each reserve district with any additional regulations identified. Additional regulations are specified in Section 18.11.020. Any uses that are not specifically listed in Table 18.11.015 or described in Section 18.11.020 are prohibited within the reserve districts.

### Table 18.11.015 SCHEDULE OF USES IN OSR AND UR DISTRICTS

<table>
<thead>
<tr>
<th>Key</th>
<th>Land Use</th>
<th>Allowed by Zoning</th>
<th>Use Permit Required</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Agricultural:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>Open Field</td>
<td>UR, OSR</td>
<td></td>
<td>A-1</td>
</tr>
<tr>
<td>b</td>
<td>Retail Sales</td>
<td>UR, OSR</td>
<td></td>
<td>A-2</td>
</tr>
<tr>
<td>c</td>
<td>Livestock</td>
<td>OSR</td>
<td></td>
<td>A-3</td>
</tr>
<tr>
<td>2</td>
<td>Residential:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>Single-Family</td>
<td>UR</td>
<td></td>
<td>B-1</td>
</tr>
<tr>
<td>b</td>
<td>Single-Family</td>
<td>OSR</td>
<td></td>
<td>B-2</td>
</tr>
<tr>
<td>c</td>
<td>Employee Housing</td>
<td>UR</td>
<td></td>
<td>B-3</td>
</tr>
<tr>
<td>3</td>
<td>Public or Quasi-Public:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>Park or Recreation</td>
<td>UR</td>
<td></td>
<td>C-1</td>
</tr>
<tr>
<td>b</td>
<td>Campground</td>
<td>UR</td>
<td></td>
<td>C-2</td>
</tr>
<tr>
<td>c</td>
<td>Utility, Minor</td>
<td>UR, OSR</td>
<td></td>
<td>C-3</td>
</tr>
<tr>
<td>d</td>
<td>Equestrian Center</td>
<td>UR</td>
<td></td>
<td>C-4</td>
</tr>
<tr>
<td>4</td>
<td>Temporary:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>Animal Show or Rodeo</td>
<td>UR</td>
<td></td>
<td>D-1</td>
</tr>
</tbody>
</table>

(1996 zoning code (part)).

18.11.020 OSR and UR district use regulations.

Additional regulations for permitted uses in each reserve district shall be met for the following uses:

A. Agricultural.

A-1 Open Field Agriculture. No additional regulations specified.

A-2 Retail Sales. Retail sales on sites within the urban reserve and open space reserve districts shall be limited to products produced on the premises. The installation of a temporary or permanent stand for display or sale of products is permitted only if located adjacent to or on the farm producing the products to be sold, and no stand shall be installed where the farm is less than five acres in size. Any agricultural sales stand shall provide sufficient off-street parking facilities to accommodate its peak period of customer service, and shall be inspected by the San Mateo County health officer.

A-3 Livestock. Livestock is not permitted in the urban reserve district. In the open space district, no livestock shall be grazed, housed or concentrated in an enclosure located closer than one hundred feet from any adjoining dwelling. No livestock shall be housed or concentrated in an enclosure located within one thousand feet of any R district or within one hundred fifty feet of any adjoining dwelling, except under the following conditions:

a. On parcels having less than three acres, not more than five such animals per acre shall be kept or maintained.
b. On parcels having more than five but less than ten acres not more than ten animals per acre shall be kept or maintained.

c. On parcels having ten acres or more, not more than twenty such animals per acre shall be kept or maintained.

B. Residential.

B-1 Single-Family. In the (UR) urban reserve district, one dwelling unit is permitted for the owner, manager or operator of the premises, subject to the approval of a use permit in each case.

B-2 Single-Family. In the (OSR) open space reserve district, one dwelling is permitted on each fifty acres of land, subject to the approval of a use permit in each case.

B-3 Employee Housing. In the (UR) urban reserve district residential structures are permitted as housing for those persons employed on the premises, subject to the approval of a use permit in each case.

C. Public and Quasi-Public.

C-1 Park or Recreation. Open recreation activities such as public parks, pedestrian and bicycle trails, and horseback riding are permitted. Public parking for public recreation activities, amenities such as public restrooms, and visitor information centers are also permitted.

C-2 Campgrounds. Campgrounds are permitted in the (UR) urban reserve district, subject to the approval of a use permit in each case.

C-3 Utilities, Minor. Minor utility structures such as electrical distribution lines, underground water and sewer lines are permitted.

C-4 Equestrian Centers. Equestrian centers are permitted in the (UR) urban reserve district on sites with a minimum of fifty acres, subject to the approval of a use permit in each case.

D. Temporary.

D-1 Animal Show or Rodeo. Subject to the approval of a use permit, rodeos or other exhibitions of domestic or large animals are limited to a maximum of seven consecutive days or two consecutive weekends including nights and days. (1996 zoning code (part)).

18.11.025 OSR and UR district development standards.

Table 18.11.025 of this chapter provides a schedule of development standards for both reserve districts. These standards are to be observed in conjunction with all development within reserve districts.

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>UR District</th>
<th>OSR District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum new subdivision lot area</td>
<td>50 acres</td>
<td>50 acres</td>
</tr>
<tr>
<td>Minimum lot area per dwelling</td>
<td>15 acres</td>
<td>50 acres</td>
</tr>
<tr>
<td>Minimum structure setback:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• front yard</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>• side yard</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>• rear yard</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>• from a residential district</td>
<td>50 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Maximum building height</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• single story</td>
<td>16 feet</td>
<td>16 feet</td>
</tr>
<tr>
<td>• two story</td>
<td>28 feet</td>
<td>28 feet</td>
</tr>
<tr>
<td>Minimum parking requirements:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• single-family dwelling, garage</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
• employee dwelling, covered
• commercial or recreational parking
determined during use permit review.

(1996 zoning code (part)).

18.11.030 Conversion of a UR district to a PUD district.
Lands designated urban reserve on the land use plan map and zoning district map shall not be eligible for conversion to the planned unit development district or any other development approval and shall not receive a permit for any development, other than for uses permitted under the designation urban reserve, without benefit of certified amendments to the local coastal program (LCP) land use plan map and zoning district map and except when it can be demonstrated that the requirements of subsections A or B of this section are met and that also the requirements of subsection C of this section are met:

A. In the case of land which is within an agricultural preserve and subject to a Williamson Act contract as of July 1, 1980, expiration of the Williamson Act contract.
B. In the case of land which is not subject to a Williamson Act contract, the expiration of ten years from the effective date of the land use plan (certified by the California Coastal Commission in September, 1985).
C. Regardless of the expiration of a Williamson Act contract or the passage of the ten year period, lands designated urban reserve will not be permitted to convert to urban uses until substantial development has occurred in areas designated for development on the land use plan map. (1996 zoning code (part)).

18.11.035 Conversion of OSR district to a PUD district.
Lands designated open space reserve on the land use plan map and zoning district map shall not be eligible for conversion to the planned unit development district or for any other development approval and shall not receive a permit for development, other than for uses permitted under the open space reserve designation until all other land in the city designated for development on the land use plan map has been developed or is authorized for development, through a current, unexpired permit issued pursuant to Title 18 (zoning code) provisions, and until amendments to the local coastal program (LCP) land use plan map and zoning district map have been effectively certified. No division of such lands shall be permitted until development approval is obtained pursuant to this provision. (1996 zoning code (part)).

18.11.040 Nonconforming structures and uses.
Existing nonconforming residential structures and uses within lands designated open space reserve and urban reserve may be maintained, repaired, and/or remodeled in accordance with all applicable development standards such as minimum lot size and width, setbacks, building height, lot coverage, and floor area ratio set forth in this title for the R-1 district. The procedures specified therein for use permits, exceptions and variances shall be followed as appropriate. (1996 zoning code (part)).
Chapter 18.12
OPEN SPACE LAND USE (OS-A, OS-P, OS-C)

Sections:
18.12.010 Purpose and intent.
18.12.015 Open space district general requirements.
18.12.020 Open space district use regulations.
18.12.025 Specific development standards.
18.12.030 Coastal resource conservation standards.
18.12.035 Nonconforming structures and uses.
18.12.040 New or additional dwellings prohibited.

18.12.010 Purpose and intent.

A. Purpose. The purpose for adoption and implementation of these open space and conservation district regulations is to:

1. Identify and preserve the major coastal recreational resource areas within the city for public use, including the beaches, bluffs and associated upland areas, to meet the recreational needs of both visitors and residents, and implement the regional public recreation designation of the land use plan;

2. Encourage improved access to the beaches and bluffs along the coast as part of the establishment and development of recreational areas, both public and private, in the city;

3. Preserve and protect sensitive habitat areas, and ensure that any development within the open space--active, passive, and conservation districts will be compatible with sensitive habitat areas;

4. Preserve and protect the existing riparian corridors within the city that are associated with the two perennial streams--Frenchman’s Creek and Pilarcitos Creek, including the Arroyo Leon tributary, and one intermittent stream, Arroyo Canada Verde;

5. Preserve and protect park and playground areas within the city;

6. Allow commercial recreation uses requiring large open sites to enhance and improve recreational opportunities within the city for visitors and residents.

B. Intent. The intent of this chapter is to establish the open space--active, passive, and conservation districts as described herein, and to guide the use of land and orderly development within each district in a manner consistent with this title, the local coastal program, and the general plan:

1. (OS-A) Active Open Space District. Establish areas for the preservation of active recreational opportunities within the city such as the public beaches, parks, playgrounds, outdoor sports and athletic facilities, recreational vehicle parks, and parking lots supporting recreational activities.

2. (OS-P) Passive Open Space District. Establish areas for public hiking, biking, and equestrian trails, and public parking lots to support access to the trail system. Amenities shall be limited to restrooms, benches and picnic tables, drinking fountains, and trash receptacles.

3. (OS-C) Conservation Open Space District. Establish areas for the preservation of important riparian and wildlife habitat areas within the city. Activities are limited to pedestrian trails only with amenities limited to trash receptacles and benches. (1996 zoning code (part)).

18.12.015 Open space district general requirements.

Tables 18.12.015A through D of this chapter are intended to provide a reference to the range of permitted uses in the open space--active, passive, and conservation districts.
Approval of a use permit is required for any use in any of the OS districts. All uses are subject to the specific regulations set forth in this title. Any use not expressly permitted is prohibited.

**Table 18.12.015A**

<table>
<thead>
<tr>
<th>Key</th>
<th>Public and Quasi-Public Use</th>
<th>OS-A District</th>
<th>OS-P District</th>
<th>OS-C District</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Coastal Dependent</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>A-2</td>
<td>Cultural Institution</td>
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<tr>
<td>A-3</td>
<td>Government Office</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>A-4</td>
<td>Maintenance &amp; Service</td>
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<td></td>
</tr>
<tr>
<td>A-5</td>
<td>Public Park &amp; Recreation</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>A-6</td>
<td>Public Safety Facility</td>
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<td></td>
</tr>
<tr>
<td>A-7</td>
<td>Municipal Sports Facility</td>
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<td></td>
</tr>
<tr>
<td>A-8</td>
<td>Minor Utility</td>
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</tr>
<tr>
<td>A-9</td>
<td>Public Trail</td>
<td>X</td>
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</table>

**Table 18.12.015B**

<table>
<thead>
<tr>
<th>Key</th>
<th>Commercial Use</th>
<th>OS-A District</th>
<th>OS-P District</th>
<th>OS-C District</th>
</tr>
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<tbody>
<tr>
<td>B-1</td>
<td>On-site Eating or Drinking</td>
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<td></td>
</tr>
<tr>
<td>B-2</td>
<td>Food or Beverage Retail</td>
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</tr>
<tr>
<td>B-3</td>
<td>Equestrian Center</td>
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</tr>
<tr>
<td>B-4</td>
<td>Visitor-Serving Retail</td>
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**Table 18.12.015C**

<table>
<thead>
<tr>
<th>Key</th>
<th>Visitor Accommodation Use</th>
<th>OS-A District</th>
<th>OS-P District</th>
<th>OS-C District</th>
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<tr>
<td>C-1</td>
<td>Campground</td>
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<tr>
<td>C-2</td>
<td>RV Park</td>
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</table>

**Table 18.12.015D**

<table>
<thead>
<tr>
<th>Key</th>
<th>Temporary Use</th>
<th>OS-A District</th>
<th>OS-P District</th>
<th>OS-C District</th>
</tr>
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<tbody>
<tr>
<td>D-1</td>
<td>Animal Shows</td>
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<td>X</td>
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<tr>
<td>D-2</td>
<td>Commercial Filming</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

(1996 zoning code (part)).

**18.12.020 Open space district use regulations.**

Tables 18.12.015A through D of this chapter include references to additional regulations for the permitted uses in each open space and conservation district. The following additional regulations shall apply:

A. **Public and Quasi-Public Uses.**

   A-1 Coastal Dependent Use. In the open space--active district, priority is given to coastal dependent and related recreational activities and support facilities within a zone extending two hundred feet inland from the mean high tide line that are not within any coastal resource or conservation area as defined in this title. As defined in the Coastal
Act, “coastal dependent” uses are those that require a site on or adjacent to the sea to be able to function at all. Uses include marinas, yacht clubs, charter fishing boats, and surfboard and boat rentals.

A-2 Cultural Institution. Only interpretive centers or museums displaying or preserving objects relating to the natural processes or the human history of the coastal area are permitted.

A-3 Government Office. Within the OS-A district, only government offices which are ancillary to the primary open space use of the site are permitted.

A-4 Maintenance and Service. Maintenance and service facilities are allowed within the OS-A district only as an accessory use directly related to a permitted park and recreation facility. Maintenance and service facilities shall be enclosed by a solid fence or wall and screened from view with landscaping in the manner specified by the planning commission.

A-5 Public Park and Recreation. Permitted uses include public parks and beaches, day visitor parking for shoreline access and recreation, public restrooms, visitor information centers, interpretive centers, access ways such as bicycle, equestrian and pedestrian trails, picnic areas and trash enclosures. Recreational uses that do not require extensive alteration of the natural environment shall be given priority on ocean front lands so long as they do not preclude or otherwise conflict with the priority for coastal dependent uses identified in subsection A-1 of this section. Off-road vehicles are not permitted under any circumstances within any OS district.

A-6 Public Safety Facility. Facilities for public safety and emergency services, including lifeguard, police and fire protection.

A-7 Municipal Sports Facility. Public play fields, swimming pools, driving ranges and golf courses, tennis courts, etc., are permitted within the OS-A district.

A-8 Minor Utility. Minor installations such as underground electrical distribution lines, underground water and sewer lines, and utility vaults.

A-9 Public Trail. In the OS-A and OS-P districts, nature walks and interpretive displays, and hiking, biking, and equestrian trails with ancillary parking lots, rest-rooms, benches, drinking fountains, and trash receptacles, are permitted, subject to conformance with the provisions of the resource conservation standards of the land use plan and this title.

B. Commercial Uses.

B-1 Eating and Drinking Establishments. Eating and drinking establishments are permitted in the OS-A district only as an accessory use to a permitted park or recreation facility or a permitted commercial recreation use. Establishments that serve alcoholic beverages as the primary product and that do not offer a full service meal menu are not permitted. Facilities shall not exceed five hundred square feet in floor area and shall be no closer than two thousand linear feet from similar facilities within the open space--active, passive, and conservation district. These facilities are limited to areas either within or immediately adjacent to the existing parking lot areas and recreational vehicle park areas; no additional impervious surfaces will be permitted except for that required for the building itself.

B-2 Food and Beverage Retail Sales. Retail food and beverage sales are permitted in the OS-A district only as an accessory use to a permitted park or recreation facility or a permitted commercial recreation use. Facilities shall not exceed five hundred square feet in floor area and shall be no closer than two thousand linear feet from similar facilities within the open space--active, passive, and conservation district. These facilities are limited to areas either within or immediately adjacent to the existing parking lot areas and recreational vehicle park areas; no additional impervious surfaces will be permitted except for that required for the building itself.

B-3 Equestrian Centers. In the OS-A district, horse rental services, commercial stables, and riding academies must comply with the stable ordinance of the county of San Mateo,
any similar ordinances that may be adopted by the city of Half Moon Bay, and receive a stable permit from the county.

B-4 Retail Sales, Visitor Oriented. In the OS-A district, limited visitor serving sales will be permitted only if ancillary to a permitted park or recreation facility or a permitted commercial recreation use. Facilities shall not exceed five hundred square feet in floor area, and shall be no closer than two thousand linear feet from similar facilities within the open space—active, passive, and conservation district. These facilities are limited to areas either within or immediately adjacent to the existing parking lot areas and recreational vehicle park areas; no additional impervious surfaces will be permitted except for that required for the building itself.

C. Visitor Accommodations.

C-1 Campground. Campgrounds offering accommodations and areas for tent camping for temporary occupancy by the general public, are permitted in the OS-A district only.

C-2 Recreational Vehicle Park. Recreational vehicle parks for temporary occupancy by recreational vehicles are permitted within the OS-A district only.

D. Temporary Uses.

D-1 Animal Shows. Rodeos or other exhibitions of domestic or large animals are limited to a maximum of seven consecutive days or two consecutive weekends including nights and days.

D-2 Commercial Filming. Commercial motion picture or video photography locations may be established for a maximum of seven consecutive days within both the OS-A and OS-P districts. (1996 zoning code (part)).

18.12.025 Specific development standards.

All new development shall conform to the following:

A. Minimum Setbacks. In all cases, the required setbacks shall be measured from boundary and/or property lines or from coastal resources as defined in this title, whichever is the more restrictive applicable standard. In conjunction with the review and consideration of a use permit, the planning commission may require setback distances greater than the established standards in order to minimize adverse visual impacts and conflicts between development and public access. In any case, informational signs may be placed within the required setbacks, subject to the restrictions of this chapter.

1. All new structures, parking lots and other improvements shall be set back at least one hundred feet from any adjacent residential district.

2. All new development shall comply with the provisions of this title for setbacks and buffers from any coastal resource or environmentally sensitive habitat area as defined in this title, the local coastal plan, and the general plan.

3. Camping facilities shall be set back a minimum of one hundred feet from the beach, bluffs and near-shore areas reserved for day use activities.

4. Recreational vehicle sites shall be set back a minimum of two hundred feet from the beach, bluffs and near-shore areas reserved for day use activities and shall be located so as to minimize visibility from the beach, any public rights-of-way, and R districts.

5. Hiking and biking trails and lateral and vertical accessways may be established anywhere within the boundaries of the district so long as there is no conflict with the standards of protection for coastal resources and environmentally sensitive habitat areas as defined in this title, the local coastal plan, and the general plan.

6. Equestrian trails may be located no closer than fifty feet from any R district and no closer to any coastal resource than the standards for their protection as defined in this title.

7. All new construction in any zoning district adjacent to the boundary of public shoreline recreation ownership shall maintain a minimum setback of fifteen feet from the boundary lines or from any recreational use permitted by this chapter.
B. Maximum Structure Height.
   1. The maximum height for any structure other than those provided for in
      subsection (B)(2) of this section shall be sixteen feet, as measured from the highest point
      of the building to established grade directly below that highest point.
   2. The planning commission may grant an exception to the height limitation
      established in subsection (B)(1) of this section for only public safety facilities such as
      police or fire buildings, public park and recreation facilities such as backstops for baseball
      diamonds, or maintenance and service facilities for publicly owned or operated park and
      recreation uses. Exceptions to the height limitation shall not be granted for any other
      structure or use.

C. Additional Standards.
   1. Landscaping and Screening. Landscaping or other forms of screening shall
      be required for parking areas visible within established scenic corridors or other natural or
      undisturbed state or an agricultural use. Landscaping or other screening shall be installed
      and maintained so that parking and structures are reasonably blocked from view within
      five years of project completion.
   2. Parking. Adequate on-site parking facilities shall be required in accordance
      with the provisions of this title.
   3. Signs. Off-site signs are prohibited in the open space and conservation
      districts. Regulations for establishment of on-site signs are as follows:
      a. Except as provided herein, all new signs shall be reviewed by the
         architectural review committee, and approved by the planning commission as a part of the
         required use permit.
      b. One identification sign not to exceed twenty square feet on each face
         shall be permitted for any public or commercial recreation use permitted by this chapter.
         The height shall not exceed fifteen feet.
      c. Exterior advertising for on-site uses shall be reviewed and approved by
         the architectural review committee and shall be approved as a part of the required use
         permit. (1996 zoning code (part)).

18.12.030 Coastal resource conservation standards.
   All development occurring in or adjacent to coastal resource areas and environmentally
   sensitive habitat areas as defined in this title, the local coastal plan, and the general plan
   shall adhere to the applicable standards set forth therein. Where a conflict occurs
   between the standards of this chapter and those applicable to coastal resources and
   environmentally sensitive habitat areas, the more restrictive shall apply. (1996 zoning
   code (part)).

18.12.035 Nonconforming structures and uses.
   Existing nonconforming uses such as the state parks employee residences or
   structures that exceed the maximum height of sixteen feet may be repaired and
   maintained as necessary without the need for securing a use permit provided no
   structural alterations resulting in an increase in floor area or the number of units are
   proposed. Structural alterations shall be limited to maintenance and repair activities.
   (1996 zoning code (part)).

18.12.040 New or additional dwellings prohibited.
   No new or additional dwelling units, including state parks employee housing, shall be
   permitted within any of the open space districts governed by this title. (1996 zoning code
   (part)).
Chapter 18.13
AGRICULTURAL LAND USE (A-1)

Sections:
18.13.010 Applicability.
18.13.020 Permitted uses.
18.13.030 Building height limit.
18.13.040 Minimum lot or building site area.
18.13.050 Front yard.
18.13.060 Side yard.
18.13.070 Rear yard.
18.13.080 Distance between dwellings.

18.13.010 Applicability.
The following regulations, as designated in this chapter, shall apply in all A-1 districts. (1996 zoning code (part)).

18.13.020 Permitted uses.
Uses permitted in the A-1 district include the following:
A. Nurseries, greenhouses and field flowers for the propagating and cultivating of plants and cut flowers; provided that no retail sales shall be allowed;
B. Single-family dwellings which are accessory to the permitted uses, including buildings for help employed on the premises. (1996 zoning code (part)).

18.13.030 Building height limit.
The building height limit in the A-1 district shall be two and one-half stories, but not exceeding thirty-five feet; provided, however, that well derricks, windmills and tank houses may be constructed to a height of not to exceed sixty feet. (1996 zoning code (part)).

18.13.040 Minimum lot or building site area.
Each single-family dwelling, together with its accessory buildings, hereafter erected as incidental to the operation of any use permitted in this chapter shall be located on a building site having an area of not less than one-half acre and an average width of one hundred feet; provided, that there may be two dwellings constructed on a parcel where the ownership is at least five acres, and for each additional three acres of ownership an additional dwelling may be constructed. In no instance shall there be more than four dwellings allowed on a single parcel zoned for floriculture. The minimum new lot size shall be fifteen acres; no existing lot smaller than fifteen acres in size shall be divided into smaller parcels. Any new dwelling allowed in this district must be for accessory use only. (1996 zoning code (part)).

18.13.050 Front yard.
In the A-1 district, each lot shall have a front yard not less than fifty feet in depth. (1996 zoning code (part)).

18.13.060 Side yard.
In the A-1 district, each lot shall have side yards not less than twenty feet in width. (1996 zoning code (part)).
18.13.070 Rear yard.
    In the A-1 district, each lot shall have a rear yard not less than twenty-five feet in depth.
    (1996 zoning code (part)).

18.13.080 Distance between buildings.
    No dwelling shall be located closer than twenty-five feet to any other dwelling on the same parcel. (1996 zoning code (part)).
Chapter 18.14
AGRICULTURAL LAND USE (A-2)

Sections:

18.14.040   Minimum area of lot or building site.
18.14.050   Front yard.
18.14.080   Distance between dwellings.

The following regulations, as designated in this chapter, shall apply in all A-2 districts. (1996 zoning code (part)).

Uses permitted in the A-2 district include the following:

A. All agricultural uses, with the exception of hog ranches; provided, however, that livestock shall be kept in accordance with the following regulations:
   1. No small livestock shall be housed or concentrated in an enclosure located closer than one hundred feet from any adjoining dwelling,
   2. No livestock, other than small livestock as defined in this title, shall be housed or concentrated in an enclosure located within one thousand feet of any R district boundary or within one hundred fifty feet of any adjoining dwelling; except on the following conditions:
      a. On parcels of less than three acres, not more than five such animals per acre shall be kept or maintained,
      b. On parcels more than five but less than ten acres, not more than ten animals per acre shall be kept or maintained,
      c. On parcels ten acres or more, not more than twenty such animals per acre shall be kept or maintained,
      d. For raising of sheep or goats, the permissible number of animals per acre shall be multiplied by three;

B. The sale of the products of any permitted use produced upon the premises. This may include the erection of a temporary or permanent stand for display or sale of products (except livestock). Said stand shall provide sufficient off-street parking facilities to accommodate its peak shopping period. Temporary or permanent roadside stands are permitted only adjacent to the farm producing the products to be sold and no stand shall be erected where said farm is less than five acres in size; provided, that any such stand shall be inspected and approved by the county health officer;

C. Accessory building customarily incidental to the permitted use, including residential structures accessory to the primary agricultural uses;

D. Dog kennels, commercial dog raising establishments and dog training schools, subject to securing a use permit to each case; provided, that no such use shall be permitted within five hundred feet of a residential district. The planning commission shall require as a condition of any use permit adequate provisions for surfaced floors and runs, drainage, fencing and other facilities to assure sanitary maintenance. (1996 zoning code (part)).
   The building height limit in the A-2 district shall be two and one-half stories, but not exceeding thirty-five feet; provided, however, that well derricks, windmills and tank houses may be constructed to a height of not to exceed sixty feet. (1996 zoning code (part)).

18.14.040 Minimum area of lot or building site.
   Each single-family dwelling, together with its accessory buildings, hereafter erected as incidental to the operation of any use permitted in this chapter shall be located on a building site having an area of not less than one acre and an acreage width of one hundred fifty feet; provided, that, only in conjunction with the agricultural use of the land as a farm residence or a farm labor residence, there may be two dwellings constructed on a parcel where the ownership is at least three acres, and for each additional three acres of ownership an additional dwelling may be constructed. (1996 zoning code (part)).

18.14.050 Front yard.
   In an A-2 district, each lot shall have a front yard not less than fifty feet in depth. (1996 zoning code (part)).

   In an A-2 district, each lot shall have side yards not less than twenty feet in width. (1996 zoning code (part)).

   In an A-2 district, each lot shall have a rear yard not less than twenty-five feet in depth. (1996 zoning code (part)).

18.14.080 Distance between dwellings.
   No dwelling shall be located closer than twenty-five feet to any other dwelling on the same parcel. (1996 zoning code (part)).
Chapter 18.15
PLANNED DEVELOPMENT LAND USE (PUD)

Sections:
18.15.010 Intent and purpose.
18.15.015 Applicability and zoning designation.
18.15.020 Rezoning to a planned unit development district.
18.15.025 Permitted land uses.
18.15.030 Review of a planned unit development plan.
18.15.035 Content of a planned unit development plan.
18.15.040 Required findings of fact.
18.15.045 Implementation of a planned unit development plan.
18.15.050 Amendment of a planned unit development plan.
18.15.065 Status of a previously adopted PUD plan.

18.15.010 Intent and purpose.
This district is intended to provide for a variety of land uses, such as attached and
detached single-family residential development, multiple-family housing development,
professional and administrative areas, commercial and industrial uses, institutional uses,
and public and private open space and recreation opportunities through the adoption of a
comprehensive development plan as set forth in the city general plan and this chapter.
The intent of establishing the planned unit development district is to:
A. Implement the plans and policies of the adopted city land use plan, or general plan,
and the land use plan map;
B. Establish regulations and procedures for the preparation, review, and approval of
planned unit development plans to guide the orderly development of land within this
district;
C. Establish a procedure for the administration of specific plans and precise plans,
prepared in accordance with the state Government Code and consistent with the Half
Moon Bay land use plan;
D. Provide for the classification and development of parcels of land as coordinated,
comprehensive projects so as to take advantage of the superior environment that can
result from requiring that an entire area be planned as a unit and developed under a
single plan;
E. Encourage the assembly of properties that might otherwise be developed in
unrelated increments to the detriment of surrounding properties, neighborhoods, and the
city;
F. Avoid piecemeal development and provide for the replatting of old subdivisions for
development under a comprehensive planning document;
G. Avoid monotony by allowing greater flexibility in the design and development of
land within this district;
H. To ensure that a minimum of twenty percent of the site area in any planned unit
development is provided in public and/or private open space;
I. Encourage variety and diversification of land uses; and
J. Provide flexibility required for achievement of coastal access goals, protection of
coastal resources, provision of open space and recreation areas, and avoidance of siting
structures in hazardous areas. (1996 zoning code (part)).

18.15.015 Applicability and zoning designation.
A. The planned unit development district may be applied to areas within the city that
are designated for planned development by the city general plan, whether for a planned
unit development, specific plan, precise plan or other similar development plan, and to other areas within the city subject to the approval of a planned unit development plan. The provisions of this chapter shall apply to the preparation, review and adoption of specific plans developed consistent with the city general plan and state Government Code Sections 65450 through 65456.

B. A PUD district shall be indicated on the zoning map by the designation “PUD.”
C. The minimum site area for a planned unit development district or planned unit development plan shall be one acre. (1996 zoning code (part)).

18.15.020 Rezoning to a planned unit development district.
Reclassification of land from any district to the planned unit development district shall be in accordance with the procedures specified herein and in this title. A rezoning amendment to a planned unit development district may be initiated in one of two ways:
A. Initiated by Property Owner(s). An application for a rezoning from any district to the planned unit development district may be filed by a property owner or authorized agent. As part of an application for a rezoning to the planned unit development district, a planned unit development plan meeting the criteria of this title shall be filed concurrently. If a site is under multiple ownerships, all owners shall be notified of the filing of the application and the time, place, and date of the public hearing, and a brief description of the proposed planned unit development plan.
B. Initiated by Planning Commission or City Council. The planning commission or the city council may initiate a rezoning amendment to reclassify property to the planned unit development district as necessary to implement the goals and policies of the city general plan. (1996 zoning code (part)).

18.15.025 Permitted land uses.
Only the following uses shall be permitted on any site within a planned unit development district:
A. Uses Consistent with the General Plan, Adopted Planned Unit Development Plan, Specific Plan or Precise Plan. Permitted uses, densities, and intensities shall be consistent with those established in the land use plan, general plan or an approved planned unit development plan or specific plan, for the site.
B. Continuation of Existing Uses. The continuation of an existing land use prior to the adoption of a planned unit development plan as provided for in this chapter may be incorporated into the overall development plan if the existing use is consistent with the general plan and this chapter, or the existing use shall terminate in accordance with a specific abatement schedule approved as a part of a planned unit development plan for the site.
C. Interim or Temporary Uses. Interim or temporary uses and structures when approved by the planning director or the planning commission when consistent with the general plan and will not impact the health, safety, and general welfare of persons working or residing in the vicinity of the proposed temporary use or building, and any other ordinances or policies of the city, subject to the following conditions:
   1. Temporary Uses and Structures Not to Exceed Ninety Days. The planning director may authorize the temporary use of structures and land in any planned unit development district for a period of time not to exceed ninety days. Prior to approving said use and issuing any building permit, grading permit, business license, or other entitlement for the proposed use, the planning director shall inform the planning commission of the intention to approve the use and any conditions imposed upon the applicant. The planning commission may sustain, overrule, or modify the decision of the planning director.
   2. Temporary Uses and Structures in Excess of Ninety Days. The planning commission may authorize the temporary use of structures or land in any planned unit
development district for periods of time in excess of ninety days, subject to the review and approval of a use permit in each case. In approving a use permit for the temporary use of structures or land, the planning commission may impose whatever conditions deemed necessary to assure that the purpose and intent of the general plan and this chapter are carried out. The use permit shall establish a specific point in time when the temporary use is to be terminated and the site restored. The planning commission may authorize additional extensions of time for temporary use permits at a duly noticed public hearing. (1996 zoning code (part)).

18.15.030 Review of a planned unit development plan.

Planned unit development plans shall be reviewed in accordance with the process established in this title, including, but not limited to, required plans and materials, public notice, and public hearings, subject to the following additional requirements:

A. At least thirty days prior to submitting an application for a planned unit development plan, or an amendment to a previously approved and adopted planned unit development plan, the applicant shall consult with the planning director to ensure that any proposal submitted will be consistent with the provisions of this chapter and the general plan, and to begin the early consultation process for any required environmental documentation and conformance with the residential dwelling unit building permit allocation system ordinance.

B. At such time as the planning director determines that an application meets the requirements of this title in a form acceptable to the planning director, it may be accepted as complete. (1996 zoning code (part)).

18.15.035 Content of a planned unit development plan.

Applications for planned unit development plans shall be submitted in a format approved by the planning director.

In addition to any other information required by this chapter and any information and materials required for a zoning amendment under this title, any application for adoption of or an amendment to a previously approved planned unit development plan shall, at a minimum, include the following information and materials:

A. A detailed description of the proposed uses and their densities and intensities;

B. A map showing the district boundaries and the relationship of the uses and densities and intensities proposed with any existing uses within a three hundred-foot radius of the site;

C. A map or maps showing all of the following on the site and within a three hundred-foot radius from the boundaries of the proposed planned unit development:
   1. Topographic data at contour intervals of not less than ten feet,
   2. The type, location, and condition of any trees, riparian habitats and vegetation, wetlands, and environmentally sensitive habitat areas,
   3. The nature and extent of any coastal resources such as dunes, or bluffs,
   4. The nature and extent of any known or potential areas of cultural, archaeological, or paleontological significance;

D. The proposed pattern of land use with the acreage and densities or intensities of each use proposed;

E. A detailed description of the proposed development standards, including but not limited to proposed minimum site requirements, setbacks, parking requirements, building heights, and any other criteria related to the physical development of the site;

F. The proposed street and lot pattern;

G. All on-site and off-site roadway improvements necessary to support the proposed development or to mitigate impacts to the local circulation system;

H. Typical building elevations;
I. The location and total acreage of all open space areas to ensure that the minimum of twenty percent of the gross site area is provided in public and/or private open space, and the nature and extent of any developer funded improvements to these areas;

J. A preliminary landscape plan;

K. Preliminary grading plans;

L. An initial study prepared consistent with the California Environmental Quality Act, the state CEQA Guidelines and city policy;

M. Any improvements necessary to achieve enhanced public access to coastal resources;

N. A schedule of anticipated development, including the anticipated commencement of construction and occupancy and the timing of any subsequent phases;

O. A completed subdivision application that meets the requirements of Title 17 where the proposed planned unit development plan includes the subdivision of land;

P. A description of any proposed management organization, such as a homeowners association, that will be responsible for the perpetual maintenance of any common areas; and

Q. Any other plans or information determined to be necessary by the planning director. (1996 zoning code (part)).

18.15.040 Required findings of fact.
The planning commission shall not forward its recommendation, and the city council shall not approve a planned unit development plan unless the following required findings for approval are made and incorporated into the adopted planned unit development plan:

A. That the planned unit development plan is consistent with the adopted general plan, this chapter, and all other applicable policies and ordinances of the city;

B. That the planned unit development plan is compatible with surrounding land uses;

C. That the adoption and implementation of the planned unit development plan will result in superior design and development of the site;

D. That the planned unit development plan meets the requirements of any annual dwelling unit allocation system adopted by the city;

E. That adoption and implementation of the planned unit development plan will not exceed the capacity of existing or planned infrastructure systems, including but not limited to sewer, water, natural gas, electricity, police and fire protection;

F. That, if adequate utilities, infrastructure, and public services are not available to serve all of the proposed development possible under the planned unit development plan, the plan contains phasing controls or requirements for utility improvements that ensure that demands from proposed development does not exceed utility capacity;

G. That the applicant, or planning commission and city council, have incorporated all appropriate measures and conditions in the planned unit development plan necessary to mitigate any potential adverse impacts identified during the public review process. (1996 zoning code (part)).

18.15.045 Implementation of a planned unit development plan.

A. Use Permit Required. Approval of a use permit is required in conjunction with all planned unit developments to ensure that development is in conformance with the provisions of the adopted plan. For planned unit developments that will be phased, the planning commission shall review the use permit and planned unit development plan for conformity prior to the issuance of any permits for subsequent phases. The planning department and public works department shall ensure that all activities within a planned unit development district are undertaken and completed in conformance with the provisions and conditions of the planned unit development plan and use permit.

B. Effective Date. A planned unit development plan shall be effective thirty days after final adoption by the city council.
C. Expiration of the Planned Unit Development Plan. Unless otherwise approved by the city council, a planned unit development plan shall expire two years after its effective date unless a building permit has been issued, construction diligently pursued, and substantial funds invested.

D. Renewal or Extension of a Planned Unit Development Plan. The city council may, upon the recommendation of the planning commission, extend the planned unit development plan a maximum of one year beyond the initial two year period if, at a duly noticed public hearing, it determines that the applicant has diligently pursued implementation of the planned unit development plan but was delayed as a result of factors and forces beyond the applicant’s immediate control. (1996 zoning code (part)).

18.15.050 Amendment of a planned unit development plan.
Amendments to an adopted planned unit development plan shall follow the procedures for application, review and adoption of a planned unit development plan established in this chapter. (1996 zoning code (part)).

18.15.065 Status of a previously adopted PUD plan.
Amendments to a planned unit development plan adopted prior to the effective date of the ordinance codified in this title shall follow the procedures specified in this chapter. (1996 zoning code (part)).
Chapter 18.16
DYKSTRA RANCH PLANNED UNIT DEVELOPMENT (PUD-X)

Sections:
18.16.005  Purpose.
18.16.010  Intent.
18.16.015  Phasing of development.
18.16.020  Amendment required.
18.16.025  Permitted uses.
18.16.030  Prohibited uses.
18.16.035  Residential development standards.
18.16.040  Recreational facilities.
18.16.045  Development adjacent to sensitive habitat.
18.16.050  Preservation of streams, wetlands habitats, and lake.
18.16.055  Preservation of the pond.
18.16.060  Development above the one hundred sixty-foot contour.
18.16.065  Grading, soils, and drainage.
18.16.070  Streets, traffic, and circulation.
18.16.075  Water and sewer service.
18.16.080  Noise.

18.16.005 Purpose.
The purpose of this planned unit development plan is to guide the orderly development of the Dykstra Ranch property consistent with the goals, objectives, and policies of the city local coastal plan and municipal code. The development standards set forth herein represent the required conditions imposed upon the development in conjunction with the approval of the vesting tentative map, the mitigation measures set forth in the certified final environmental impact report, and the requirements of the site and design permit. (1996 zoning code (part)).

18.16.010 Intent.
It is the intent of the city and the property owner that the Dykstra Ranch property shall be a detached single-family residential development clustered within dedicated open space areas. The planned unit development plan will serve as the zoning ordinance for the one hundred fifteen acre Dykstra Ranch property as shown on the Dykstra Ranch planned unit development plan, incorporated herein as Exhibit A attached to the ordinance codified in this chapter. Prior to issuance of any permits for development on the property, all appropriate conditions set forth herein and in the final subdivision map shall be incorporated into the final project plans. (1996 zoning code (part)).

18.16.015 Phasing of development.
This development is to be constructed in phases. It is recognized that there are several requirements contained herein that obligate the developer to receive approval from the city and various state and federal agencies for future phases. These requirements shall be fulfilled prior to the issuance of any permits or entitlements to develop future phases. (1996 zoning code (part)).

18.16.020 Amendment required.
In the event that proposals for subsequent phases of development result in a conflict with the provisions contained herein, an amendment to this planned unit development
plan shall be approved by the city in accordance with the provisions of the municipal code. (1996 zoning code (part)).

18.16.025 Permitted uses.

The following uses are permitted within the Dykstra Ranch planned unit development:
A. Single-family residences on separate lots;
B. Accessory uses which are directly related to and incidental to the primary residential use of the property, including but not limited to living quarters for persons employed as service to the residents;
C. Public parks and recreational facilities as shown on the Dykstra Ranch planned unit development plan;
D. Private parks and open space as shown on the Dykstra Ranch planned unit development plan;
E. Community centers, tennis courts, and other private recreational facilities owned and operated by the homeowners association for the use and enjoyment of the residents;
F. Public utility structures and facilities required for the service of the development;
G. Temporary sales centers, construction yards and structures, signs and other facilities required for the development and marketing of the property. All signs and any temporary structures or construction yard sites intended to exist for more than one year shall be subject to the approval of the planning director;
H. Other uses which in the opinion of the planning director are consistent with the intent and purpose of this planned unit development plan. (1996 zoning code (part)).

18.16.030 Prohibited uses.

Any retail, office, or commercial activity or use is prohibited in the Dykstra Ranch planned unit development, including any home occupation that would require deliveries to the residence, or any employees, patrons, visitors to the residence with the express intent of participating in the business activity. (1996 zoning code (part)).

18.16.035 Residential development standards.

The following design and development criteria shall be incorporated into any proposed residential construction:
A. Minimum Lot Size. The minimum lot size for any residential development site shall be six thousand five hundred square feet, with a minimum average lot width of sixty-five feet. A minimum frontage of thirty feet shall be provided on any street or cul-de-sac.
B. Building Footprints. A building footprint shall be established for each lot and shall be shown on the final map. All structures including the residence, detached garages, decks, privacy fencing, and accessory buildings or facilities shall be constructed within the building footprint for each lot as established on the final map. The minimum standards or criteria for establishing the building footprint for each lot shall be as forth in this chapter.
C. Residential Building Setbacks.
   1. All building setbacks shall be measured from the back of sidewalk where provided and from the back of curb where no sidewalk is provided;
   2. These standards shall apply to the residential structure, attached and detached garages, and all accessory buildings;
   3. No encroachments of any kind are permitted within any required yard setback area except:
      a. Eaves, which may encroach a maximum of two feet into any required yard setback area,
      b. Fireplaces and chimneys, which may encroach a maximum of two feet into any required yard setback area;
   4. A minimum front yard setback area of eighteen feet shall be maintained for all portions of the residential structure;
5. Each lot shall maintain a minimum side yard setback area of five feet provided there is a minimum separation of fifteen feet between residential structures on adjacent or contiguous lots;

6. A minimum rear yard setback area of twenty feet shall be maintained for all portions of the residential structure. In those cases where the residential building site abuts a required habitat buffer zone or other environmentally sensitive area designated on the final map, the planning commission may establish a reduced or increased rear yard setback area, which shall be reflected on the building footprint established for the lot on the final map;

7. All detached garages with the entry door parallel to the street shall maintain a minimum front yard setback area of eighteen feet, and shall have a sectional garage door;

8. All detached garages with the entry door perpendicular to the street shall maintain a minimum front yard setback area of ten feet, and shall have a sectional door. The driveway shall provide a minimum area of at least eighteen feet wide by eighteen feet deep for the parking of vehicles. Where a driveway length of less than twenty feet is proposed a sectional garage door shall be provided.

D. Building Height.

1. No part of any structure except a chimney shall be permitted to exceed a maximum height of thirty feet, as measured from any portion of the building to the grade of the lot directly below any point from which a measurement of the building is taken;

2. Chimneys may exceed the height limit only to the extent required to conform with the Uniform Building Code, but in no event shall the chimney exceed a maximum height of thirty-two feet as measured from the highest point of the chimney to the grade directly below;

3. The mid-point of any roof line as measured between the ridge line or highest point of the roof and the end of the eaves shall not exceed a maximum height of twenty-five feet as measured from the grade directly below.

E. Maximum Lot Coverage. The maximum coverage permitted for the main dwelling and garage is thirty-five percent, with any accessory uses such as gazebos, patios, and decks required to meet the setback requirements set forth in subsection C of this section.

F. Residential Parking Requirements.

1. An enclosed two car garage with minimum interior dimensions of twenty feet by twenty feet shall be provided for each single-family residence;

2. Guest parking shall be provided at a ratio of one space for each residence, and shall be shown on the final map as a part of the roadway easements subject to an irrevocable offer of dedication to the city.

G. Fences.

1. Perimeter fences located on side or rear property lines are prohibited;

2. Privacy fencing shall be restricted to patio and court areas located within the building footprint for each lot as shown on the final map;

3. Privacy fencing shall be limited to a maximum height of six feet as measured from the highest point of the fence to grade directly below.

H. Landscaping:

1. All introduced landscaping shall be of drought-tolerant species;

2. Landscaping shall be designed and maintained to ensure adequate sight distance at all street corners and intersections. (1996 zoning code (part)).

18.16.040 Recreational facilities.

The following shall apply to the public and private recreational facilities within the Dykstra Ranch planned unit development:

A. A clubhouse and community center may be provided for the project residents. These facilities would be owned and maintained by the project homeowners association;
B. The design and location of the clubhouse and community center shall be subject to the review and approval by the planning commission of a site and design permit as set forth in the city zoning code;
C. Land shall be offered for dedication for public parks as provided for in the city municipal code. Said offers of dedication may be phased in conjunction with the recordation of final maps;
D. Private park and recreation facilities may be provided within the Dykstra Ranch planned unit development for the exclusive use of the residents of the project. Any private park shall be owned and operated by the homeowners association and shall be shown on the final map;
E. A recreational trail network for pedestrians may be provided within the open space areas. Said recreational trail network shall be designed, constructed, and maintained in a manner consistent with the intent, purpose, and contents of this title. Said trail shall provide a minimum width of three feet and shall be paved with crushed and rolled rock or other suitable all weather surface. If deemed necessary and appropriate by the planning director, the proposed location of the trail shall be subject to the review and approval of the California Department of Fish and Game and the Army Corps of Engineers;
F. If future conditions warrant, other recreational facilities may be provided for the residents of the development. The planning director shall review any proposed public or private recreational facilities not specifically addressed in this title or shown on the Dykstra Ranch planned unit development plan. If deemed necessary and appropriate, the planning director may require planning commission review and approval of a site and design permit in accordance with the provisions of the zoning code. (1996 zoning code (part)).

18.16.045 Development adjacent to sensitive habitat.

The final map shall show all of the riparian corridors and habitats and any other environmentally sensitive areas, and the extent of any required buffer zones. The following standards shall be applied to all development within or adjacent to these areas designated on the final map:
A. That there shall be no landform alteration or grading, no vegetation or soil removal of any kind, and no introduced landscaping planted within the buffer zones surrounding the environmentally sensitive habitat areas or riparian corridors as shown on the final map, except as may be required to correct drainage problems, repair erosion damage, remove hazardous conditions, and provide for fire safety. Prior to the commencement of any activities within these areas as shown on the final map, the planning director shall review the details of the proposed activities. If the planning director determines it to be necessary and appropriate, plans for the proposed activities shall be forwarded to the California Department of Fish and Game, Army Corps of Engineers, or any other county, state, or federal agency with review and/or permit authority over the proposed activities;
B. That deed restrictions shall be recorded against all properties adjacent to or abutting the environmentally sensitive habitat areas and buffer zones ensuring that all purchasers and subsequent owners of the property are informed of the development restrictions in these areas;
C. The United States Army Corps of Engineers has established jurisdiction over specified wetland areas located within the boundaries of the Dykstra Ranch planned unit development. A Section 404 permit will be required prior to the approval of any final map that differs from the approved vesting tentative map. Conditions of that permit shall be binding to all parties of the development of the site and shall be incorporated into the final map as conditions of approval.
D. The California Department of Fish and Game has statutory jurisdiction over stream beds and other riparian areas. A Section 1601 permit may be required prior to the approval of any final map if the area covered by the final map involves any stream bed or
riparian area. Conditions of that permit shall be binding to all parties to the development of the site and shall be incorporated into the final map as conditions of approval. (1996 zoning code (part)).

18.16.050 Preservation of streams, wetlands habitats, and lake.

The following shall apply to all development within the Dykstra Ranch planned unit development area:

A. That approval by the United States Army Corps of Engineers is required for any activities involving the streams and drainage courses;
B. Each development phase will require consultation with the California Department of Fish and Game to insure that the streams and habitats are adequately protected. A Section 1601 permit issued by the Department of Fish and Game may be required for each phase of the development;
C. That the discharge of any swimming pool water or any other materials into any of the creeks, streams, drainage courses, or the lake is strictly prohibited;
D. That the proposed check dams in the intermittent creek channels shall be approved by the Department of Fish and Game and Army Corps of Engineers. The existing dense vegetation shall be preserved to the maximum extent practicable. Any required thinning of the existing vegetation shall be kept to a minimum in order to reduce potential erosion of the stream banks. (1996 zoning code (part)).

18.16.055 Preservation of the pond.

A. The following policies, programs, and requirements shall be conformed with at all times:
   1. The existing agricultural pond shall be retained and upgraded as a visual amenity and wildlife habitat;
   2. Swimming, boating, fishing, and any other form of contact or noncontact activity on or in the lake is strictly prohibited;
   3. Life safety and emergency equipment, including an emergency telephone shall be installed and maintained adjacent to the lake at a location approved by the police chief and fire chief;
   4. That all areas of the pond that are less than four feet in depth shall be lined with either a gas permeable membrane, concrete, cemented cobbles, or other material approved by the Department of Fish and Game and Army Corps of Engineers that will prevent aquatic plants from rooting on the pond bottom;
   5. That in order to limit the amount of nutrients entering the pond, a slight trough shall be constructed around the perimeter. Surface runoff shall be collected in this trough and routed to the approved storm drain system;
   6. That in order to reduce the potential negative impacts from landscaping irrigation, all introduced plant species shall be of drought tolerant varieties;
   7. Pumps shall be installed to circulate the water in the pond to maintain the water quality.
B. The developer shall enter into a contract with a qualified water quality expert and/or chemist, the form and content of which is satisfactory to the city attorney, that will provide the following services:
   1. At least once a month during the period between April and October the pond shall be examined by a qualified professional chemist or biologist. Field data recorded at the time of the inspection shall include:

   Field Data List
   Water temperature
   Clarity (Secchi disk)
Dissolved oxygen (mg/1)
Presence and extent of algae
Notable levels of sedimentation

2. During each periodic inspection, two water samples shall be collected, one from each end of the pond. Samples shall be taken from a depth of one foot below the surface in the upper half of the water column. The two water samples should be analyzed for chlorophyll a, nitrate nitrogen, and total phosphorus;

3. Should filamentous algae growth occur in notable quantities along the pond slopes, manual removal of the algal mass with long-handled rakes or nets shall be implemented as a first response. If the growth is prolific across the pond, or if planktonic algae becomes sufficiently dense to begin forming mats, the application of the algicide Cutrine may be used upon approval for each application by the Regional Water Quality Control Board and California Department of Fish and Game;

4. Should the consultant determine that sedimentation is affecting the water quality of the pond, the pond may be drained only in the fall prior to the rainy season. Accumulated sediment may be removed.

C. The results of the above described monitoring program shall be forwarded to the planning director and the Regional Water Quality Control Board. In the event that the Regional Water Quality Control Board determines that it is no longer necessary to continue this monitoring program, the developer may apply for an amendment to this planned unit development plan to delete this condition.

D. That the developer shall provide financing for equipment and training to meet the Half Moon Bay fire protection district specifications in order to ensure that emergency rescue operations related to the pond are possible. (1996 zoning code (part)).

18.16.060 Development above the one hundred sixty-foot contour.

The following shall apply to all properties that have a portion of the lot above the one hundred sixty-foot contour:

A. There shall be no landform alteration, grading, vegetation or soil removal, or above or below grade construction of any kind above the one hundred sixty-foot contour as shown on the final map except where and when necessary to correct or prevent erosion or other conditions related to the stability of the soils and the installation of facilities necessary to accommodate on-site drainage. Where remedial work is performed above the one hundred sixty-foot contour, the site will be graded, planted, and otherwise returned to its natural state or as it existed prior to the commencement of the remedial work;

B. That no part of any building footprint for any lot shall be permitted above the one hundred sixty-foot contour, as shown on the final map;

C. That in order to ensure that development does not occur above the one hundred sixty-foot contour, deed restrictions shall be recorded against any lot which abuts or crosses the one hundred sixty-foot contour. Said deed restrictions, the form and content of which is satisfactory to the city attorney, shall restrict all grading, landscape removal, and above or below grade construction activity or improvement of any kind to the one hundred sixty-foot contour or below. Deed restrictions shall be recorded at the time final maps are recorded. (1996 zoning code (part)).

18.16.065 Grading, soils, and drainage.

The developer and any successors in interest or assigns shall be subject to the following minimum criteria for the initial and subsequent phases of development:

A. That all site preparation and grading shall be in conformance with an approved grading plan, prepared by a licensed engineer based upon the Harlan, Miller, and Tait report dated June, 1986, or other geotechnical report approved by the city engineer;
B. That an erosion control plan and a drainage plan shall be prepared by a licensed engineer that conforms with all applicable codes and policies of the city, the Association of Bay Area Governments (ABAG), the Department of Fish and Game, the Army Corps of Engineers, and the provisions of this chapter;
C. That the recommendations contained in the Harlan, Miller, and Tait report dated July, 1987, or similar report approved by the city engineer, shall be incorporated into the proposed gully repair program;
D. That a drainage plan shall be prepared by a licensed engineer. This drainage plan shall include provisions for the reduction of soil creeping and other potential forms of weakening. Surface and subsurface drainage facilities shall direct water into approved drainage systems, which may include the natural drainage channels and the existing pond;
E. The major stream channels in the development areas shall be incorporated into the drainage system and may be modified as necessary, based upon approval by the Department of Fish and Game and Army Corps of Engineers. (1996 zoning code (part)).

18.16.070 Streets, traffic, and circulation.
The following criteria shall apply to the initial phase of development and all subsequent phases:
A. That all streets are to be private, subject to an irrevocable offer of dedication to the city, except for Foothill Boulevard, which shall be dedicated to the city;
B. That the right of way for all roadways designated on any final map shall include adequate width for travel lanes, sidewalks on at least one side of the street, parking bays, and public utility easements;
C. That all roadways shall be constructed to the design standards contained in the conditions of approval as shown on the vesting tentative map and any final maps. Rolled curbs shall be used whenever possible, with vertical curbs used only when needed to control flow;
D. That a street lighting plan for the entire development shall be prepared as a part of the initial street improvement plans;
E. That Foothill Boulevard shall be constructed with a connection to Highway 1 and all intersection improvements at Foothill Boulevard and State Route 92 and the proposed Bayview Drive and Highway 1 shall be installed prior to the issuance of any building permits for any additional units after the first one hundred dwelling units are constructed;
F. That in the event gated entrances are proposed for the development or any portion thereof the applicant shall submit detailed plans including the proposed operational characteristics of the entry system for approval by the planning commission and city council. In the event entry gates are approved by the city, any public park and recreational facilities within the Dykstra Ranch planned unit development required by the city park dedication ordinance shall be replaced outside the development at a location approved by the city parks and recreation commission and city council, unless access and public parking is available from a dedicated public street. (1996 zoning code (part)).

18.16.075 Water and sewer service.
Inasmuch as there is limited sewer capacity available and that drought conditions exist in California:
A. That water saving devices such as low-flow shower heads and faucets and low-flush toilets shall be installed in all residences and common facilities such as the clubhouse. (1996 zoning code (part)).

18.16.080 Noise.
In order to provide adequate protection from noise sources, the following situation standard shall be met for all residential structures:
A. That any residence constructed on the site shall be designed in such a manner that the ambient noise level within the structure shall meet a Sound Transmission Class (STC) of fifty (forty-five if field tested and verified by a registered noise engineer to the satisfaction of the city engineer);

B. That in the event the studies undertaken by the city’s noise consultant in preparing the noise element of the general plan it is determined that additional sound attenuation is necessary, the developer shall comply with any appropriate recommendations set forth in the draft noise element. (1996 zoning code (part)).
Chapter 18.17
MOBILE HOME PARK DISTRICT

Sections:
18.17.010 Mobile home park (MHP) district established.
18.17.011 Purpose and intent.
18.17.012 Definitions.
18.17.020 Use regulations.
18.17.030 Development standards.
18.17.040 Exceptions to development standards.
18.17.050 Nonconforming uses and structures.
18.17.060 Required permits and plan review.

18.17.010 Mobile home park (MHP) district established.
The mobile home park (MHP) district is hereby established to set standards for
development, expansion and alteration of mobile home parks and procedures to enforce
those standards so as to exercise the rights reserved to local jurisdictions by state law
(California Health and Safety Code Division 13, Part 2.1, commencing with Section
18200) and to implement such standards and procedures in a manner consistent with the
California Coastal Act and the certified LCP. The regulations set forth in this chapter are
intended to regulate only those developments specifically planned for accommodation of
more than one mobile home or manufactured home and operated under permit pursuant
to Title 25, Chapter 5, of the California Code of Regulations. Regulations regarding the
use of a single manufactured home as a permanent residence are found in Chapter
18.06. (Ord. C-6-07 §1(part), 2007: Ord. 4-02 §1(part), 2002).

18.17.011 Purpose and intent.
A. Purpose. The purposes of these mobile home park district regulations are to:
protect and preserve mobile home parks existing as of the date of adoption of the
ordinance codified in this chapter as affordable housing resources; provide appropriately
located areas for future expansion or development of mobile home parks, consistent with
standards of public health and safety; establish standards for density and common open
space; and provide for an appropriate set of permitted uses and activities on lands within
the district consistent with the coastal resource policies set forth in the certified local
coastal program and the public access and public recreation policies of the Coastal Act,
where applicable.
B. Intent. The intent of these regulations is to assure that mobile home parks are
established only at locations that have safe and adequate access to a public street or
highway, and that are able to support such use in conformity with the local coastal
program, and that they are developed and operated in a manner consistent with the local
coastal land use plan/general plan and compatible with surrounding neighborhood areas.
(Ord. C-6-07 §1(part), 2007: Ord. 4-02 §1(part), 2002).

18.17.012 Definitions.
For purposes of this chapter, the definitions set forth in Chapter 18.02 and Section
18.30.015 shall apply. (Ord. C-6-07 §1(part), 2007: Ord. 4-02 §1(part), 2002).

18.17.020 Use regulations.
A. Permit Requirements. A coastal development permit shall be required for all
development as defined in Section 18.20.020 within a mobile home park.
B. Permitted Uses. The following uses are permitted without a requirement for approval of a use permit:
   1. Natural Resources Management. Restoration and management of natural resource areas.
   2. Coastal Access. Trails and scenic overlooks, and related coastal access parking spaces.
   3. Agricultural Uses. Provided that no existing riparian vegetation is removed, and no soil or agricultural chemicals are allowed to enter stream channels.

C. Conditionally Permitted Uses. The following uses may be allowed subject to approval of a conditional use permit by the planning commission:
   1. Mobile home parks.
   2. Mobile home displays and sales; provided, that such use is incidental and subordinate to an on-site mobile home park.
   3. Intensive Recreational Facilities. Including indoor recreational facilities such as club houses, swimming pools, and similar intensive recreational facilities, limited to use by residents of the mobile home park and their guests.
   4. Retail Sales. Limited to small-scale sales of convenience retail goods, where sales are oriented primarily to residents of an on-site mobile home park, not to exceed one thousand square feet of floor area.
   5. Assisted Living. Including congregate care facilities, in conjunction with an existing mobile home park on the same site.
   6. Convalescent care facilities in conjunction with an existing mobile home park on the same site.
   7. Senior housing facilities, in conjunction with an existing mobile home park on the same site. In each senior housing facility occupancy shall be limited to people age fifty-five or older.

D. Accessory Uses and Structures. The following uses incidental and subordinate to a permitted or principal use located on the property:
   1. Animals, small, limited to not more than two at any individual mobile home residence, subject to the regulations set forth at Section 18.06.025(B).
   2. Community gardens.
   3. Day care, limited residential, subject to the regulations set forth at Section 18.06.025(C).
   4. Decks, porches, and similar small structures.
   5. Fences, walls, gates and hedges, with those located around the perimeter of the mobile home park subject to the standards set forth at Section 18.06.040(C).
   7. Home occupations, subject to the regulations set forth at Section 18.06.025(F).
   8. Landscaping.
   9. Management office, limited to one building and not to exceed one thousand square feet.
   10. Maintenance facilities, not to exceed two buildings with a cumulative total of one thousand square feet.
   11. Outdoor recreation facilities, limited to facilities intended for residents of the mobile home park and their guests.
   12. Parking areas, limited to facilities intended for use of residents, employees of the mobile home park, and visitors to the mobile home park, subject to the standards set forth at Section 18.06.040(D).
   13. Patio covers and awnings.
   14. Storage buildings, for storage of personal belongings of park residents only.
E. Uses Not Listed. Uses not listed in this chapter shall not be permitted in the mobile home park district. Authorization of any use not listed above shall require the prior approval of an amendment to this title.

F. Changes in Use and Conversions. Any change in use from a mobile home park to another use, including but not limited to any conversion from rental of individual mobile home spaces to condominium, stock cooperative, planned unit development, or any form of ownership wherein individual spaces are to be sold, within all or any portion of a mobile home park, shall be subject to the regulations set forth in Chapter 18.30. (Ord. C-6-07 §1(part), 2007: Ord. C-4-06 §2, 2006; Ord. 4-02 §1(part), 2002).

18.17.030 Development standards.
This section establishes overall standards for the development, enlargement, additions to, and alteration of mobile home parks.

A. The following standards shall apply to mobile home parks:

1. Density. The maximum permitted number of mobile home spaces shall be determined by dividing the net area of the site by two thousand square feet of site area per mobile home dwelling.

2. Site Area. A minimum site area of five acres shall be required for a mobile home park. The maximum size of any mobile home park shall be twenty acres.

3. Minimum Setbacks Required from the Perimeter Property Line. For all development inside mobile home parks, including roads, community buildings, and mobile home lots, the minimum setbacks from perimeter property lines of the mobile home park shall be as follows:
   a. Front entrance side: twenty feet.
   b. Interior side: ten feet.
   c. Street side without front entrance: twenty feet.
   d. Rear side opposite front entrance: twenty feet.

   All setback areas shall be landscaped and continually maintained.

4. Open Space. A minimum of three hundred square feet for each mobile home shall be devoted to community open space conveniently located for all residents. A maximum of twenty-five square feet of the required three hundred square feet may be used for a recreation or service building.

5. Parking. Two off-street parking spaces shall be provided for each mobile home consistent with the standards of Chapter 18.36. One off-street parking space shall be provided for each two hundred square feet of floor area within buildings containing offices, services or recreation activities.

6. Roads and Vehicular Access. All mobile home spaces shall be served from internal private roadways and there shall be no direct vehicular access from a mobile home space to a public street or alley. Internal roads shall have a clear and unobstructed access to a public street or highway.

7. Pedestrian Access. Walkways shall be provided throughout the mobile home park to provide safe and convenient pedestrian access to amenities, open space areas, and public roadways. Walkways shall comply with applicable accessibility standards but in no case shall be less than three feet in width. Walkways shall be paved and separate from roadways and driveways for automobiles.

8. Landscaping. A landscaping plan and landscape maintenance plan for the setback areas from the property perimeter of the mobile home park shall be submitted for consideration with each permit application for development or expansion of a mobile home park. Landscaping shall be used as a buffer between mobile home spaces and adjacent properties. Service areas and outdoor storage areas shall be screened from view from public streets.

9. Invasive Exotic Plants. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be
identified from time to time by the state of California shall be employed in any landscaping in the mobile home park. No plant species listed as a noxious weed by the state of California or the U.S. federal government shall be utilized. Only native plants of local stock and/or drought-tolerant noninvasive plants shall be used for landscaping.

10. Signs. One nonilluminated or indirectly illuminated detached monument sign, identifying the name of the mobile home park, shall be permitted. Such sign shall be constructed of natural material such as wood and shall not exceed a height of four feet or an area of sixteen square feet. Any such sign shall be integrated into the landscape design.

11. Garbage and Refuse Disposal and Recycling. Mobile home parks shall be required to use garbage collection and recycling services. Central collection containers shall be provided at convenient locations within decorative fenced or walled enclosures.

12. Water Quality. The development, redevelopment, or modification of mobile home parks shall be undertaken pursuant to the water quality protection standards specified in Section 18.38.121.

13. Fire Protection. Prior to issuance of any coastal development permit or use permit, the applicant shall receive preliminary approval of plans by the Half Moon Bay fire protection district.

14. Lighting. Lighting shall be the minimum necessary to illuminate the internal roads without adverse impact on adjacent properties. Light fixtures shall be the minimum height needed for public safety, but shall not exceed fifteen feet in height, and shall be shielded to downcast light to prevent glare on adjacent properties.

15. Underground Utilities. In development of new and expansion of existing mobile home parks, all new electrical, telephone, cable TV, and similar distribution lines providing direct service to the development, including individual spaces, shall be installed underground.

16. Transient Occupancy Prohibited. Mobile home units within mobile home parks shall be limited to use as permanent residences. No mobile home shall be rented to or occupied by any individual or group of individuals for a term less than thirty consecutive days.

17. Exceptions. The development standards set forth in subsections (A)(3), Minimum Setbacks Required from the Perimeter Property Line, (A)(4), Open Space, and (A)(5), Parking, of this section shall not apply to assisted living facilities, convalescent care facilities, and senior housing facilities conditionally permitted under Section 18.17.020(C).

B. Subdivision of land within a mobile home park to create separate legal lots or airspace condominium units for individual mobile home sites is prohibited. (Ord. C-10-07 §1, 2007; Ord. C-6-07 §1(part), 2007; Ord. C-4-06 §3, 2006; Ord. 4-02 §1(part), 2002).

18.17.040 Exceptions to development standards.

The planning commission may authorize exceptions and conditional exceptions to the development standards established pursuant to this chapter; provided, that the following findings are made:

A. That there are special circumstances or conditions affecting the property;
B. That, by virtue of the special circumstance or condition, the strict application of the standard would impose a practical difficulty or hardship;
C. That the exception is necessary for the proper design or function of the mobile home park;
D. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the mobile home park is situated; and
E. That the granting of the exception is consistent with all requirements of the Coastal Act and all other applicable provisions of the city’s certified LCP. (Ord. C-6-07 §1(part), 2007; Ord. 4-02 §1(part), 2002).
18.17.050 Nonconforming uses and structures.
Any mobile home park lawfully existing as of the effective date of this chapter may be
continued, although such existing use does not conform to the regulations set forth in this
chapter; provided, however, that such nonconforming use shall not be extended to
increase the number of mobile home spaces or to occupy a greater or different area of
land, building or structure than that occupied by such use as of the effective date of this
chapter except in conformance with the regulations set forth in this chapter.
Nonconforming uses shall be subject to the provisions of Chapter 18.25. (Ord. C-6-07 §1
(part), 2007: Ord. 4-02 §1(part), 2002).

18.17.060 Required permits and plan review.
Mobile home parks may be authorized subject to approval by the planning commission
of a conditional use permit pursuant to the provisions of this chapter and of Chapter
18.22. A site and design permit shall be required pursuant to the provisions of Chapter
18.21. A coastal development permit shall be required pursuant to the provisions of
Chapter 18.20. (Ord. C-6-07 §1(part), 2007: Ord. 4-02 §1(part), 2002).
Article III. ADMINISTRATION

Chapter 18.20
LOCAL COASTAL DEVELOPMENT PERMITS

Sections:
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18.20.010 Purpose and intent.
The purpose and intent of adopting this article is to establish the process and minimum findings necessary to ensure that all development within the city is consistent with the city’s local coastal program, the California Coastal Act, and the general plan. (1996 zoning code (part)).

18.20.015 Applicability.
All properties within the city are subject to the procedures contained in this chapter. Where the procedures described in this chapter for issuing coastal development permits conflict with other procedures in the zoning code, the procedures described herein shall take precedence. (1996 zoning code (part)).

18.20.020 Definitions.
A. Appealable Development. After certification of the local coastal program, an action taken by the city on a coastal development permit application may be appealed to the California Coastal Commission for only the following types of developments:
   1. Developments approved by the city between the sea and the first public road paralleling the sea or within three hundred feet of the extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
   2. Developments approved by the city not included within subsection (A)(1) of this section that are located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, or stream, or within three hundred feet of the top of the seaward face of any coastal bluff.
   3. Any development which constitutes a major public works project or a major energy facility.
B. Coastal Zone. The boundaries of the coastal zone have been established by the state legislature. All land and water area within the city lies within the coastal zone.
C. “Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

D. “Disaster” means any situation in which the force(s) which destroyed the structure to be replaced were beyond the control of its owners.

E. “Emergency” means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

F. “Energy facility” means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

G. “Major public works” and “major energy facilities” mean facilities that cost more than one hundred thousand dollars with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611, or 30624. Notwithstanding the criteria above, “major public works” also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

H. “Public works” means the following: (1) All production, storage, transmission and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the public utilities commission, except for energy facilities; (2) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires and other related facilities; (3) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district; (4) All community college facilities.

I. “Temporary event(s)” constitute development as defined in Section 30106 of the Coastal Act. Temporary events are an activity or function of limited duration and involve the placement of nonpermanent structures such as bleachers, vendor tents/canopies, portable toilets, stages, film sets, etc., and/or involve exclusive use of a sandy beach, park land, filled tidelands, water, streets, or parking areas which are otherwise open and available for general public use. (1996 zoning code (part)).

18.20.025 Permit required.

Unless otherwise exempted, all development as defined in Section 18.20.020(C) in the city of Half Moon Bay requires a coastal development permit. The coastal development permit must be approved prior to the commencement of development and shall be required in addition to any other permits or approvals required by the city. A local coastal development permit may be combined with any other permit application. When not feasible to combine a coastal development permit with one or more other applications, it may be processed concurrently with or prior to any other procedures required by this title.
or the municipal code. Prior to initiating the review process for any discretionary or ministerial permits in the city, the planning and building director shall determine the feasibility of concurrent or prior processing of the coastal development permit. The coastal development permitting requirements herein and exemptions in Section 18.20.030 shall be carried out in full conformity with Sections 30600 and 30610 of the Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations. Any conflicts between the provisions in the zoning code and either the Coastal Act or Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations shall be resolved in favor of the California Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations.

A. Coastal Development Permits to be Issued by the City. Development that meets the definition contained in Section 18.20.020, including any of the following must obtain a coastal development permit from the city. The following list is provided for illustrative purposes and does not constitute an exclusive list.

1. Any development in or within one hundred feet of any sensitive habitat area, riparian corridor, bluffs and seacliff areas, and wetlands, or within a wild strawberry habitat, as designated in Chapter 18.38 or as shown on the coastal resource area maps.

2. Any development within archaeological resource areas where there is substantial indication that archaeological resources exist on or within one hundred feet of the project.

3. Any development which would preclude the general public from use of, or access to, a public recreational area for a significant period of time.

4. A temporary event which:
   a. Either individually or together with other temporary events scheduled before or after the event, precludes the general public from use of a public recreational area or use of a sandy beach for a period of time; or
   b. With its associated activities or access requirements, will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, public access opportunities, visitor and recreational facilities, water-oriented activities, agricultural lands, marine or biological or archaeological or paleontological resources; or
   c. Would restrict public use of roadways or parking areas or otherwise impact public use or access to coastal waters between Memorial Day weekend and Labor Day; or
   d. Has historically required a coastal development permit to address and monitor associated impacts to coastal resources; or
   e. Involves a charge for general public admission or seating where no fee is currently charged for use of the same area.

5. Any lot line adjustment.

6. Removal of riparian or other major or notable vegetation other than for agricultural purposes.

7. Construction or expansion of wells or septic systems.

B. Coastal Development Permits to be Issued by the Coastal Commission. In addition to any other required approvals by the city, all developments on tidelands, submerged lands or on public trust lands, whether filled or unfilled, shall also require a permit issued by the California Coastal Commission in accordance with procedures specified by the Coastal Commission. (Ord. O-2-06 §3, 2006; 1996 zoning code (part)).

18.20.030 Exemptions.

The coastal development permitting requirements in Section 18.20.025 and exemptions herein shall be carried out in full conformity with Sections 30600 and 30610 of the Coastal Act and Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations. Any conflicts between provisions in the zoning code and either the Coastal
Act or Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations shall be resolved in favor of the Coastal Act or Title 14, Sections 13250, 13252, and 13253 of the California Code of Regulations. The following categories of projects are exempt from the requirement to secure approval of a coastal development permit:

A. Replacement of Structures Following Disaster. The replacement of any structure, other than a public works facility, destroyed by disaster; provided, that the replacement structure:
   1. Conforms to all zoning code and building code requirements applicable at the time of replacement;
   2. Is the same use as the destroyed structure; and
   3. Does not exceed the floor area, height or bulk of the destroyed structure by more than ten percent and is sited in essentially the same location on the site as the destroyed structure.

B. Categorical Exclusion Areas. Any category of development within a specifically defined geographic area as adopted pursuant to Sections 30610(e) and 30610.5 of the Public Resources Code after certification of the local coastal program and that otherwise meet all other applicable regulations of the city.

C. Miscellaneous Activities and Development. The following activities and development projects are exempted:
   1. Permits.
      a. Sign permits.
      b. Home occupation permits.
      c. Permits for which no development is proposed, including issuance of business licenses, approval of final subdivision maps for which a coastal development permit has been issued, and approval of individual utility service connections and disconnections.
   2. Repair and Maintenance. Repair and maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such activities, except as otherwise specified in Subchapter 7, Title 14, Section 13252 of the California Code of Regulations and any amendments thereafter adopted. Such activities include but are not limited to:
      a. Repair and maintenance necessary for ongoing operations of an existing facility which does not expand the footprint, floor area, height, or bulk of an existing facility, and the minor modification of existing structures required by governmental safety and environmental regulations, where necessary to preserve existing structures which does not expand the footprint, floor area, height, or bulk of an existing structure.
      b. Interior remodeling of a building, except where such remodeling changes the nature of the use.
      c. Additions to existing single-family residences and improvements normally associated with single-family residences such as garages, swimming pools, fences, storage sheds, and landscaping, except as otherwise specified in Subchapter 7, Title 14, Section 13250 of the California Code of Regulations.
      d. Improvements to structures other than single-family residences except as otherwise specified in Subchapter 7, Title 14, Section 13253 of the California Code of Regulations.
   3. Utilities.
      a. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has previously been granted a coastal development permit.
      b. Installation, maintenance, and repair of underground electrical facilities and the conversion of existing overhead facilities to underground facilities, provided the work is limited to public road or railroad rights-of-way or public utility easements and provided the site is restored as closely as reasonably possible to its original condition.
c. Installation, maintenance and minor alteration of utilities that do not increase in capacity or are required to restore service or prevent service outages.

4. Removal or Harvesting of Major Vegetation. Removal or harvesting of major vegetation for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan.

5. Temporary Events. Any proposed development which the planning and building director finds to be a temporary event except those which meet all of the following criteria:
   a. Are held between Memorial Day weekend and Labor Day; and
   b. Occupy all or a portion of a sandy beach area; and
   c. Involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

6. Temporary Events. The temporary events below are examples of temporary events which are excluded from the requirement of a coastal development permit:
   a. Commercial Promotional Events. Sidewalk sales, not lasting more than three days, and flea markets, rummage sales, festivals, bazaars, or other similar temporary activities not lasting more than two weeks, the primary purpose of which is to promote proposed or existing businesses, on public or private property within any commercial district. No person or group shall undertake or establish such activities without first securing written approval from the planning and building director.
   b. Commercial Uses Outside Structures. Sidewalk sales, not including peddlers, on public or private property, not lasting more than three days, and conducted in a manner sufficient to allow safe pedestrian and wheelchair passage onto or along the sidewalk where such activity is being conducted in commercial district.
   c. Seasonal Sales of Christmas Trees and Pumpkins. The sale, display, and storage of Christmas trees and accessories therefor on portions of vacant lots or other open areas that do not contain wetlands or other environmentally sensitive habitat areas for a temporary period of time between Thanksgiving and December 26th of any year, and the sales, display, and storage of pumpkins between October 1st and November 5th of any year, subject to obtaining a temporary business license as required by the municipal code.

7. Land Divisions for Public Agency Acquisition. Land divisions brought about in connection with the acquisition of such land by a public agency for recreational purposes.

D. Record of Exemptions. The planning and building director shall maintain a record of all permits issued for development within the coastal zone that were exempted from the requirements of the coastal development permit process. This record shall be available for review by members of the public and the Coastal Commission. The record of exemption shall include the name of the applicant, the location of the project, and a brief description of the project. (Ord. O-2-06 §4, 2006; 1996 zoning code (part)).

18.20.035 Categorical exclusion areas.

Any category of development within a specifically defined geographic area as adopted pursuant to Sections 30610(e) and 30610.5 of the Public Resources Code after certification of the local coastal program shall be excluded from the requirements of a coastal development permit. Categorical exclusion areas shall be limited to areas that are substantially developed and contain no identified coastal resources as defined in this title. (1996 zoning code (part)).

18.20.040 Permits for emergency work.

A. Emergency Permit Waiver. Projects normally requiring a coastal development permit that are undertaken as emergency measures to protect life and public property from imminent danger, or to restore, repair or maintain public works, utilities or services destroyed, damaged or interrupted by natural disaster, serious accident, or in other cases
of emergency are eligible to receive an emergency waiver when immediate action is required. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars. The planning and building director shall be notified of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Within seven days of taking such action, the person who notified the planning and building director shall send a written statement of the reasons why the action was taken and verification that the action complied with the expenditure limits set forth in Public Resources Code Section 30611. At the next hearing following receipt of the written report, the planning and building director shall summarize all emergency actions taken that in his or her opinion do not comply with the requirements of Public Resources Code Section 30611 and shall recommend appropriate action.

B. Alternate Emergency Permit Requirements. Applications may be made by telephone or in person, if time does not allow a written application, to the planning and building director. The information to be reported during the emergency, if possible, or to be reported fully in any case after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial, protective, or preventive work required to deal with the emergency; and
5. The circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.

C. Granting of Emergency Permits. The planning and building director shall verify the facts, including the existence and nature of the emergency, insofar as time allows, and shall provide public notice of the emergency action to the maximum extent practical under the circumstances. The planning and building director may grant an emergency permit upon reasonable terms and conditions which shall include, at a minimum, an expiration date and the necessity for a regular permit application later, if the planning and building director finds that:

1. An emergency exists and requires action more quickly than permitted by the procedures for administrative permits or for ordinary permits, and the development can and will be completed within thirty days unless otherwise specified by the terms of the permit;
2. Public comment on the proposed emergency action has been reviewed if time allows; and
3. The work proposed would be consistent with the requirements of the coastal program.

D. Reporting of Emergency Permits and Work. The planning and building director shall prepare an informational report to the planning commission describing any emergency permits applied for or issued, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the planning commission meeting. Notice of emergency permits shall be provided by phone or letter to the California Coastal Commission as soon as possible, but in any event within three days, following issuance of the emergency permit.

E. Compliance. An emergency permit shall be valid for not more than sixty days from the date of issuance. Prior to expiration of the emergency permit, the permittee must submit a coastal development permit application for the development or else remove the development undertaken pursuant to the emergency permit in its entirety and the site restored to its previous condition. Any action on the follow-up coastal development permit application which involves appealable development as defined in Section 18.20.020 shall be appealable to the Coastal Commission in accordance with Section 18.20.075. Failure to comply with the provisions of this section or failure to properly notice and report by the
applicant any emergency actions may result in enforcement action pursuant to Section 18.20.090. (1996 zoning code (part)).

18.20.045 Application requirements.

Applications for any coastal development permit shall be initiated by submitting an application on a form provided by the planning and building department. Application for a coastal development permit shall be submitted concurrently with any other discretionary or ministerial permit required for the development, unless the planning and building director determines that prior processing is required. The application shall include a fee set by resolution of the city council. In addition to the submittal requirements for a discretionary or ministerial permit, applications for a coastal development permit shall also include a location map, proof of water and sewer capacity availability to meet the requirements of all of the proposed uses within the project, and any other information deemed necessary and appropriate by the planning and building director.

A. Pursuant to Section 30601.5 of the Coastal Act as amended, where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the city shall not require the holder or owner of any superior interest in the property to join as a co-applicant. All holders or owners of any other interest of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval. (1996 zoning code (part)).

18.20.050 Determining jurisdiction and review procedure.

At the time a complete application for a coastal development permit is made, the planning and building director shall determine the applicable review procedure as established herein.

A. Types of Applications. The planning and building director shall first determine whether the proposed development is:
   1. Subject to the requirement for a coastal development permit from the Coastal Commission because the proposed development is below the line of the mean high tide, or on submerged lands or public trust lands, whether filled or unfilled; or
   2. Appealable to the Coastal Commission consistent with Sections 18.20.020 and 18.20.075; or
   3. Exempt from the coastal development permit requirements as defined in Section 18.20.030; or
   4. Subject to the requirement of securing a coastal development permit to be issued by the city.

B. Jurisdiction.

   1. The city’s jurisdiction over coastal development permits does not include tidelands, submerged lands, and public trust lands as described in Section 30519(b) of the Public Resources Code and described as areas of coastal commission permit jurisdiction, as delineated on the local coastal program post-certification permit and jurisdiction map as amended.
   2. Any proposed development within the certified area which the city preliminarily approved before effective certification of the local coastal program but which has not been filed complete with the Coastal Commission for approval shall be resubmitted to the city through an application pursuant to this certified local coastal program. The standard for review for such an application shall be the requirements of this certified local coastal program. Any application fee paid to the Coastal Commission shall be refunded to the applicant.
3. Any proposed development within the certified area which the city preliminarily approved before effective certification of the local coastal program and for which an application has been filed complete with the Coastal Commission may, at the option of the applicant, remain with the Coastal Commission for completion of review. Coastal Commission review of any such application shall be based solely upon the requirements of this certified local coastal program.

4. Alternatively, the applicant may resubmit the application to the city through an application pursuant to the requirements of this certified local coastal program. The standard of review for such an application shall be the requirements of this certified local coastal program. Any application fee paid to the Coastal Commission shall be refunded to the applicant.

5. Upon effective certification of a certified local coastal program, no applications for development shall be accepted by the Coastal Commission for development within the certified area.

6. Development authorized by a Coastal Commission issued-permit remains under the jurisdiction of the Coastal Commission for the purposes of condition compliance, amendment, extension, reconsideration, and revocation.

C. Permit Review.

1. Coastal Commission. The Coastal Commission shall review and act on all coastal development permits for development below the mean high tide, submerged lands or public trust lands, whether filled or unfilled.

2. Planning Commission or City Council. The planning commission, or the city council where it has the final approval of other discretionary permits for the proposed development, shall approve, conditionally approve or deny all coastal development permits.

3. Planning and Building Director.*

D. Appeals of the Planning and Building Director’s Determination of Jurisdiction. Within five days of submitting an application for a coastal development permit, the planning and building director shall determine whether the application shall be considered by the planning commission and/or city council, or the city and the Coastal Commission. An applicant or any other person who does not agree with the planning and building director’s determination may challenge the determination. Appeals of the planning and building director’s determination shall be made to the planning commission. Appeals of the planning commission’s determination shall be made to the city council.

E. Appeal Information. If the determination of the city is challenged by the applicant or interested person, or if the city wishes to have a Coastal Commission determination as to the appropriate designation, the city shall notify the Coastal Commission by telephone of the dispute and shall request an executive director’s opinion. The executive director shall, within two working days of the city’s request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, nonappealable or appealable. Where, after the executive director’s investigation, the executive director’s determination is not in accordance with the city’s determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Coastal Commission shall schedule the hearing of the determination for the next commission meeting (in the appropriate geographic region of the state) following the city’s request. (Ord. C-4-07 §1(part), 2007; 1996 zoning code (part)).

* Code reviser’s note: Ordinance C-7-02 repealed Section 18.20.050(C)(3). Ordinance C-4-07 subsequently repealed Ordinance C-7-02. Contact the city for clarification regarding the authority of the planning and building director.
18.20.055 Hearing required.
   A. A public hearing shall be required:
      1. On all appealable development; and
      2. Prior to the approval of any coastal development permit where the
         development would require a hearing as part of action on any other required permits,
         review, or discretionary action.
   B. Submittal of Written Comments. Any person may submit written comments to the
      planning and building director on an application for a coastal development permit, or on
      an appeal of a coastal development permit, at any time prior to the close of the public
      hearing.
   C. Concurrent Processing and Hearings. A public hearing on a coastal development
      permit may be held concurrently with any other public hearing on the development. (1996
      zoning code (part)).

18.20.060 Notice required.
   The city shall provide notice of all applications for a coastal development permit as
   follows:
   A. Contents of Notice. All notices shall include the following information:
      1. A statement that the development is within the coastal zone;
      2. The name and address of the applicant;
      3. The file number assigned to the proposed development, and the date the
         application was filed;
      4. A description of the proposed development, including its location;
      5. The date, time and place of the public hearing on the coastal development
         permit, if required, or where no public hearing is required, the date the application will be
         acted upon by the local governing body or decision-maker; the date by which comments
         on the proposed coastal development permit must be received; and the address to which
         these comments should be sent;
      6. A brief description of the review process for the coastal development permit,
         including, where applicable, hearings, public comment periods, submission of public
         comments prior to decisions, any requirements for coastal resource reports, local action
         and appeals. Where the proposed development is located within the appealable area of
         the coastal zone, the notice shall state that local actions on the coastal development
         permit are appealable to the Coastal Commission by any aggrieved person.
   B. Provision of Notice. The city shall give notice of its review of the coastal
      development permit, as follows:
      1. Publication of Notice. The city shall publish a notice for public hearings on
         any coastal development permit for the development one time at least ten calendar days
         before the public hearing. The city shall publish a notice for any coastal development
         permit not requiring a public hearing one time at least ten days before the end of the
         public comment period on the coastal development permit. All notices required by this
         section shall be published in a newspaper with general circulation in the city. If a public
         hearing is continued to a date and time that is not specified at the public hearing, notice of
         the continued public hearing shall be published and distributed in the same manner and
         the same time limits as for the initial notice.
      2. Mailing of Notices. At least seven calendar days prior to the first public
         hearing or prior to the city’s decision where no public hearing is required, the city shall
         mail a notice of the public hearing or pending decision for any coastal development permit
         to the following:
         a. The applicant;
         b. The owner of the property or his or her authorized agent;
         c. Each local agency providing water, sewage, streets, roads, schools or
            other essential facilities or services to the development;
d. The owners of all real property, as shown on the latest equalized assessment roll, within one hundred feet of the site of the development for appealable developments and for nonappealable developments which do not require a public hearing, and within three hundred feet of the site for nonappealable developments requiring a public hearing;

e. All persons who have requested, within the preceding year, notice of all actions on coastal development permits within the city or on the particular site of the development or who have requested notice of all actions affecting any or all designated coastal resource areas;

f. The Coastal Commission; and

g. All residents with one hundred feet of the site of the development.

3. Posting of Notices. At the time an application for coastal development permit is filed (or within seven days), the applicant must post public notice at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, that an application for a permit for the proposed development has been submitted to the city. The applicant shall use a standardized form provided by the planning and building director and the notice shall contain a general description of the nature of the proposed development. If the applicant fails to post and maintain the completed notice form until the permit becomes effective, the planning and building director shall refuse to file the application, or shall withdraw the application from filing if it has already been filed when he or she learns of such failure.

4. Notice of Decision*. Within seven calendar days of any decision by the city council, or within seven days of expiration of the local appeal period on decisions made by the planning commission, the planning and building director shall mail notice of the decision to the Coastal Commission, and to any person identified in subsection (B)(2)(e) of this section, and shall include findings for approval and any conditions of project approval if approved, or any findings for denial if denied to the applicant, and procedures for appeal of the local decision to the Coastal Commission. (Ord. C-4-07 §1(part), 2007; 1996 zoning code (part)).

* Code reviser’s note: Ordinance C-7-02 amended Section 18.20.060(B)(4). Ordinance C-4-07 subsequently repealed Ordinance C-7-02. Contact the city for clarification regarding the planning and building director and appeals to the Coastal Commission.

18.20.065 Conditions.
The approving authority may apply conditions to a coastal development permit as necessary to ensure conformance with, and implementation of, the local coastal program. Modification and resubmittal of project plans, drawings and specifications may be required to ensure conformance with the local coastal program. (1996 zoning code (part)).

18.20.070 Findings required.
A coastal development permit may be approved or conditionally approved only after the approving authority has made the following findings:

A. Local Coastal Program. The development as proposed or as modified by conditions conforms to the local coastal program;

B. Growth Management System. The development is consistent with the annual population limitation system established in the land use plan and zoning ordinance;

C. Zoning Provisions. The development is consistent with the use limitations and property development standards of the base district as well as the other requirements of the zoning ordinance;

D. Adequate Services. Evidence has been submitted with the permit application that the proposed development will be provided with adequate services and infrastructure at the time of occupancy in a manner that is consistent with the local coastal program; and
E. California Coastal Act. Any development to be located between the sea and the first public road conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. (1996 zoning code (part)).

18.20.075 Appeals and finality of city action.*

Development under an approved coastal development permit shall not begin until all applicable appeal periods expire or, if appealed, until all appeals, including those to the Coastal Commission, have been exhausted. Grounds for an appeal of a coastal development permit issued pursuant to this chapter shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the coastal access policies of the Coastal Act.

A. Action by the Planning Commission. Action by the planning commission to approve, conditionally approve or deny any coastal development permit may be appealed to the city council on or before the tenth working day following such action.

B. Action by the Planning Commission or City Council. Action by the planning commission or city council on a coastal development permit for the following types of development may be appealed to the Coastal Commission:

1. Developments approved by the city between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance;
2. Any project involving the development of a major public works project or a major energy facility;
3. Developments approved by the city that are located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, or stream, or within three hundred feet of the top of the seaward face of any coastal bluff.

C. Exception. Except for a major public works project or an energy facility, any action by the city council to deny a coastal development permit is final. Grounds for an appeal to the Coastal Commission of a city council approval of a coastal development permit for a major public works facility or energy facility shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. The grounds for an appeal of a denial of a major public works or major energy facility shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division.

D. Appeals. An appeal pursuant to this chapter may be filed by the applicant for the coastal development permit, any aggrieved person who has exhausted local appeals, or any two members of the Coastal Commission. Persons who do not participate on a local level will not be able to appeal at the Coastal Commission level.

1. Except for appeals to the Coastal Commission, appeals shall be filed with the planning and building director on a form supplied by the planning department. The appeal shall be accompanied by a fee set by resolution of the city council and a statement of the grounds of the appeal. Appeals to the Coastal Commission shall be filed in accordance with Coastal Commission procedures and Title 14, Subchapter 12 of the California Code of Regulations.

2. The planning and building director shall forward an appeal of an action on a local coastal development permit, together with a description of the action of the approving authority to the appropriate body specified in subsections A or B of this section for its action.

3. Appeals of actions on coastal development permits to the planning commission or city council shall be considered as follows:
   a. Appeal Hearing Data. An appeal shall be scheduled for a hearing before the appellate body within thirty days of the receipt by the planning and building director of an appeal, unless both applicant and appellant consent to a later date.
b. Notice and Public Hearing. A hearing on an appeal shall be a public hearing if the decision being appealed required a public hearing such as action on development appealable to the Coastal Commission as provided for in Sections 18.20.020 and 18.20.075. Notice of public hearings shall be given as required for the decision being appealed.

c. Plans and Materials. At an appeal hearing, the appellate body shall consider only the same applications, plans, and related project materials that were considered in the original decision. The planning and building director shall verify compliance with this provision.

d. Hearing. At the hearing, the appellate body shall review the record of the decision and hear testimony from the appellant, applicant and any other interested party.

e. Decision and Notice. After the hearing, the appellate body shall affirm, modify or reverse the original decision. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal. Decisions on appeals shall be made at the appeal hearing, unless the public hearing is continued to another time and date at which the decision shall be rendered at the close of the hearing. Notice of the decision on appeals shall be mailed within five working days of the date of decision to the applicant, appellant and any other party requesting notice.

E. Finality of City Action. A decision by the city on an application for development shall not be deemed complete until:

1. The local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program and where applicable, with the public access and recreation policies of the Coastal Act; and when

2. All local rights of appeal have been exhausted as defined in subsection L of this section.

F. Final City Action--Notice.

1. Failure to Act--Notice.
   a. Notification by Applicant. If the city has failed to act on an application within the time limits set forth in Government Code Sections 65950 through 65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950 through 65957.1 shall notify, in writing, the city and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

   b. Notification by City. When the city determines that the time limits established pursuant to Government Code Sections 65950 through 65957.1 have expired, the city shall, within seven calendar days of such determination, notify any person entitled to receive notice pursuant to Section 18.20.060 that the application has been approved by operation of law pursuant to Government Code Sections 65950 through 65957.1 and the application may be appealed to the Coastal Commission. This section shall apply equally to a local government determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.

G. City Action--Effective Date. A final decision on an application for an appealable development shall become effective after the ten working day appeal period to the Coastal Commission has expired unless either of the following occur:

1. An appeal is filed in accordance with Title 24, Section 13111 of the California Code of Regulations; or

2. The notice of final city action does not meet the requirements of Section 18.20.060.
When either of the circumstances in (I)(1) or (I)(2) of this section occur, the Coastal Commission shall, within five calendar days of receiving notice of that circumstance, notify the city and the applicant that the effective date of the city’s action has been suspended.

H. Exhaustion of City Appeals.
   1. An appellant shall be deemed to have exhausted local appeals and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the local appellate body or bodies as required by the city’s appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:
      a. The appellant is required to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone in the implementation section of the certified local coastal program.
      b. An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.
      c. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with provisions of this chapter.
      d. An appeal fee for the filing or processing of appeals is charged.
   2. Where a project is appealed by any two members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals. (Ord. C-4-07 §1(part), 2007; 1996 zoning code (part)).

* Code reviser’s note: Ordinance C-7-02 repealed Section 18.20.075(A), Action by the Planning and Building Director, and amended Section 18.20.075(C), Action by the Planning and Building Director, Planning Commission or City Council. Ordinance C-4-07 subsequently repealed Ordinance C-7-02. Contact the city for clarification regarding actions of the planning and building director.

18.20.080 Expiration of coastal development permit.
   A coastal development permit shall expire on the latest expiration date applicable to any other discretionary or ministerial permit or approval required for the development, including any extension granted for other permits or approvals. Should the development not require city permits or approvals other than a coastal development permit, the coastal development permit shall expire one year from its date of approval if the development has not begun during that time. (1996 zoning code (part)).

18.20.085 Permit amendment and extensions.
   Upon application by the permittee, a coastal development permit may be amended or extended by the approving authority. Application for and action of an amendment shall be accomplished in the same manner specified by this chapter for the initial approval of the coastal development permit.
   All sections of this chapter dealing with the specific type of coastal development permit shall apply to permit amendments. (1996 zoning code (part)).

18.20.090 Penalties and enforcement.
   A. Penalties. Any person who performs or undertakes development in violation of this division, or inconsistent with any coastal development permit previously issued, when the person intentionally and knowingly performs the development in violation of this division or inconsistent with any previously issued coastal development permit, may be civilly liable in accordance with the provisions of Public Resources Code Division 20 (Coastal Act).
   B. Enforcement. In addition to the enforcement provisions contained in this chapter, the provisions of Chapter 9 of Division 20 of the Public Resources Code shall also apply with respect to violations and enforcement. The planning and building director may, after a public hearing, order restoration of a site if it finds that the development has occurred...
without a coastal development permit from the appropriate authority, the development is inconsistent with the provisions of the Coastal Act, and the development is causing continuing resource damage. (1996 zoning code (part)).
Chapter 18.21
ARCHITECTURAL REVIEW AND SITE AND DESIGN APPROVAL

Sections:

18.21.010 Purpose.
18.21.015 Architectural review committee.
18.21.020 Authority.
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18.21.030 Project design review.
18.21.035 Design approval criteria.
18.21.040 Findings.
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18.21.055 Expiration of design approval.
18.21.060 Fees.
18.21.065 Public notice.
18.21.070 Applicability.

18.21.010 Purpose.
The purpose of establishing the design review process set forth in this chapter is:

A. To determine whether proposed projects are in compliance with the regulations in this chapter;
B. To promote the orderly and harmonious development of the city’s existing and new residential neighborhoods;
C. To ensure that new development, alterations to existing structures and proposed demolition in the downtown historic area will be subjected to design review; and
D. To require commercial, industrial or institutional projects to comply with consistent design standards. (Ord. 8-97 §3(part), 1997).

18.21.015 Architectural review committee.
An architectural review committee is created, consisting of one architect, one design professional (i.e., architect, landscape architect, urban design professional, historic building specialist, registered civil engineer, or “design professional” as broadly interpreted), and one layperson who shall reside within city limits. The architectural review committee (A.R.C.) members shall be appointed by the city council and shall serve at the pleasure of the city council for a term of two years.

A joint meeting of the city council, planning commission and architectural review committee shall be held annually to discuss design review policies. Each member shall serve until his or her successor is qualified and appointed. The A.R.C. may adopt such rules as needed for the conduct of its deliberations including the selection of a member who shall serve as chairman. The staff secretary of the planning commission shall serve as secretary to the committee. The planning director shall serve as member ex officio, but shall have no vote except when a quorum of the architectural review committee does not exist, the planning director may act as a voting member. The committee shall carry out the duties specified in this chapter. (Ord. 8-97 §3(part), 1997).

18.21.020 Authority.
Prior to the issuance of any building permits for new construction, alterations, or additions to any residential, commercial, industrial, or institutional building, the planning director shall review the plans submitted for each proposed project to establish the appropriate level of review as set forth herein:
A. Residential Projects:
   1. Approval by the architectural review committee is required:
      a. For the construction of any new residence or accessory structure on a property within the downtown historic area, and for any alterations or additions to an existing residence within the downtown historic area;
      b. For any new residential structure(s) and landscaping within a planned unit development project unless specific design criteria or development standards are adopted in conjunction with a planned unit development plan, or a homeowners association architectural review committee has been established for the project area;
      c. For any new residential structure or modifications to an existing structure requiring a discretionary permit such as a parking exception, variance, or use permit;
      d. For the construction of a new single family residence or remodels and additions to an existing residence, accessory structures, or site improvements which may otherwise be exempt from the provisions of this chapter that the planning director has determined may not be consistent with the standards for review set forth in this chapter. All exterior modifications shall be subjected to preliminary staff design review during the building permit plan check process;
      e. For the construction of any new duplex or significant exterior alterations or site improvements to an existing duplex.
   2. Architectural review committee and planning commission approval of a site and design permit are required for the construction of any multiple family residential structure with more than two units on a single building site, and for additions, significant exterior alterations or improvements to any multi-family structure and/or site.

B. Commercial/Industrial/Institutional Projects.
   1. Architectural review committee approval is required:
      a. Prior to consideration by the planning commission of discretionary permits such as a variance and/or use permit where new construction, exterior building modifications or site improvements are proposed;
      b. For sign designs submitted with a sign permit application to be approved by the planning director;
      c. For additions of less than ten percent of the floor area of existing buildings;
      d. Remodels to existing buildings, new accessory structures or site improvements which may otherwise be exempt from the provisions of this chapter that the planning director has determined to be significant and/or inconsistent with the standards for review set forth in this chapter. All exterior modifications shall be subjected to staff design review during the building permit plan check process.
   2. Architectural review committee and site and design approvals are required:
      a. For the construction of any new commercial, industrial, or institutional building and associated site improvements including landscaping and parking lot plans;
      b. For the construction of any addition of ten percent or more of the existing floor area in any one year period or for any increase in building height of an existing building;
      c. For the change of an existing residential building to any commercial, industrial, or institutional use;
      d. For any change in the intensity of use of an existing building resulting in significant exterior modifications or site improvements, additional floor area and/or need for additional parking spaces.

C. Staff Design Review of Exempted Projects.
   1. For any proposed project specifically exempted from the requirements for consideration by the architectural review committee and/or approval of a site and design permit by the planning commission, the planning director shall review the plans submitted
to determine conformance with the findings and standards for review set forth in this chapter.

2. In the event the planning director determines that the proposed new construction or alterations are not consistent with the findings and standards for review set forth in this chapter, the planning director shall:
   a. Within five working days of making that determination inform the applicant in writing; and
   b. Provide the applicant with specific recommendations to bring the proposed project into conformance with the findings and standards for review set forth in this chapter;
   c. In the event the applicant and planning director cannot satisfactorily resolve the design issues and bring the project into conformance with the findings and standards for review, the planning director shall forward the applicant’s plans to the architectural review committee for their consideration on a no fee basis. All recommendations of the architectural review committee shall be incorporated into the final project plans unless appealed to the planning commission by the applicant. An applicant’s appeal of the architectural review committee recommendations shall be accompanied by a fee as established by the city council.

3. The planning director shall provide an annual report to the planning commission and city council on all exempted projects which received staff design review and were not reviewed by the architectural review committee. (Ord. 8-97 §3(part), 1997).

18.21.025 Application.
   A. Application shall be made on a form prescribed for this purpose by the city in accordance with the following:
      1. For consideration by the architectural review committee, a completed application package shall be submitted at least two weeks prior to a regularly scheduled meeting in order to be heard at such meeting.
      2. For consideration by the planning commission of a site and design permit, a completed application package shall be submitted at thirty days prior to a regularly scheduled meeting in order to be heard at such meeting. Planning commission consideration shall be subsequent to final action by the architectural review committee.
   B. The application shall be accompanied by such maps, samples of proposed colors and exterior materials, location and types of all signs to be placed on the building, site plans, all elevations and other drawings as are necessary to enable the planning director, architectural review committee, and planning commission to make determinations as set forth in this chapter.
   C. There shall be no separate application for staff design review, which will take place in conjunction with the application for building permit(s). (Ord. 8-97 §3(part), 1997).

18.21.030 Project design review.
   A. The architectural review committee (A.R.C.) is empowered to evaluate each of the items listed below to determine that the proposed project is not in conflict with the provisions of this chapter or the general plan. The A.R.C. may review:
      1. The character and quality of design;
      2. The design and aesthetic compatibility with neighboring properties and uses including visibility and effect upon view at all site lines;
      3. Site development characteristics including but not limited to the building(s) coverage, setbacks, height, location on the site, scale, and use of open space;
      4. Other on-site improvements including, but not limited to parking and other paved areas, landscaping, lighting, signs and graphics, artwork, sculpture, fountains and other artistic features;
      5. The building materials and colors;
6. The pedestrian, equestrian, bicycle, and vehicular circulation;
7. The disturbance of existing topography, trees, shrubs, and other natural features;
8. The accessory structures, including garages, sheds, utility facilities, and trash and recycling enclosures;
9. Building exterior features including but not limited to the lighting, stairs, ramps, elevators, downspouts, flues, chimneys, exhaust fans, air-conditioning equipment, elevator equipment, fans, cooling towers, antennas, and similar structures placed upon the roof or the exterior of the building which are visible from the street or any building in the immediate vicinity, the sunshades, awnings, louvers, and any visible device for deflecting, filtering, or shielding the structure or interior from the elements, the balconies, penthouses, loading docks, and similar special purpose appendages and accessory structures;
10. Energy efficiency and renewable energy design elements including, but not limited to exterior energy design elements, internal lighting service and climatic control systems, and building siting and landscaped elements;
11. Such other features as affect the design and ultimate appearance of the work as determined by the architectural review committee.

B. The A.R.C. may recommend requirements which are more restrictive than the development standards set forth in the city’s zoning code, when it concludes such requirements are necessary either to promote the internal integrity of the design of the project or to assure compatibility of the proposed project’s design with its site and surroundings. (Ord. 8-97 §3(part), 1997).

18.21.035 Design approval criteria.

In carrying out the purposes of this section, the planning director, architectural review committee and planning commission shall consider in each specific case any and all of the following criteria as may be appropriate:

A. 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.

B. 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.

C. 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.

D. The design shall be appropriate to the function of the project and express the project’s identity.

E. 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.

F. Roofing materials shall be wood shingles, wood shakes, tile or other materials such as composition as approved by the appropriate design review authority. No mechanical equipment shall be located upon a roof unless it is appropriately screened.

G. The proposed development shall be compatible in terms of height, bulk and design with other structures and environment in the immediate area.

H. The proposed design shall be consistent with the applicable elements of the general plan.

I. If the project site is located in an area considered by the committee as having a unified design character or historical character, the design shall be compatible with such character.
J. The design shall promote harmonious transition in scale and character in areas located between different designated land uses.

K. The design shall be compatible with known and approved improvements and/or future construction, both on and off the site.

L. 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.

M. Sufficient ancillary functions provided to support the main functions of the project shall be compatible with the project’s design concept.

N. Access to the property and circulation systems shall be safe and convenient for equestrians, pedestrians, cyclists and vehicles.

O. The amount and arrangement of open space and landscaping shall be appropriate to the design and the function of the structures.

P. Landscaping shall be in keeping with the character or design of the building, and preferably clustered in natural appearing groups, as opposed to being placed in rows or regularly spaced.

Q. Where feasible, natural features shall be appropriately preserved and integrated with the project.

R. The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors, shall create a desirable and functional environment and the landscape concept shall depict an appropriate unity with the various buildings on the site.

S. Plant material shall be suitable and adaptable to the site, shall be capable of being properly maintained on the site, and shall be of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance.

T. The design shall be energy efficient and incorporate renewable energy design elements including, but not limited to:
   1. Exterior energy design elements;
   2. Internal lighting service and climatic control systems; and
   3. Building siting and landscape elements. (Ord. 8-97 §3(part), 1997).

18.21.040 Findings.

The planning director, architectural review committee and planning commission shall determine from the data submitted whether the proposed project will be in conformance with the provisions of this chapter and shall approve the application upon making a positive finding. The application may be disapproved, may be approved as submitted, or may be approved subject to conditions, specified changes and additions. In approving any project, the planning director, architectural review committee or planning commission shall find that such buildings, structures, planting, paving and other improvements shall be so designed and constructed that they will not be of unsightly or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the city, impair the desirability or opportunity to attain the optimum use and the value of the land and the improvements, impair the desirability of living or working conditions in the same or adjacent areas and/or otherwise adversely affect the general prosperity and welfare. (Ord. 8-97 §3(part), 1997).

18.21.045 Appeals.

A. The applicant or any aggrieved person may appeal determinations made pursuant to this chapter by the planning director and architectural review committee to the planning commission. Notification of appeal of any A.R.C. decision shall be forwarded to A.R.C. members at least seven days in advance of the planning commission hearing of the appeal request, so that A.R.C. members may attend the planning commission hearing to
offer clarification on recommendations and otherwise participate in any discussions on the matter.

B. The applicant or any aggrieved person may appeal determinations made pursuant to this chapter by the planning commission to the city council. Notification of appeal of any planning commission decision shall be forwarded to planning commission members at least seven days in advance of the city council hearing of the appeal request, so that planning commissioners may attend the city council hearing to offer clarification on recommendations and otherwise participate in any discussions on the matter.

C. Appeals shall be made in writing and must be filed with the city clerk within seven working days after a decision by the planning director, architectural review committee, or planning commission.

D. Any council member may call up for council review a decision of the planning commission under this chapter, by filing a written request therefor with the city clerk within seven days of a planning commission decision. The call up shall be handled like an appeal. (Ord. 5-07 §2, 2007; Ord. 8-97 §3(part), 1997).

18.21.050 Enforcement.

All findings and determinations of the planning director, architectural review committee, or planning commission shall be the responsibility and duty of the planning director to enforce. Any changes agreed upon by the applicant and the planning director and all conditions of approval imposed by the architectural review committee, planning commission, and city council shall be incorporated into the final project plans prior to the issuance of building permits.

A. All conditions of A.R.C. approval, where granted, shall be implemented in construction of projects with approved building permits. Unless otherwise modified by the planning commission, site and design permits shall include as a condition of approval that all conditions of design review approval recommended by the architectural review committee shall be included in project plans submitted for building permit, and shall be implemented in the construction of the project according to approved plans.

B. The planning director shall be responsible for enforcement of this chapter. (Ord. 8-97 §3(part), 1997).

18.21.055 Expiration of design approval.

The design approval shall be null and void and a new application shall be required if a building permit has not been issued and construction has not commenced within one year from:

A. The date of the architectural review committee, where no planning commission approval is required; or

B. The date of the planning commission approval. The expiration period of planning commission approvals of discretionary approvals shall supersede the expiration date of A.R.C. approvals;

C. The date of staff design approval, where staff has determined that planning commission and A.R.C. approvals are not required in accordance with the requirements of this chapter. (Ord. 8-97 §3(part), 1997).

18.21.060 Fees.

Fees for processing applications under this chapter shall be established by resolution of the city council to compensate for actual costs of the processing. (Ord. 8-97 §3(part), 1997).

18.21.065 Public notice.

Notice of projects to be reviewed by the architectural review committee (A.R.C.) shall be placed in a newspaper of general local circulation at least five days prior any A.R.C. meeting. Notice of review by the planning commission of site and design permit requests
shall be placed in a newspaper of general local circulation at least seven days prior to the planning commission meeting. Notice of A.R.C. appeals hearings shall be similarly published at least five days prior to the planning commission meeting at which the appeal shall be considered. (Ord. 8-97 §3(part), 1997).

18.21.070 Applicability.

The provisions of this chapter shall be applicable in all zoning districts, and in all planned unit developments. (Ord. 8-97 §3(part), 1997).
Chapter 18.22
USE PERMITS

Sections:
18.22.010 Issuance for certain uses.
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18.22.030 Quarries--Permit--Application and investigation.
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18.22.060 Quarries--Excavation.
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18.22.100 Quarries--Maintenance and operation.
18.22.110 Topsoil sites--Permit and bond.
18.22.120 Topsoil sites--Applicability of certain provisions.
18.22.130 Topsoil sites--Erosion control.
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18.22.210 Revocation--When.
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18.22.010 Issuance for certain uses.

Use permits, conditional use permits, revocable use permits and use permits valid for a term of one year, may be issued for any of the following:

A. Any of the uses or purposes for which permits are required or permitted by the provisions of this title;

B. Location of electric power, gas, water and oil lines; public utility of public service uses or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare, except that a use permit shall not be required for local distribution lines;

C. Location of the following uses in any district when found to be necessary for the public health, safety, convenience or welfare:

Uses
1. Airport,
2. Cemetery,
3. Hospital,
4. Rest home,
5. Sanitarium,
6. Institution of a philanthropic or charitable nature,
7. Quarries, subject to the provisions of Sections 18.22.020 through 18.22.100,
8. Topsoil sites, subject to the provisions of Sections 18.22.110 through 18.22.150,
9. Garbage dumps,
10. Directional signs, subject to standards as established by the planning commission,
11. Small boat harbors,
12. Boarding homes for the aged,
13. Foster homes for care of children.

(1996 zoning code (part)).

18.22.020 Quarries--Permit--Bond.

Quarries may be operated in any portion of the city subject to the securing of an annual
use permit and subject to the posting of a corporate surety bond, the amount to be
determined by the city engineer and approved by the planning commission for the faithful
performance of the conditions of the permit.  (1996 zoning code (part)).

18.22.030 Quarries--Permit--Application and investigation.

Each application for any such permit shall be made to the planning commission in a
form provided by the planning commission.  Such application shall be accompanied by:

A. An accurate plot plan showing the exterior boundaries of the property on which the
quarry is, or is proposed to be located, the boundaries of the area proposed to be
excavated, and the location of any existing or proposed structures, roads or other
improvements;
B. Cross-sections through the quarry (existing or proposed) sufficient to indicate the
slopes of existing and proposed cut banks;
C. Contour map when required by the planning commission;
D. Statement of plan of operation including time limits, areas to be removed, final
grading of site, replacing of topsoil, and planting;
E. The planning commission, upon receipt of the application and upon the payment of
the required fee, shall make such investigations as are necessary to determine whether or
not the quarry or proposed quarry conforms or will conform fully to the regulations herein
set forth and with the terms of the other city ordinances pertaining to land use or operation
of quarries.  The planning commission shall refer the application to such other agency or
board for approval or recommendation as it deems necessary, and shall refer all
applications involving the removal of more than one thousand yards to the planning
commission, which shall consider and act upon said application, the same manner and
under the same rules as are herein provided.  The planning commission may hold such
hearings as are deemed necessary.  At the conclusion of investigation and any such
hearings, the planning commission shall make findings as to whether or not the quarry, or
proposed quarry is, will be, or may be likely to become a public nuisance, or will be
dangerous or detrimental to the public peace, health, safety or the general welfare.  If, in
the opinion of the planning commission, the operation of the existing or proposed quarry
will not be detrimental or dangerous to the public peace, safety or the general welfare, a
twelvemonth permit shall be issued as herein provided.  The planning commission, in
issuing any such permit, shall specify such conditions as are deemed necessary for the
protection of persons and property in the neighborhood and to insure that the operation of
the quarry will not adversely affect the character of the neighborhood in which the quarry
is located.  The planning commission shall require such bonds and other guarantees as
are necessary to insure compliance with the regulations imposed under the terms of any
permit.  In case the planning commission denies any permit applied for under the terms of
this title or imposes restrictions which the applicant deems to be arbitrary or
unreasonable, the applicant may appeal such decision to the city council.  (1996 zoning
code (part)).
18.22.040 Quarries--Permit--Fee.
The fee for a permit to operate or maintain a quarry for the period of one year from the date of such permit shall be fifty dollars, payable in advance. (1996 zoning code (part)).

18.22.050 Quarries--Inspection fees.
In addition to the fee for a permit, the quarry operator shall pay to the city the actual cost of inspections of the quarry at prevailing wage rates at intervals not more frequent than once each thirty days for the purpose of determining whether the operation of the quarry is in full compliance with the regulations herein set forth and any special conditions imposed under the terms of any permit. Such inspection shall include surveying, if and as necessary to determine boundaries of excavation, slopes or cut banks and other such conditions. The permit fee shall include the cost of two inspections. (1996 zoning code (part)).

18.22.060 Quarries--Excavation.
A. Cut slopes steeper than one to one (1:1) shall in no case be brought closer than twenty-five feet to any exterior property line.
B. When cut slopes steeper than one to one (1:1) exceed fifty feet vertically, they shall be stepped at intervals not exceeding fifty feet vertically, and such step shall be at least fifteen feet wide. (1996 zoning code (part)).

18.22.070 Quarries--Fencing.
All quarries shall be fenced by a substantial, neat, six foot fence with posts spaced fifteen feet center to center and barbed wire spaced one foot apart. When deemed necessary for safety purposes, the planning commission may require portions of the quarry to be fenced with a chain link fabric fence of six gauge wire. The fence design shall meet the approval of the planning commission. (1996 zoning code (part)).

18.22.080 Quarries--Drainage of premises.
The finished excavation shall in all cases be graded in such a manner as to prevent the accumulation of storm waters or natural seepage. Finished grades in all cases shall have slopes not less than one and one-half percent. (1996 zoning code (part)).

18.22.090 Quarries--Erosion control and screen planting.
A. All surface drainage existing or developing by or through the quarry shall be controlled by dikes, barriers or drainage structures to prevent any silt or loose material from filling any existing drainage course or encroaching on state, county, or city roads, or private property. All provisions to control natural drainage or flood water shall meet with the approval of the city engineer; provided, that said approval shall in no way constitute an undertaking by the city engineer or the city that said provisions are adequate or safe.
B. Final cut slopes shall be treated as required to prevent erosion; topsoil shall be replaced on level areas when necessary to support vegetation. Suitable ground cover shall be planted within twelve months of the time a cut slope is excavated to its final position. Such ground cover shall be maintained for a period of time sufficient to provide vegetation of density that will prevent erosion.
C. In cases where material in the quarry is of such nature that no erosion will take place, plant material of type and quantity specified by the planning commission shall be placed as required to screen cut slopes from public view. (1996 zoning code (part)).

18.22.100 Quarries--Maintenance and operation.
The quarry premises shall be maintained at all times in a neat and orderly manner.
A. The operation of the quarry shall be conducted in such a manner as to obviate excessive dust and noise. The operator shall maintain haulage roads in a dust-free
condition, providing such surfacing or other treatment deemed necessary by the planning commission.

B. The holder of the quarry permit shall be responsible for spilling or dumping of quarries material on city streets or roads. (1996 zoning code (part)).

18.22.110 Topsoil sites--Permit and bond.

Topsoil sites may be operated in any portion of the city subject to the securing of an annual use permit and subject to the posting of a corporate surety bond, the amount to be determined by the city engineer and approved by the planning commission for the faithful performance of the conditions of the permit. (1996 zoning code (part)).

18.22.120 Topsoil sites--Applicability of certain provisions.

The provisions of Sections 18.22.030 through 18.22.050 of this chapter shall apply to all topsoil site applications. (1996 zoning code (part)).

18.22.130 Topsoil sites--Erosion control.

A. The depth of topsoil left on the site shall comply with the conditions of each permit.

B. Topsoil shall not be removed from slopes steeper than those specified in any permit.

C. The topsoil site shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain.

D. As directed by the planning commission, the topsoil site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass and other vegetation sufficient to prevent erosion. Said cover shall be established within time limits specified in each permit.

E. All surface drainage existing or developing by or through the topsoil site shall be controlled by dikes, barriers or drainage structures to prevent any silt, erosional debris or other loose material from filling any existing drainage course or encroaching on state, county or city roads or private property. All provisions to control natural drainage or flood water shall meet with approval of the city engineer; provided, that said approval shall in no way constitute an undertaking by the city engineer or the city that said provisions are adequate or safe. (1996 zoning code (part)).

18.22.140 Topsoil site--Drainage of premises.

The finished excavation shall, in all cases, be graded in such a manner as to prevent the accumulation of storm waters or natural seepage. (1996 zoning code (part)).

18.22.150 Topsoil site--Maintenance and operation.

A. The premises of the topsoil site shall be maintained at all times in a neat and orderly manner.

B. The operation of the topsoil site shall be conducted in such a manner as to obviate excessive dust and noise. The operator shall maintain haulage roads in a dust-free condition, providing such surfacing or other treatment deemed necessary by the planning commission. (1996 zoning code (part)).

18.22.160 Application--Procedure--Map.

Application for any use permit permissible under the provisions of this section and Sections 18.22.170 through 18.22.190, except as otherwise provided for quarry and topsoil sites, shall be made in writing to the planning commission on forms provided by the commission. The application shall be signed and verified by the owner of the land involved or by his authorized agent. If application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. An application may also be made on behalf of one who is or will be plaintiff in an action in eminent domain to acquire the premises involved.
A. The application shall set forth or be accompanied by the legal description of the property for which the use permit is requested, and the street address, if there is one, or other common description of the premises.

B. The planning director or the planning commission may also require that the application be accompanied by a map drawn to scale showing the location of the property concerned and the location of all highways, streets and alleys, and all lots and parcels of land within a distance of five hundred feet from the exterior boundaries of the property involved. The accuracy of such map shall be the responsibility of the applicant. (1996 zoning code (part)).

18.22.170 Application--Public hearing--When required.
Upon receipt of any such application, the planning commission shall hold a public hearing or public hearings thereon, unless it finds that the granting of the application will have no material effect upon adjoining property. (1996 zoning code (part)).

18.22.180 Application--Public hearing--Notice.
If a public hearing or hearings are to be held, notice thereof shall be given in the manner hereinafter provided. Such notice shall contain the street address or other description of the property for which the application is sought and set forth the time, place and general purpose of the hearing:

A. By mailing a postal card notice not less than ten days prior to the date of the hearing to the owner of the property, as shown on the last equalized assessment roll, within three hundred feet of the exterior limits of the property or properties which are the subject of the application for the use permit; or by both of the following:
   1. Publication one time in a newspaper of general circulation in the city, at least ten days before the date of said hearing; and
   2. Posting notices in the same manner as set forth in this title for a proposed rezoning amendment.

B. Provided, however, that the failure to give such notice or of any addressee to receive the same, shall not invalidate or affect any proceedings taken pursuant to this section and Sections 18.22.160, 18.22.170 and 18.22.190. (1996 zoning code (part)).

18.22.190 Application--Public hearing--Decision.
A. At such hearings the applicant may present testimony and other evidence in support of his application, and other interested persons may be heard and/or present evidence on the matter.

B. In order to grant the use permit as applied for or conditioned, the findings of the planning commission must include that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

C. In approving the granting of any use permit, the planning commission shall designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of this title as to light, air and the public health, safety, morals, convenience and general welfare. Said commission shall require such evidence and guarantees, including bonds, as it deems to be necessary to obtain compliance with the conditions designated in connection therewith.

D. In any case where a bond to secure the faithful performance of conditions designed by the planning commission has been posted and the commission has reasonable grounds for believing that the conditions of said bond have not been complied with, the commission may hold a hearing to determine whether there has been a noncompliance with the conditions or any part of them. Notice of the time and place of such hearing shall be served upon the person posting said bond by registered mail or by personal service at least ten days prior to the date set for said hearing. If at said hearing the commission finds that the conditions of the bond or any part of them have not been
complied with, it may declare all or part of said bond forfeited. In the event the determination is to declare all or part of said bond forfeited, the person posting said bond may appeal said decision to the city council, in the same manner as provided for appeals taken on the application or revocation of use permits. When such forfeiture has been declared and the determination has become final by failure to file an appeal within the time prescribed or otherwise, the planning commission may request that the city attorney take the steps necessary to make such forfeiture effective.

E. The effective date of any use permit approved by the planning commission shall be the day following the regular city council meeting at which meeting the minutes of the planning commission reflecting the approval of the use permit have been considered by the city council. If, at that city council meeting, any member of the city council desires to review the propriety of the issuance of the use permit, that city council person may request the entire matter to be reviewed by the city council pursuant to the provisions of Section 18.22.200 of this code. (1996 zoning code (part)).

18.22.200 Appeal to city council--Decision.

A. The applicant or any aggrieved person may appeal determinations of the planning commission to the city council within ten days from the date of such determination. Said appeal shall be taken by filing a notice of appeal with the city clerk, on a form provided by the planning director. Upon the filing of such notice of appeal, the planning commission shall immediately transmit same, together with its minutes and all other records in the matter, to the city council.

B. The city council shall, upon receiving a notice of appeal:
   1. Decide by motion to hear the appeal on the record, and in that regard shall:
      a. Review the entire record of the planning commission proceeding, including all minutes, transcripts, written reports, documents and communications, maps and diagrams,
      b. Allow the appellant to make a brief verbal argument in addition to the written appeal,
      c. Receive a report from staff and may ask questions of staff or the appellant,
      d. Allow an applicant, whose project approval is appealed, the opportunity for a brief rebuttal,
      e. Not receive or consider new evidence or testimony other than as contained in the record,
      f. Either affirm or reverse the action of the planning commission, with or without modifications, or refer the matter back to the planning commission with direction for further proceeding; or
   2. Decide by motion to hear the matter de novo as if no other hearing had been held, and in that regard shall:
      a. Set the matter for such hearing or public hearing as was required for the planning commission,
      b. Hold such hearing in the same manner as required by law for the planning commission,
      c. Decide the matter in the same manner and with appropriate findings, as required and allowed by law for planning commission action;
   3. The decision of the city council in its review of an appeal, either on the record or de novo, shall be final and conclusive in the matter. (Ord. 5-07 §3, 2007; 1996 zoning code (part)).

18.22.210 Revocation--When.
In the event any person, firm or corporation holding a use permit for any of the uses or purposes for which such permits are required or permitted by the terms of this title, or any
other law or ordinance, violates the terms of the use permit, or conducts or carries on said use in such a manner as to materially affect adversely the health, welfare or safety of persons residing or working in the neighborhood of the property of the permittee, or conducts or carries on said use so that the use is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the planning commission shall revoke or suspend said use permit. (1996 zoning code (part)).

18.22.220 Revocation--Hearing and notice.

No use permit shall be revoked or suspended until a hearing is held by the planning commission. Written notice of such hearing shall be served upon the permittee, either personally or by registered mail, and shall state:

A. The grounds for complaint or reasons for the revocation or suspension, in clear and concise language;

B. The time when, and the place where such hearing is to be held. Such notice shall be served by registered mail or personal service on the permittee at least five days prior to the date set for said hearing. At any such hearing the permittee shall be given an opportunity to be heard and defend himself, and he may call witnesses and present evidence in his behalf. Upon conclusion of such hearing the planning commission shall determine whether or not the permit shall be suspended or revoked. In the event the determination is to suspend or revoke said permit, the permittee may appeal said decision to the city council in the same manner as provided hereinbefore for appeals taken on applications for the granting of such permits. (1996 zoning code (part)).

18.22.230 Application--Resubmittal after final disapproval.

An application for a use permit that has been finally disapproved may not be resubmitted for a period of one year from final disapproval unless the application has been substantially changed. (1996 zoning code (part)).
Chapter 18.23
VARIANCES

Sections:
18.23.010 When may be granted.
18.23.020 Application--Procedure--Map.
18.23.030 Application--Public hearing--Notice.
18.23.040 Application--Public hearing--Decision.
18.23.050 Appeal to city council.
18.23.060 Expiration date--Extension.
18.23.070 Application--Resubmittal after final disapproval.
18.23.080 Applicability of Section 18.23.090.
18.23.090 Application--Planning commission action.

18.23.010 When may be granted.
Variances from the specific terms of this title may be granted when such variance will not be contrary to the intent of this title, nor to the public interest, safety, health and welfare, where due to special considerations or exceptional characteristics of the property or its location or surroundings, a literal enforcement of this title would result in practical difficulties or unnecessary hardship. A variance may also be granted to permit the extension of a district where the boundary line thereof divides a lot or parcel of land in one ownership at the time of the adoption of this title. A variance may also be granted to permit buildings or structures to exceed the building height limit in R-3, C-G, C-VS, IND, OS-A and PUD districts whenever it appears that the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. (1996 zoning code (part)).

18.23.020 Application--Procedure--Map.
A. Application for any variance permissible under the provisions of this chapter shall be made in writing to the planning commission on forms provided by the commission. The application shall be signed and verified by the owner of the land involved or by his authorized agent. If application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. An application may also be made on behalf of one who is or will be plaintiff in an action in eminent domain to acquire the premises involved.
B. The application shall show or be accompanied by the legal description of the property for which the variance is requested, and the street address, if there is one, or other common description of the premises.
C. The zoning administrator or the planning commission may also require that the application be accompanied by a map drawn to scale showing the location of the property concerned and the location of all highways, streets and alleys, and all lots and parcels of land within a distance of five hundred feet from the exterior boundaries of the property involved. The accuracy of such map shall be the responsibility of the applicant. (1996 zoning code (part)).

18.23.030 Application--Public hearing--Notice.
Upon receipt of any application, the planning commission shall hold at least one public hearing thereon, notice of which shall be given in the manner hereinafter provided. Such
notice shall contain the street address or other description of the property for which the application is sought, and set forth the time, place and general purpose of the hearing:

A. By mailing a postal card notice not less than ten days prior to the date of the hearing to the owners of property, as shown on the last equalized assessment roll, within three hundred feet of the exterior limits of the property or properties which are the subject of the application for the variance; or by both of the following:

B. Publication one time in a newspaper of general circulation in the city, at least ten days before the date of said hearing; and

C. Posting notices in the same manner as set forth in this title for a proposed amendment; provided, however, that the failure to give such notice or of any addressee to receive the same shall not invalidate or affect any proceedings taken pursuant to this chapter. (1996 zoning code (part)).

18.23.040 Application--Public hearing--Decision.

A. At such hearings, the applicant may present testimony and other evidence in support of his application, and other interested persons may be heard and/or present evidence on the matter.

B. The burden shall be on the applicant to show:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application which circumstances or conditions do not apply generally to the land, buildings and/or uses in the same district;

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;

3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

C. After the conclusion of the aforesaid hearing, the planning commission shall make a written finding of facts showing whether the three foregoing requirements have been established with respect to the land, building or use for which the variance is sought, and make its determination as to the granting or denial of the application for a variance.

D. In approving the granting of any variance under the provisions of this chapter, the planning commission shall impose such conditions in connection therewith as will, in its opinion, secure substantially the objectives of this title as to light and air, and the public health, safety, morals, convenience and general welfare. It shall also require such evidence and guarantees as it deems necessary to obtain compliance with the conditions imposed in connection therewith. (1996 zoning code (part)).

18.23.050 Appeal to city council.

The applicant or any aggrieved person may appeal determinations of the planning commission to the city council within ten days from the date of such determination. Said appeal shall be taken to and heard by the city council, in the same manner as is provided in this title for appeals with reference to the granting or denial of applications for use permits. (Ord. 5-07 §4, 2007: 1996 zoning code (part)).

18.23.060 Expiration date--Extension.

A. Unless otherwise expressly stated in the granting thereof, every variance approved under the provisions of the ordinance codified in this title shall lapse and expire and be of no force and effect whatsoever, unless the building, work of construction or other project or undertaking for which the variance was granted is substantially commenced within six months after its effective date and thereafter diligently prosecuted to completion.

B. In any case where the planning commission shall determine that the exercise of rights under a variance has not been so commenced within six months or diligently
prosecuted to completion, it may enter its findings upon the minutes and advise the applicant or owner thereof. Said determination shall become final unless an appeal therefrom is taken to the city council within the time and in the manner provided in Section 18.23.050.

C. Nothing herein shall prevent the planning commission, for good cause shown, and upon application in writing made prior to the expiration of said six month period, from extending the time for the exercise of said rights for one additional period of six months. (1996 zoning code (part)).

18.23.070 Application--Resubmittal after final disapproval.

An application for a variance that has been finally disapproved may not be resubmitted for a period of one year from final disapproval unless the application has been substantially changed. (1996 zoning code (part)).

18.23.080 Applicability of Section 18.23.090.

The provisions contained in Section 18.23.090 shall be applicable in all R-3, C-G, C-D, C-VS, and IND districts, and in all planned unit developments containing R-3 commercial or manufacturing uses otherwise included in the district regulations applicable to said districts. (1996 zoning code (part)).

18.23.090 Application--Planning commission action.

Approval of an application for design approval shall be secured for the construction of any building or structure or substantial addition thereto. Said application shall be accompanied by a plot plan and drawings or sketches showing the elevations of the proposed buildings, structures, planting, paving and other improvements, as the same will appear upon completion. Such drawings or sketches shall be considered by the planning commission in an endeavor to provide that such buildings, structures, planting, paving and other improvements shall be so designed and constructed that they will not be of unsightly or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the city, impair the desirability of residence, investment or occupation in the city, limit the opportunity to attain the optimum use and the value of the land and the improvements, impair the desirability of living or working conditions in the same or adjacent areas, and/or otherwise adversely affect the general prosperity and welfare. To this end, the planning commission shall recommend any changes in the plan of such proposed buildings, structures, planting and paving and other improvements as it deems necessary to accomplish the purposes of this section and Section 18.23.080, and shall not recommend approval of any such plans to the city council until it is satisfied that such purposes will be accompanied thereby. No building permit shall be issued unless the plans filed with the application therefor, as required in this section and Section 18.23.080, shall first have been approved by the city council. (1996 zoning code (part)).
Chapter 18.24
AMENDMENTS

Sections:
- 18.24.010 Resolution of intention--Application.
- 18.24.030 Recommendation by planning commission.
- 18.24.050 Resolution of intention by city council.
- 18.24.060 Decision by city council.
- 18.24.070 Withdrawal of petition.
- 18.24.080 Hearing--Notice--When not required.
- 18.24.090 Application--Resubmittal after final disapproval.
- 18.24.100 Certification of local coastal program amendments.

18.24.010 Resolution of intention--Application.
This title may be amended by changing the boundaries of districts or by changing any other provisions hereof whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure specified in this chapter. Amendments may be proposed by:
A. Resolution of intention of the city council; or by
B. Resolution of intention of the planning commission;
C. Property owners, their duly authorized agents, or a plaintiff in an action in eminent domain, by filing a verified application with the planning commission for amendments to this title involving their property or property to be acquired by the plaintiff in an action in eminent domain;
D. Any application made pursuant to subsection C of this section shall be in writing and signed and verified by the owner of the land involved or by his authorized agent. If the application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. The application shall show or be accompanied by the legal description of the property for which the amendment is requested, and the street address or addresses, if any, or other common description of the premises. The planning commission may also require that the application be accompanied by a map drawn to scale showing the location of the property concerned and the location of all highways, streets and alleys, and all lots and parcels of land within a distance of five hundred feet from the exterior boundaries of the property involved. The accuracy of such map shall be the responsibility of the applicant. (1996 zoning code (part)).

Upon the receipt of such an application, the planning commission shall consider the requested amendment and may, if it so determines, adopt its resolution of intention to propose an amendment as requested, or in its discretion, different from that petitioned for. Upon the adoption of such resolution of intention by the planning commission, it shall set a hearing thereon and give notice thereof by at least one publication in a newspaper of general circulation in the city at least ten days before the hearing and may give additional notice by either one or both of the following means when the amendment involves reclassification of property:
A. Posting public notices of the proposed amendment not less than ten days prior to the date of the first of such hearings. Such notices shall be placed not more than three hundred feet apart along each and every street upon which the property proposed to be
reclassified abuts and such posting shall extend along the said street or street a distance
of not less than three hundred feet from the exterior limits of such property or properties
as are proposed for reclassification. Such notice shall consist of the words, "Notice of
Proposed Change of Land Use District," printed or lettered in plain type or letters not less
than one inch in height, and in addition thereto, there shall be a statement in smaller type
setting forth a description of the property involved in the proposed change of district, the
time and place at which the public hearings on the proposed change will be held, and
other information which the planning commission deems necessary;

B. Mailing a postal card notice not less than ten days prior to the date of such hearing
to the owner or owners of all property within three hundred feet of the exterior boundaries
of the property proposed to be reclassified, as said owners are shown on the last
equalized assessment roll of the city;
C. Any failure to post public notices or to mail postal card notices as aforesaid shall
not invalidate any proceedings taken for the amendment of this title;
D. The planning commission may hold such additional hearings as it may deem
necessary. (1996 zoning code (part)).

18.24.030 Recommendation by planning commission.
Following the aforesaid hearing or hearings, the planning commission shall make a
report of its findings, summaries or hearings, and recommendations with respect to the
proposed amendment and shall file such reports with the city council within thirty days
from the final hearing thereon. If the planning commission proposes to recommend
adoption of the proposed amendment, such recommendation shall be by resolution of the
commission carried by the affirmative votes of not less than two-thirds of its total voting
members and shall likewise be filed with the city council within thirty days from the final
hearing thereon. (1996 zoning code (part)).

18.24.040 Council hearing--Notice.
The city council may hold one or more public hearings upon the proposed amendment
and before adopting the proposed amendment shall hold at least one public hearing
thereon, notice of which shall be published at least once in a newspaper of general
circulation in the city at least ten days before the hearing. At the conclusion of such
hearing, the city council, if it so determines, may adopt an ordinance amending this title in
accordance with the proposal of the planning commission. The city council may not make
a change in any amendment proposed by the planning commission until the proposed
change has been referred to the planning commission for a report and such report
received. (1996 zoning code (part)).

18.24.050 Resolution of intention by city council.
The city council may adopt its own resolution of intention to amend this title when it
deems it to be for the public interest, but shall not adopt an amendatory ordinance until it
shall have first referred such proposal to the planning commission for a report. Before
making a report, the planning commission shall hold at least one public hearing in the
same manner as heretofore prescribed. The failure of the planning commission to make
such report within forty days after the reference to it shall be deemed an approval of the
proposed change. Upon receipt of such report or the expiration of time above mentioned,
the city council may proceed to hold a hearing as provided in Section 18.24.040, at the
conclusion of which it may adopt an ordinance amendment this title. (1996 zoning code
(part)).

18.24.060 Decision by city council.
The decision of the, city council shall be rendered within ninety days after the receipt of
a report and recommendation from the planning commission. (1996 zoning code (part)).
18.24.070 Withdrawal of petition.
Upon the consent of the planning commission, any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The city council or the planning commission, as the case may be, may by resolution abandon any proceedings for an amendment initiated by its own resolution of intention; provided, that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held. (1996 zoning code (part)).

18.24.080 Hearing--Notice--When not required.
No notice of hearing as prescribed by this chapter need be given with respect to any hearing before either the planning commission or the city council where the proposed amendment does not involve the changing of district boundaries or the changing of property from one district to another. (1996 zoning code (part)).

18.24.090 Application--Resubmittal after final disapproval.
An application for an amendment to this title which has been finally disapproved may not be resubmitted for a period of one year from final disapproval, unless the application has been substantially changed. Nothing herein shall preclude the city council or planning commission from initiating proceedings for amendments to this zoning ordinance or zoning map at any time. (1996 zoning code (part)).

18.24.100 Certification of local coastal program amendments.
Any proposed amendment to the local coastal program shall not take effect until it has been certified by the Coastal Commission. Any amendment approved by the city shall be submitted to the Coastal Commission in accordance with Sections 30512 and 30513 of the Public Resources Code. An amendment to this local coastal plan 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 and also certified by the California Coastal Commission pursuant to Chapter 6, Article 2, of the California Coastal Act. (1996 zoning code (part)).
Chapter 18.25
NONCONFORMING USES

Sections:
  18.25.010 Continuance--Extension prohibited.
  18.25.015 If use is discontinued.
  18.25.020 Continuance--Where building not involved.
  18.25.030 Building valued at or under five hundred dollars.
  18.25.040 Outdoor advertising structure.
  18.25.050 Use of previously abandoned building.
  18.25.060 Enlargement and extension prohibited--Exception.
  18.25.070 Reconstruction of damaged building.
  18.25.080 Applicability to prior construction.
  18.25.090 Auto wrecking establishments.
  18.25.100 Above ground petroleum production storage facilities.

18.25.010 Continuance--Extension prohibited.
Except as otherwise provided in this chapter, the lawful use of land, buildings, or structures existing on January 2, 1964, may be continued, although such use does not conform to the regulation specified by this title for the district in which such land, building or structure is located; provided, however, that no such nonconforming use may be extended to occupy a greater area of land, building or structure than that occupied by such use on January 2, 1964; provided, further, that if any such nonconforming use is abandoned, any subsequent use of such land or building shall be in conformity with the regulations specified by this title for the district in which such land is located. (1996 zoning code (part)).

18.25.015 If use is discontinued.
If any use is wholly discontinued for any reason, except pursuant to an order of court for a period of one year, it shall be conclusively presumed that it has been abandoned within the meaning of this chapter. (1996 zoning code (part)).

18.25.020 Continuance--Where building not involved.
Where no building or structure is involved, the nonconforming use of land may be continued. Bunkers used in quarry operation shall not be considered buildings or structures within the meaning of this chapter. Nothing herein shall be construed to sanction the maintenance of any accumulation of junk or rubbish in any district in which such accumulation is not permitted. (1996 zoning code (part)).

18.25.030 Building valued at or under five hundred dollars.
Any nonconforming building or structure that had an assessed valuation of five hundred dollars or less as shown on the assessment roll of the county assessor on January 2, 196, or at the time it may become nonconforming by virtue of any amendment hereto, shall be completely removed from the premises upon which it is located within two years from January 2, 1964. (1996 zoning code (part)).

18.25.040 Outdoor advertising structure.
Any nonconforming outdoor advertising structure or sign shall be completely removed from the premises upon which it is located within two years from January 2, 1964. (1996 zoning code (part)).
18.25.050 Use of previously abandoned building.
If a nonconforming use hereunder is abandoned for a continuous period of not less than six months, any future use of said building shall be in conformity to the regulations specified in this title for the district in which said building is located. If any use is wholly discontinued for any reason, except pursuant to an order of court for a period of one year, it shall be conclusively presumed that it has been abandoned within the meaning of this chapter. (1996 zoning code (part)).

18.25.060 Enlargement and extension prohibited--Exception.
No existing building designed, arranged or intended for or devoted to a use while lawful when such building was erected, which use is not permitted under the regulations specified by this title for the district in which such building or premises is located, shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted under the regulations specified by this title for such district in which said building is located; provided, however, that the work done in any period of twelve months on ordinary structural maintenance and/or repairs or replacements of fixtures, or plumbing not exceeding twenty-five percent of the building’s assessed value according to the assessment thereof by the assessor of the city for the fiscal year in which such work is done, shall be permitted. (1996 zoning code (part)).

18.25.070 Reconstruction of damaged building.
If at any time any building in existence or maintained on January 2, 1964, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, act of God or act of the public enemy to the extent that the cost of reconstruction, repairing or rehabilitating same would amount to more than fifty percent of the assessed value thereof according to the assessment thereof by the assessor for the fiscal year during which such destruction occurs, then and without further action by the city council, the building and land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by this title, for the district in which such land and building are located. (1996 zoning code (part)).

18.25.080 Applicability to prior construction.
Nothing contained in this title requires any change in the plans, construction or designated use of any building upon which actual construction was lawfully and substantially begun prior to the establishment of any district or regulation under the provisions of this title, which construction has been diligently carried on; provided, that nothing herein shall affect the authority of the city council to adopt, as an emergency measure, temporary interim zoning legislation as provided by law. (1996 zoning code (part)).

18.25.090 Auto wrecking establishments.
Any nonconforming use of property for auto wrecking establishments shall cease within two years from becoming nonconforming, unless granted a use permit or approval as provided under this title. (1996 zoning code (part)).

18.25.100 Above ground petroleum production storage facilities.
Any existing nonconforming use of property that involves the above ground storage of petroleum products for purposes of resale, including but not limited to gasoline, diesel fuel, and propane, shall cease within two years of the effective date of the ordinance codified in this title. Where any such use is presently conforming, and becomes nonconforming after the effective date of the ordinance codified in this title, it shall cease within two years of becoming a nonconforming use. (1996 zoning code (part)).
Chapter 18.26
ENFORCEMENT--PENALTIES

Sections:
18.26.035 Not construed to limit authority.
18.26.040 Conformance required in issuance of permits and licenses.
18.26.050 Building inspector duties.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title or any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this title is declared to be unlawful and a public nuisance and the city attorney of the city shall, upon order of the city council immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure or using any property contrary to the provisions of this title. (1996 zoning code (part)).

The remedies provided for in this title shall be cumulative and not exclusive. (1996 zoning code (part)).

The planning commission, in addition to its other powers and duties herein, provided shall investigate and consider reported violations of this title. When in the opinion of the commission a violation exists, it may recommend to the city council that legal action be taken thereon in the manner hereinafter in this title provided. (1996 zoning code (part)).

18.26.035 Not construed to limit authority.
Nothing herein shall be construed to limit the authority of the planning commission to make such recommendations to the city council, nor shall it limit the authority of the city council to proceed on its motion in such matters. (1996 zoning code (part)).

18.26.040 Conformance required in issuance of permits and licenses.
All departments, officials and public employees of the city, which are vested with the authority to issue permits or licenses, shall conform to the provisions of this title, and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this title, and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void. (1996 zoning code (part)).

18.26.050 Building inspector duties.
It shall be the duty of the building inspector to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. (1996 zoning code (part)).
   It shall be the duty of the chief of police and all officers of the city herein and/or otherwise charged by law with the enforcement of this title to enforce this title and all the provisions of the same. (1996 zoning code (part)).
ARTICLE IV. SPECIAL USE REGULATIONS

Chapter 18.30
MOBILE HOME PARK CONVERSION

Sections:

18.30.010 Purpose and intent.
18.30.015 Definitions.
18.30.020 Vacancy rate in excess of twenty percent--Notice required.
18.30.025 Use permit required.
18.30.030 Conversion impact report required.
18.30.035 Relocation plan required.
18.30.040 Required findings for conversion.
18.30.045 Conditions of approval.
18.30.050 Effective date of conversion.
18.30.055 Issuance of grading and/or building permits.
18.30.060 Violations.

18.30.010 Purpose and intent.
The stated purpose and intent of the mobile home park conversion chapter is to ensure that any proposed conversion of an existing mobile home park to any other use is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of a proposed conversion and that relocation and other assistance is provided park residents, consistent with the provisions of this chapter and Sections 65863.7 and 66427.4 of the California Government Code. (1996 zoning code (part)).

18.30.015 Definitions.
For purposes of this chapter the following terms shall have the meanings indicated:

A. “Commercial coach” means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial uses and shall include a trailer coach as defined in Section 635 of the Vehicle Code.

B. “Comparable housing” means housing which is comparable in floor area and number of bedrooms to the mobile home to which comparison is being made, which housing meets the minimum standards of the state Uniform Housing Code.

C. “Comparable mobile home park” means any other mobile home park substantially equivalent in terms of park conditions, amenities and other relevant factors.

D. “Conversion” means changing the use of a mobile home park for a purpose other than the rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes used for human habitation. Such a conversion may affect an entire mobile home park or any portion thereof. A conversion shall include, but is not limited to, a change of any existing mobile home park or any portion thereof to condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the mobile home park are to be sold, and the cessation of use of all or a portion of the park as a mobile home park, whether immediately or on a gradual basis, or the closure of the park. “Conversion” shall not include mere purchase of the park by its existing residents.

E. “Date of application for change of use” means the date of filing of an application for a rezoning, general plan and/or local coastal plan amendment, use permit, subdivision, planned unit development plan, site and design permit, or any other discretionary land...
use application approval under Titles 17 and/or 18 of the city municipal code, which application seeks approval of a change of use of or at a mobile home park.

F. “Eligible mobile home owner” means a mobile home owner whose mobile home was located in a mobile home park on the date of application for a change of use.

G. “Home owner” means the registered owner or owners of a mobile home, who has a tenancy in a mobile home park under a rental or lease agreement.

H. “Mobile home” means a structure designed for human habitation and for being transportable on a street or highway under permit pursuant to California Vehicle Code Section 35790, and as defined in Section 18008 of the Health and Safety Code. “Mobile home” does not include a recreational vehicle, as defined in Civil Code Section 799.24, or a commercial coach, as defined herein and in Section 182.18 of the Health and Safety Code.

I. “Mobile home park” means an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for habitation. For purposes of this chapter, “mobile home park” shall not include a mobile home subdivision, stock cooperative, or any park where there is any combination of common ownership of the entire park or individual mobile home sites.

J. “Mobile home space” means any area, tract of land, site, lot, pad, or portion of a mobile home park designated or used for the occupancy of one mobile home.

K. “Mobile home tenant” means a person who occupies a mobile home within a mobile home park pursuant to a bona fide lease or rental agreement with the mobile home owner and who, during his or her tenancy, was not the owner or member of the immediate household of the mobile home owner.

L. “Resident” means a person lawfully residing in a mobile home park, and includes a mobile home owner, mobile home tenant or member of the immediate household of the mobile home owner or mobile home tenant. (1996 zoning code (part)).

**18.30.020 Vacancy rate in excess of twenty percent--Notice required.**

The following shall apply when any mobile home park in the city has a vacancy rate of twenty percent or greater of the total number of spaces in existence in the mobile home park:

A. Whenever twenty percent or more of the total number of mobile home sites or mobile homes at a mobile home park are vacant or otherwise uninhabited and such situation was not caused by physical disaster, including but not limited to fire, flood, storm, earthquake, landslide, or by another natural condition beyond the control of the owner or operator of the mobile home park, the owner or operator of the park shall file with the planning director a written notice informing the city of the current vacancy rate at the park. For purposes of this chapter, a mobile home site is “uninhabited” or “vacant” when it is either: (1) unoccupied by a mobile home, or (2) occupied by a mobile home in which no persons reside. A mobile home shall not be considered vacant for purposes of this chapter if rent is being paid pursuant to a bona fide rental or lease agreement and the mobile home is merely unoccupied.

B. The written notice to the planning director from the owner or operator of the mobile home park shall clearly state any known reasons for the vacancy rate to be in excess of twenty percent, and whether or not the property owner intends in the immediate future to convert the mobile home park to another use.

C. If it is determined that the owner of the mobile home park intends to apply for a conversion of the mobile home park to another use, the planning director shall immediately inform the property owner of the requirements of this chapter. (1996 zoning code (part)).
18.30.025 Use permit required.

In addition to any other necessary discretionary land use permit applications, the conversion of any existing mobile home park to any other use shall require the review of a use permit application by the planning commission, which shall forward a recommendation to the city council for final action. At a minimum, each application for a use permit to convert a Mobile home park to any other use shall include the following and any additional information as may be required by this chapter and the planning director:

A. A detailed narrative description of the proposed use to which the mobile home park is to be converted.
B. The proposed timetable for implementation of the conversion and development of the site.
C. Evidence that any tenant’s rent had not been increased within the two months prior to the filing of an application for conversion of a mobile home park, and a statement from the applicant that the rent at the mobile home park shall not be increased for two years from the date of filing of the conversion application or until the date of the commencement of relocation activities.
D. A report on the impact of the conversion of the mobile home park on its residents and a disposition/ relocation plan addressing the availability of replacement housing for existing tenants of the mobile home park consistent with Section 65863.7 of the California Government Code.
E. Upon filing an application for a use permit for conversion, the planning director shall inform the applicant of the requirements of Civil Code Section 798.56 and Government Code Section 65863.8 regarding notification of the mobile home park residents concerning the proposed conversion. The planning director shall specify in writing to the applicant the information that must be submitted in order to adequately notify all existing tenants as required by the California Government Code, the California Civil Code, and this chapter.
F. No use permit application for the conversion of a mobile home park to another use shall be deemed complete and processing for consideration will not commence until the conversion impact report and relocation plan as required by this chapter have been reviewed by the planning director for substantial conformance with the requirements of this chapter. (1996 zoning code (part)).

18.30.030 Conversion impact report required.

Any person filing an application for a use permit to convert a mobile home park to another use shall file a report on the impact of the change of use upon the residents of the mobile home park. At a minimum the conversion impact report shall include the following, as well as any other information deemed necessary and appropriate by the planning director:

A. A detailed description of the mobile home spaces within the mobile home park, including but not limited to:
   1. The total number of mobile home spaces in the park and the number of spaces occupied;
   2. The length of time each space has been occupied by the present resident(s) thereof;
   3. The age, size, and type of mobile home occupying each space;
   4. The monthly rent currently charged for each space, including any utilities or other costs paid by the present resident(s) thereof;
   5. Name and mailing address of the primary resident(s) of each mobile home within the mobile home park on three sets of gummed labels for the mailing of notice of public hearings.
B. A list of all comparable mobile home parks within the city and county. This list shall include the age of the mobile home park and the mobile homes therein, a schedule...
of rents for each park listed and the criteria of the management of each park for acceptance of new tenants and used mobile homes. Information pertaining to the availability of medical and dental services, shopping facilities, and all nearby social and religious services and facilities shall also be included.

C. A detailed analysis of the economic impact of the relocation on the tenants including comparisons of current rents paid and rents to be paid at comparable mobile home parks within the city, or the county, the estimated costs of moving a mobile home and personal property, and any direct or indirect costs associated with a relocation to another mobile home park.

D. A list of the names, addresses and telephone numbers of one or more housing specialists, with an explanation of the services these specialists will perform at the applicant’s expense for the residents to be displaced. These services shall include but not be limited to assistance in locating a suitable replacement mobile home park, coordination of moving the mobile home and personal property, and any other tasks necessary to facilitate the relocation to another comparable mobile home park. (1996 zoning code (part)).

**18.30.035 Relocation plan required.**

A relocation plan for tenants of a mobile home park shall be submitted to the planning commission and city council for approval as part of the application for a use permit to convert a mobile home park to another use. The relocation plan shall provide, at a minimum, for the following:

A. The names, addresses, telephone numbers, and fee schedules of persons in the area who are qualified MAI appraisers of mobile homes.

B. The names, addresses, telephone numbers, and fee schedules of persons in the area qualified as mobile home movers.

C. The relocation plan shall provide specifically for relocation assistance to full time, very low, low and moderate income residents and senior citizens over the age of sixty-two residing in the park for a minimum period of twelve months following closure of the mobile home park.

D. The relocation plan shall specifically provide guarantees that all tenants sixty-two years of age or older and all tenants who are medically proven to be permanently disabled shall not have to pay an increase in rent over the amount currently paid for a period of two years following relocation.

E. The relocation plan shall provide for the applicant to pay all reasonable moving expenses to a comparable mobile home park within the city or the county to any tenant who relocates from the park after city approval of the use permit authorizing conversion of the park. The reasonable cost of relocation and moving expenses shall include the cost of relocating a displaced homeowner’s mobile home, accessories, and possessions, including the costs for disassembly, removal, transportation, and reinstallation of the mobile home and accessories, at the new site, and replacement or reconstruction of the blocks, skirting, siding, porches, decks, awnings, storage sheds, cabanas, or earthquake bracing if necessitated by the relocation; indemnification for any damage to personal property of the resident caused by the relocation; reasonable living expenses of displaced park residents from the date of actual displacement to the date of occupancy at the new site; payment of any security deposit required at the new site; and the difference between the rent paid in the existing park and any higher rent at the new site for the first twelve months of the relocated tenancy. When any tenant has given notice of his intent to move prior to city approval of the use permit, eligibility to receive moving expenses shall be forfeited.

F. If the city council determines that a particular mobile home cannot be relocated to a comparable mobile home park within the city or the county, and the mobile home owner has elected to sell his or her mobile home, the relocation plan shall identify those mobile
homes, the reasons why the mobile homes cannot be relocated as provided in subsection E of Section 18.30.035, then the city council may, as a part of the reasonable cost of relocation as provided in Government Code Section 65863.7(e) require the applicant to provide for the purchase of a mobile home at its in-place market value. Such value shall be determined after consideration of relevant factors, including the value of the mobile home in its current location including the blocks and any skirting, siding, porches, decks, storage sheds, cabanas, and awnings, and assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition, and not considering the effect of the change of use on the value of the mobile home. If a dispute arises as to the in-place value of a mobile home, the applicant and the home owner shall have appraisals prepared by separate qualified MAI appraisers with experience in establishing the value of mobile homes. The city council shall determine the in-place value based upon the average of the appraisals submitted by the applicant and mobile home owner. (1996 zoning code (part)).

18.30.040 Required findings for conversion.
In approving a use permit for a mobile home park conversion, the city council shall find that the proposed conversion meets the following requirements in addition to the other requirements of this chapter:

A. That the proposed use of the property is consistent with the local coastal program land use plan, the general plan and any and all of its elements, any applicable planned unit development plan, and this chapter.
B. That the residents of the mobile home park have been adequately notified of the proposed conversion, including information pertaining to the anticipated timing of the proposed conversion.
C. That there exists land zoned for new or replacement comparable mobile home parks or adequate space is available in other comparable mobile home parks within the city or the county for the residents who will be displaced.
D. That the conversion will not result in the displacement of very low, low, or moderate income mobile home residents or senior citizens over the age of sixty-two who cannot afford rents charged in other mobile home parks within the city or the county, unless otherwise approved by the city council.
E. That the age, type, size, and style of mobile homes to be displaced as a result of the conversion will be able to be relocated into other comparable mobile home parks within the city or the county, or that the applicant has agreed to purchase any mobile home that cannot be relocated at its in-place value as provided in this chapter.
F. That any mobile home residents displaced as a result of the conversion shall be compensated by the applicant for all reasonable costs incurred as a result of their relocation.
G. That the relocation plan mitigates the impacts of the displacement of individuals or households for a reasonable transition period and mitigates the impacts of any long-term displacement. (1996 zoning code (part)).

18.30.045 Conditions of approval.
The city council shall impose any necessary and appropriate conditions of approval to satisfy and implement the intent, purpose, and content of this chapter. In addition, any other necessary and appropriate conditions of approval to protect the health and safety of the residents of the city may be imposed. (1996 zoning code (part)).

18.30.050 Effective date of conversion.
The city council shall establish the date on which the permit for conversion will become effective. Such date shall not be less than two years from the decision of the city council, provided that conversion at an earlier date may be approved if the city council receives a written petition requesting an earlier date signed by a majority of those persons residing in
the subject mobile home park at the time of the city council public hearing to consider the conversion application. The effective date of the approval in such a case shall be the date set forth in the petition. Conversion at the earlier date may be approved only if the city council makes specific findings that the applicant has complied with all the provisions of an approved relocation plan and submitted evidence of such compliance to the planning director as provided in Section 18.30.055. (1996 zoning code (part)).

18.30.055 Issuance of grading and/or building permits.
No building permit shall be issued for the development of or on any real property which is being converted from a mobile home park pursuant to this chapter unless and until the applicant has filed with the planning director a verified statement made under penalty of perjury that all conditions of approval have been met or otherwise incorporated into the final project plans including the payment of all required relocation assistance required pursuant to this chapter. Such statement shall identify in itemized form each payee, the amount paid, the date of payment, and the type of relocation or other assistance for which each such payment was made. (1996 zoning code (part)).

18.30.060 Violations.
In addition to any remedies or penalties for noncompliance with any city ordinance as provided elsewhere in the municipal code, any park owner or applicant who violates any rights of any mobile home owner or mobile home tenant established under this chapter shall be liable to said person for actual damages caused by such violation, plus costs and reasonable attorney's fees. In addition, no park owner shall take any willful action to threaten, retaliate against or harass any park resident with the intent to prevent such residents from exercising his or her rights under this chapter. (1996 zoning code (part)).
Chapter 18.31
RECYCLING AND TRASH MANAGEMENT

Sections:
18.31.010 Purpose and intent.
18.31.020 Definitions.
18.31.030 Source reduction/recycling plans.
18.31.040 Storage area and volume requirements.
18.31.050 Recycling--Implementation.
18.31.060 Enclosures--Applicability.
18.31.070 Exceptions.
18.31.080 Design, construction and maintenance.
18.31.090 Location, screening and accessibility.
18.31.100 Approval and appeal.
18.31.110 Penalties.

18.31.010 Purpose and intent.
The purpose and intent of adopting these regulations is to:
A. By the year 2000, divert fifty percent of all solid waste through source reduction, recycling and composting activities in an effort to decrease the impact of citizen’s consumption of renewable and nonrenewable materials to the environment;
B. Increase the recycling of reusable materials at residential and nonresidential sites and reduce litter within the city;
C. Encourage citizens of the residential, commercial, industrial and public sectors to dispose of solid waste and recyclable materials responsibly;
D. Require property owners to provide adequate, convenient space for the collection, storage, and loading of recycled material, and to provide trash and recycling enclosures;
E. Regulate the location, height, size, design features, screening, accessibility and durability of recycling and trash enclosures;
F. Encourage the reuse of recyclable material in order to reduce our reliance on and use of virgin materials. (1996 zoning code (part)).

18.31.020 Definitions.
A. “Addition” or “remodel” means any work done on a piece of property that requires a building permit.
B. “Communally serviced residence” means apartments, four-plexes, townhouse, condominiums, mobile home parks and other resident occupancies at which wastes from individual resident units are commingled in a common container or a group of containers.
C. “Curbside collection” means a method of collecting source-separated recyclable materials set out by residents on the curb of residential properties.
D. “Current assessed value” means the value listed under the improvements column in the most current edition of the county tax assessor’s roll on file in the Half Moon Bay building department.
E. “Exterior collection area” means final collection area for all recyclable materials generated on any one site.
F. “Garbage waste” means kitchen and table offal and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, fruits or vegetables. Food slops or liquids, when placed in a plastic liner within the garbage can shall be considered as garbage waste. Garbage waste shall also include cans, bottles, containers, wrappings and packaging materials soiled with foods and waste material.
G. “Improvement” means an improvement adds to the value of a facility, prolongs its useful life, or adapts it to new uses. Improvements should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

H. “Individually serviced residence” means single-family houses, each dwelling unit of a mobile home park, condominium, multifamily structure such as a duplex or triplex, or other residence facility at which wastes are stored and made available for collection by or at each individual residence unit.

I. “Mobile trash bin” means a trash container, equipped with wheels, having a capacity of one to six cubic yards (two hundred to one thousand two hundred gallons), that is designed to be hydraulically lifted from the front or rear of a trash collection vehicle.

J. “Recyclable materials” means discards or waste materials (including magazines, newspapers, clean office paper that is not contaminated by garbage or other waste material, clean cans and bottles, cardboard and plastic beverage containers) that are collected, separated, or processed, and eventually used as raw materials for products.

K. “Recycling” means the series of activities by which materials that would otherwise remain wastes are collected, separated, or processed and used in the form of raw materials.

L. “Toter bin” means a ninety-gallon bin, equipped with wheels and a lid, provided by the local waste removal/recycling company for the collection of recyclable materials. Toter bins are used by industrial, commercial, or office uses for recycling computer office paper, glass, white paper, mixed office paper, cardboard. Toter bins are used by multifamily residential uses for newspaper, aluminum, glass, plastic, tin and cardboard.

M. “Trash and recycling enclosure” means a permanent, immobile structure, designed for the storage of a mobile trash bin and recycling containers or Toter bins.

N. “Valuation” means the total price of improvements for a specific building permit as determined by the city planning and building department. (1996 zoning code (part)).

18.31.030 Source reduction/recycling plan.

New and existing development of multifamily residential uses with five or more units, and commercial, office, industrial and public/quasi-public uses in buildings over ten thousand square feet in floor area are required to submit a statement of recycling information or recycling plan to the planning and building director.

A. New Development. Developers of each new project shall plan adequate provision for source separation, collection, handling, storage and transportation of the principal recyclable materials.

B. Existing Development. Property owners of existing development falling into the above categories will be properly notified of the new regulations and must comply within two years after the adoption of these regulations. (1996 zoning code (part)).

18.31.040 Storage area and volume requirements.

New development of multifamily residential uses with five or more units, and commercial, office, industrial and public/quasi-public uses are required to meet the requirements of Table 18.31.040A, Residential Trash Storage, Table 18.31.040B, Nonresidential Trash Storage, and Tables 18.31.040 C-1 through 18.31.040C-6, Recycling Volumes. Property owners of existing development will be properly notified of the new regulations and must comply within two years after the adoption of these regulations.

Table 18.31.040AResidential Trash Storage

<table>
<thead>
<tr>
<th>Number of Dwellings</th>
<th>Trash Area sq. ft.</th>
<th>Recycle Area sq. ft.</th>
<th>Total Area sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 -- 6</td>
<td>12</td>
<td>12</td>
<td>24</td>
</tr>
</tbody>
</table>

7 -- 15  
16 -- 25  
26 -- 50  
51 -- 75  
76 -- 100  
101 -- 125  
126 -- 150  
151 -- 175  
176 -- 200  
201+  

(a) 48 sq. ft. of trash area for each additional 25 dwellings.
(b) 48 sq. ft. of recycle area for each additional 25 dwellings.

Table 18.31.040B NONRESIDENTIAL TRASH STORAGE

<table>
<thead>
<tr>
<th>Building sq. ft.</th>
<th>Trash Area sq. ft.</th>
<th>Recycle Area sq. ft.</th>
<th>Total Area sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 -- 5,000</td>
<td>12</td>
<td>12</td>
<td>24</td>
</tr>
<tr>
<td>5,001 -- 10,000</td>
<td>24</td>
<td>24</td>
<td>48</td>
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<tr>
<td>10,001 -- 25,000</td>
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<td>25,001 -- 50,000</td>
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<td>192</td>
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<td>50,001 -- 75,000</td>
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<td>144</td>
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<td>75,001 -- 100,000</td>
<td>192</td>
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<tr>
<td>100,001+</td>
<td>(a)</td>
<td>(b)</td>
<td></td>
</tr>
</tbody>
</table>

(a) 48 sq. ft. of trash area for each additional 25 sq. ft.
(b) 48 sq. ft. of recycle area for each additional 25 sq. ft.

Table 18.31.040C-1 RESIDENTIAL RECYCLING VOLUMES

<table>
<thead>
<tr>
<th>Residential Use</th>
<th>Required Recycle Volume</th>
<th>Suggested Recycle Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multifamily 5 or More Units</td>
<td>One cu. yd. per 16 dwellings. Metal, plastic, glass, newsprint.</td>
<td></td>
</tr>
</tbody>
</table>

Table 18.31.040C-2 COMMERCIAL RECYCLING VOLUMES

<table>
<thead>
<tr>
<th>Commercial Use</th>
<th>Required Recycle Volume</th>
<th>Suggested Recycle Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office and General Commercial</td>
<td>One cu. yd. per 40,000 sq. ft. of floor area. Metal, plastic, glass, newsprint, office paper, computer paper, corrugated cardboard.</td>
<td></td>
</tr>
<tr>
<td>Restaurant or Bar</td>
<td>One cu. yd. per 5,000 sq. ft. of floor area, 90 gal. container minimum. Metal, plastic, glass, corrugated cardboard.</td>
<td></td>
</tr>
</tbody>
</table>
Retail Sales
One cu. yd. per 8,000 sq. ft. of floor area, 90 gal. container minimum.
Office paper, computer paper, corrugated cardboard.

Retail Services
One cu. yd. per 10,000 sq. ft. of floor area, 90 gal. container minimum.
Office paper, computer paper, corrugated cardboard.

Hotel, Motel, Inn or B & B
One cu. yd. per 20 guest rooms, 90 gal. container minimum.
Metal, plastic, glass, newsprint.

Auto Repair or Service
One cu. yd. per 3,000 sq. ft. of floor area.
Tires, motor oil, scrap metal.

Table 18.31.040C-3INDUSTRIAL RECYCLING VOLUMES

<table>
<thead>
<tr>
<th>Industrial Use</th>
<th>Required Recycle Volume</th>
<th>Suggested Recycle Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Types</td>
<td>Propose volume in recycling information.</td>
<td>Propose materials in recycling information.</td>
</tr>
</tbody>
</table>

Table 18.31.040C-4PUBLIC/QUASI-PUBLIC RECYCLING VOLUMES

<table>
<thead>
<tr>
<th>Public-Like Use</th>
<th>Required Recycle Volume</th>
<th>Suggested Recycle Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public/Quasi-Public</td>
<td>Propose volume in recycling information.</td>
<td>Propose materials in recycling information.</td>
</tr>
<tr>
<td>School</td>
<td>One cu. yd. per 50 classrooms.</td>
<td>Metal, plastic, glass, office paper, computer paper, corrugated cardboard.</td>
</tr>
<tr>
<td>Library</td>
<td>One cu. yd. per 40,000 sq. ft. of floor area.</td>
<td>Office paper, computer paper.</td>
</tr>
<tr>
<td>Church</td>
<td>One cu. yd. per 40,000 sq. ft. of floor area.</td>
<td>Office paper, computer paper.</td>
</tr>
<tr>
<td>Park</td>
<td>One for each garbage can. Disregard if food and drink are only served in paper containers or prohibited.</td>
<td>Metal, plastic, glass.</td>
</tr>
</tbody>
</table>

Table 18.31.040C-5MEDICAL RECYCLING VOLUMES

<table>
<thead>
<tr>
<th>Medical Use</th>
<th>Required Recycle Volume</th>
<th>Suggested Recycle Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital/Clinic</td>
<td>Only for cafeteria or vending machine locations.</td>
<td>Metal, plastic, glass, corrugated cardboard.</td>
</tr>
</tbody>
</table>

Table 18.31.040C-6MISCELLANEOUS RECYCLING VOLUMES
All Types Propose volume in recycling informa-tion. Propose materials in recycling information.

(1996 zoning code (part)).

18.31.050 Recycling--Implementation.

A. New and existing commercial, office and industrial development projects shall include adequate, accessible, convenient areas for the collecting and loading recyclable materials in bins and containers, in accordance with the regulations specified by this chapter. Food and drinking establishments are encouraged to use reusable soda canisters whenever possible instead of using individually packaged glass bottles and cans.

B. The following regulations apply to new and existing residential developments:
   1. Tenants of individually serviced residences, when utilizing the local recycling program, shall place recyclables at curbside one day per week on the day designated by the local recycling company for pick-up of recyclable materials in each neighborhood. Recyclable materials shall be separately deposited in containers provided by, and in the manner designated by the local waste removal/recycling company.
   2. The property owner of communally serviced residences shall supply (through local waste removal/recycling company) and maintain adequate recycling Toter bins and/or containers for use by tenants, and shall be required to provide and maintain space on-site for bins and containers as specified by this chapter. Containers for recyclable materials shall be stored in such a manner that containers are screened from public view from the front of the property.

C. On all development sites, recycling bins and containers may remain in public view on collection days for purposes of collection, but shall otherwise be stored in a location screened from public view from the front of the property.

D. Residential developers and property owners are encouraged to include recycling space or systems within each dwelling unit, such as roll-out drawers below the sink for recycling containers; fire-proof, cleanable secure chutes from the living space to the garage containers, etc. Each dwelling unit should include an area with a minimum of five cubic feet designed for the internal storage of trash and recyclable material. (1996 zoning code (part)).

18.31.060 Enclosures--Applicability.

A. Trash and recycling enclosures in conformance with the requirements contained in this chapter shall be required for the following types of projects where solid waste is collected and loaded:
   1. Commercial and Industrial Structures. New construction, addition, remodel or other improvements to any existing structure, when the valuation of such improvements, or the aggregate valuation of more than one improvement in any twelve month period, exceeds ten percent of the then current assessed value of the improvements for the subject parcel.
   2. Multiple-Family Residential Structures. New construction of any apartment complex, condominium project, or planned unit development when such project, or planned unit development consists of five or more units.
   3. Public Facilities and Institutions. New construction of any public facility, quasi-public facility or institutional building and any additions, remodels or improvements for areas of a public facility, when the valuation of such improvement, or the aggregate valuation of more than one improvement in any twelve month period, exceeds ten percent of the then current assessed value of the improvements for the subject parcel.
B. The following regulations shall apply to all existing commercial, office, industrial
development, and multifamily residential structures with five or more housing units, for
which improvements, additions or remodels are proposed:

1. Any costs associated with adding recycling space to existing development
shall be the responsibility of the party or parties who are responsible for financing the
improvements.

2. If the development has an existing trash enclosure large enough to
accommodate both trash bin(s) and recycling bins, the required recycling containers/Toter
bins shall be located inside the trash enclosure. If it is not possible to locate the required
recycling containers inside the trash enclosure, enclosures must be constructed pursuant
to applicable provisions of this chapter.

3. If the existing development does not have an existing trash enclosure, an
enclosure must be provided for trash bins and recycling containers, pursuant to the
applicable provisions of this chapter. (1996 zoning code (part)).

18.31.070 Exceptions.

For those developments requiring planning commission approval of discretionary
permits, only the planning commission may grant exceptions to the requirement for trash
and recycling enclosures, or recycling requirements. In other instances, the following
requirements are applicable.

A. Requirement for Trash and Recycling Enclosures. The planning and building
director may grant exceptions to the requirements for trash and/or recycling enclosure(s)
in the following instances:

1. If it is determined that any use in the proposed structure will not generate
enough trash to necessitate the use of a mobile trash bin, and if individual curbside trash
and recyclables pickup can be more effectively utilized.

2. If it is determined that the design or layout of the project is not conducive to
the provision of an on-site area for a mobile trash bin and recycling Toter bins, and a
suitable alternative solution may be found.

B. Recycling Requirements. In cases of hardship, the planning and building
department shall work with each applicant and the city’s recycling collection company to
formulate an acceptable plan that allows for flexibility in the number of recycling
containers/Toter bins and their location(s). The city’s primary goal is to institute an
accessible recycling collection program at each development complex while minimizing
undue hardships for property owner(s). The planning director or his designee shall
approve trash/recycling enclosures if they are satisfied that the plan conforms to the
requirements and intent of this chapter and may impose any additional conditions, or
make exceptions to parking, landscape, or setback requirements where there are no other
feasible placement alternatives, if deemed necessary to meet the intent of this chapter.
(1996 zoning code (part)).

18.31.080 Design, construction and maintenance.

Trash/recycling enclosures required under this chapter shall be designed, constructed
and maintained in accordance with standard details shown in Table 18.31.080, Standard
Details, and the following specifications and regulations:

A. Dimensions of the enclosure shall accommodate trash bins and recycling
containers sufficient to meet the trash and recycling needs of the development.

B. For large projects that will utilize more than one mobile trash bin at any one
location, the size of the trash enclosure must be increased to accommodate the trash bins
and recycling bins. In the case of enlargement of the enclosure, the city engineer may
require additional structural reinforcement when deemed necessary to ensure the safety
and durability of the structure.
C. Each recycling and trash enclosure shall be designed to allow convenient access by tenants without having to open the main enclosure gates.

D. The trash and recycling enclosures shall be adequate in capacity, number, and distribution to serve the development’s trash and recycling needs.

E. Recycling and trash enclosures shall be constructed to be as inconspicuous as possible, and the contents of the enclosure shall be screened from public view. The enclosure should be compatible with the main structure, while maintaining its primary function as a trash enclosure. In residential zones, wood or masonry materials that are compatible with the main structure(s) shall be used. In commercial and industrial zones, masonry with exterior material that matches the main structure shall be used.

F. Trash/recycling enclosures shall be equipped with self-closing gates and whenever possible, the gate of the enclosure shall not open toward the street.

G. Galvanized chain link gates equipped with redwood pickets are permitted in the industrial zone, and steel gates are permitted in the commercial zones. However, a solid material, such as wood, matching the main structure may be used.

H. Enclosures designed for storage of cans and small recycling containers shall be constructed of a sturdy, nonflammable material (i.e.: concrete block, poured concrete, slump stone, split-faced block, etc.).

I. The exterior of the enclosure shall be the same color as the main structure except that any architectural accents or trim colors found on the main structure shall be deleted.

J. Provisions shall be made to protect recyclable materials from the rain by covering the storage area, or by the use of covered receptacles.

K. Maintenance of each recycling and trash enclosure and bins and containers shall be the responsibility of the property owner.
Table 18.31.080 STANDARD DETAILS
(1996 zoning code (part)).

18.31.090 Location, screening and accessibility.
Trash and recycling enclosures shall be located on the property, screened from public view and made accessible as follows:

A. Location.
1. Whenever feasible, the recycling collection area and the trash collection area shall be adjacent to one another in one enclosure. If, because of space limitations, property configuration or other considerations, the bins must be in separate locations, the recycling areas must be at least as convenient as trash areas.

2. Enclosures shall not be located nearer than thirty feet to streets or sidewalks, and shall be located to the rear of a building where possible.

3. Trash and recycling enclosures shall be located more than twenty feet from any front entrance to a structure.

4. Each recycling and trash enclosure within a multifamily residential development shall be no greater than two hundred fifty feet from the nearest point of each unit.

5. Developers are encouraged to provide a space for recycling bins on each floor of multistory buildings, in addition to a main collection area accessible for pickup of recyclables.

6. Areas for recycling shall be adequate in capacity, number, and distribution to serve the development project, and an adequate number of bins or containers shall be provided for the development in recycling areas at all times.

B. Screening.

1. The perimeter of the recycling and trash enclosure shall be planted where practical with drought resistant landscaping, including a combination of shrubs and or climbing evergreen vines, wherever possible.

2. Adequate protection of adjacent developments from any adverse impacts such as noise, odor, or glare shall be provided through measures including, but not limited to maintaining adequate separation, fencing and landscaping.

C. Accessibility.

1. Enclosures shall be easily accessible to collection vehicles and collection personnel. Driveways or travel aisles shall provide unobstructed access for collection vehicles and provide a minimum vertical clearance of fifteen feet.

2. The design, construction and location of recycling areas shall not be in conflict with any applicable federal, state, or local laws relating to fire, building, access, transportation, circulation or safety.

3. Since many trash bins are mobile but they do not roll effortlessly, the area directly in front of any enclosure should be less than a two percent slope to make manipulation of the trash bin as easy as possible. A concrete apron shall be constructed in front of each enclosure, to minimize damage to the surrounding asphalt paving, and such paving shall consist of five inch aggregate base material and six inch portland cement paving.

4. The international recycling logo shall be placed on the exterior of each enclosure where recycling containers are located. General instructions about how to recycle shall be posted within the recycling and trash enclosure or near the receptacle area, and shall be visible to the enclosure/receptacle users. If placed outside the enclosure, such instructions must be limited to a sign no larger than four square feet, and signage shall be similar to or consistent with the design, materials and colors of the building. Each recycling container shall be clearly marked to identify the type of material which may be deposited in that container. (1996 zoning code (part)).

18.31.100 Approval and appeal.

Location, type and placement of trash and recycling enclosures, bins and containers shall be reviewed and approved by the planning department, prior to construction or placement on any new development site. A plan shall be submitted showing the location(s) of trash and recycling enclosure(s) on a site plan and elevations of the design of the trash and recycling enclosure.
A. The applicant shall be notified in writing of the action taken by the planning department. For new development, an approved plan shall be fully implemented within six months of the issuance of certificates of occupancy. For remodels, an approved plan shall be fully implemented within six months after the approval date. Applicants shall resubmit revised plans within one month should a plan be denied.

B. Any determination of the planning department may be appealed to the planning commission. Appeals shall be initiated only upon written request for a hearing before the planning commission and shall be in accordance with provisions of the municipal code. (1996 zoning code (part)).

18.31.110 Penalties.

A. Any violation or failure to comply with any of the requirements of this chapter shall be deemed a nuisance and shall be punishable as set forth in the municipal code.

B. The city attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

C. The remedies and penalties provided in this section are cumulative and not exclusive. (1996 zoning code (part)).
Chapter 18.32
REGULATION OF SATELLITE ANTENNAS

Sections:
18.32.010 Findings.
18.32.020 Purpose.
18.32.030 Definitions.
18.32.040 General regulations.
18.32.050 Building permit.
18.32.060 Design standards.
18.32.070 Exceptions.

18.32.010 Findings.
The regulation of the installation of satellite antennas is consistent with the Half Moon Bay general plan and local coastal plan, in that the city recognizes the right of each property owner to have access to television programming received through satellite antennas and that certain methods of installation are more appropriate and consistent with the design and aesthetic objectives of the city. (1996 zoning code (part)).

18.32.020 Purpose.
The purpose of this chapter is to regulate the installation of satellite dish antennas through architectural review, committee review, and the building permit process, to protect the environment and the health, safety and welfare of the public. (1996 zoning code (part)).

18.32.030 Definitions.
A. “Antenna” means a structure with a composition of wood, metal or other materials which together with its necessary support is constructed for the purpose of receiving television or related signals. An antenna is an accessory structure.
B. “Satellite antenna” means a signal receiving antenna, the purpose of which is to receive television communications and related signals directly from satellites in earth orbit. (1996 zoning code (part)).

18.32.040 General regulations.
No satellite antenna or support thereof, shall be erected, installed, or placed upon real property or any structure thereon, except in accordance with the rules and regulations of this chapter. (1996 zoning code (part)).

18.32.050 Building permit.
The installation of all satellite antennas shall require submittal of an application and the issuance of a building permit. The fee for processing such application shall be set by city council resolution. (1996 zoning code (part)).

18.32.060 Design standards.
Satellite antennas shall be installed so as to minimize their visual impact on surrounding properties and public streets, and all public rights-of-ways, and shall be screened through the use of architectural features and landscaping to harmonize with the characteristics of their property location. The antenna materials used shall not produce a reflective glare. The following criteria shall apply:
A. Rooftops. Satellite antennas on rooftops shall be and are specifically prohibited;
B. Visual Screening. All satellite antennas shall be screened from public view and surrounding property by either:
   1. Four walls constructed of materials compatible with the buildings and structures on the property, with the satellite antenna not protruding above at least three of the walls, or
   2. Placement within a mounded area screened by dense evergreen landscaping and with the dish sunk within the mound;
   C. Height. A satellite antenna shall not exceed six feet in height from finished grade;
   D. Size. Satellite antennas shall not exceed ten feet in diameter;
   E. Location. Satellite antennas shall be located only in the rear yards of a property and within the required setback standards for buildings and structures. Actual placement shall be in the location which best serves the purposes of this chapter;
   F. Safety. Satellite antennas shall be constructed and installed in a secure and safe manner to promote the health and safety of the public and property;
   G. Color. Antennas shall only be earthen tone in color. (1996 zoning code (part)).

18.32.070 Exceptions.
A. An exception may be granted by the planning director and the architectural review committee to the standards of this chapter where they would produce an undue hardship on a property owner so as to interfere unreasonably with the use and enjoyment of his property, or where the standards would prevent reception by the satellite antenna of television signals from satellite(s) in earth orbit. Hardship requires there be no feasible alternative on site.
B. An exception to allow rooftop placement may be granted for a multifamily dwelling or nonresidential building, where there is no feasible alternative placement.
C. An additional fee may be required for the processing of the exception application, including cost of site inspection to verify maximum signal reception. (1996 zoning code (part)).
Chapter 18.33
SECOND DWELLING UNITS

Sections:
- 18.33.010 Purpose.
- 18.33.020 Definitions.
- 18.33.030 Approval standards for new second dwelling units.
- 18.33.040 Requirements to legalize existing second dwelling units.

18.33.010 Purpose.
The purpose of this chapter is to:
A. Increase the supply of smaller units and rental housing units by allowing second dwelling units to locate on lots which contain one-family dwellings in R-1 districts within the city; and
B. Establish standards for second dwelling units to ensure that they are compatible with existing neighborhoods. (1996 zoning code (part)).

18.33.020 Definitions.
A. Floor Area. "Floor area of a dwelling unit" means the area included within the walls enclosing each dwelling unit. The floor area shall be measured from the inside face of the walls enclosing each dwelling unit including all closet space and storage areas contained within the unit, but shall not include unenclosed porches, balconies, or garages.
B. Second Dwelling Unit. The term "second dwelling unit" is defined in Section 18.02.040, Definitions. (1996 zoning code (part)).

18.33.030 Approval standards for new second dwelling units.
New second dwelling units shall be subject to the same requirements as any dwelling located on the same parcel in the same zoning district, including but not limited to the requirements of coastal development districts and general zoning provisions with the following differences:
A. Minimum Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit required by the applicable district shall not apply; provided the minimum building site requirements shall be met.
B. Construction Within or Above Existing Buildings or Detached Accessory Buildings. A second dwelling unit may be constructed within or above an existing building or detached accessory building.
C. Maximum Number of Second Dwelling Units Allowed. In order to preserve the character of single-family residential neighborhoods, the total number of second units allowed in each neighborhood has been predetermined. Exhibit A, on file in the office of the city clerk, shows the maximum number of second units allowed in each neighborhood. Use permits for second units shall be approved on a first-come first-served basis.
D. Use Permit Required. A use permit in accordance with this title shall be required to be issued by the planning commission provided the following findings are made:
1. The second dwelling unit is constructed within or above an existing building or detached accessory building (constructed prior to the effective date of this section for the zoning district(s) in which the structure is located);
2. The unit does not extend further into the required setbacks than the existing foundation of the building and is not within three feet of a property line;
3. The structural height shall be the minimum to accommodate the second unit, and in all cases shall not exceed thirty feet at the highest point of the roof;
4. The second dwelling unit will not significantly impact adjacent properties adversely;
5. The number of doors and windows facing the reduced side or rear yards are minimized;
6. The proposed second dwelling unit is approved by the fire department for emergency access;
7. The proposed addition can be accommodated with the existing water service;
8. The existing sewer lateral can accommodate the proposed addition;
9. The requirements of this chapter have been met.

E. Required Off-Street Automobile Parking Spaces. There shall be provided at the time of the construction of any new second dwelling unit, a minimum of one off-street parking space for the second dwelling unit, in addition to the two covered spaces required by current ordinances. All off-street parking spaces for the second dwelling unit may be uncovered but must be paved per the city’s parking ordinance, provided exceptions for off-street parking requirements shall be subject to the granting of an exception approved in accordance with this title.

F. Maximum Unit Size. The floor area of the second dwelling unit shall not exceed seven hundred square feet.

G. Architectural Review.
1. Design approval pursuant to procedures and standards of this title shall be obtained for all second dwelling units.
2. For second dwelling units attached to the main dwelling unit, new entrances and exits are allowed on the side and rear of the structures only.
3. To the extent feasible, second dwelling units shall be visually integrated with the main dwelling unit and located in the immediate vicinity of the main dwelling unit.

H. Owner Occupancy. On the date of the application for a building permit to construct a second dwelling unit on a property that contains a main dwelling unit, the main dwelling unit shall be owner occupied.

I. Conversion of Existing Residence. An existing residence, in conformance with the above regulations, may be converted to a second dwelling unit in conjunction with development of a new primary dwelling unit. (1996 zoning code (part)).

### 18.33.040 Requirements to legalize existing second dwelling units.

Within three hundred sixty-five days of the effective date of this chapter for a specified zoning district(s), the owner of each existing second dwelling unit constructed without required permits located in the specified zoning district(s), may apply to the city for a use permit in accordance with Chapter 18.22 to legalize such second dwelling unit. To qualify under this section, the second dwelling unit must have been constructed prior to the effective date of the ordinance codified in this chapter.

A. Building Permit Application for Legalization. The building permit application for legalization of a second dwelling unit shall be made by the record owner, or his authorized representative, in writing, after approval of a use permit and shall contain the information set forth in this section, and any other information as may be required by the building official:
1. Name(s) and address(es) of the owner or owners and applicant;
2. A property description (lot and block number, assessor’s parcel number, street address);
3. A site plan showing streets, property lines (lot dimension), setbacks, the location of the primary and second dwelling unit and all other structures, and the location of all vehicular parking and drives;
4. The floor area (square footage) of the second dwelling unit;
5. The floor plan and elevations of all buildings on the property;
6. Evidence of the date of establishment of the second dwelling unit, found acceptable by the planning director;

7. The consent of the applicant to the physical inspection of the premises between the hours of 8:30 a.m. to 5:00 p.m., weekdays, upon reasonable notice prior to the legalization of the second dwelling unit;

8. Appropriate fees shall be paid;

9. Letter granting approval of a use permit.

B. Required Findings for Certificate of Occupancy. A certificate of occupancy for the second dwelling unit shall be issued; provided, the second dwelling unit meets the same requirements as a single-family dwelling located on the same parcel in the same zoning district, including but not limited to the requirements of B districts and general provisions with the following differences:

1. Minimum Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit required by the applicable district shall not apply. The minimum building site requirements shall be met.

2. Minimum Yards Required. Reduction of the minimum yards required by the applicable district is permitted for a second dwelling unit subject to the granting of an exception approved in accordance with this title provided that the following findings are made:

   a. The second dwelling unit will not significantly impact adjacent properties adversely; and

   b. The proposed second dwelling unit is approved by the Half Moon Bay fire protection district.

3. Required Off-Street Automobile Spaces. There shall be provided a minimum of one off-street parking space for the second dwelling unit, in addition to the two covered spaces currently required for a one-family dwelling. Off-street parking spaces for the second dwelling unit may be uncovered.

4. Modification of Off-Street Parking Requirements. Modification of the off-street parking requirements are permitted, subject to the granting of an exception approved in accordance with this title:

   a. To allow the required automobile spaces to intrude into the front yard when locating the parking behind the front yard setback poses practical difficulties or unusual hardship; or

   b. To reduce the number of parking spaces required when the granting of an exception in accordance with subparagraph a of this subdivision would result in significant portions of the front yard being paved or landscaping removed.

5. Building Code Compliance. The building official has found the second dwelling unit to be in rentable condition. A dwelling unit shall be deemed unrentable when it substantially lacks any of the following:

   a. Effective waterproofing and weather protection of roof and exterior walls, and sound windows and doors in particular;

   b. Plumbing facilities which conformed to applicable law in effect at the time of installation, maintained in good working order;

   c. A water supply approved under applicable law, capable of producing hot and cold running water, or a system which is under control of the landlord, or owner, which produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law;

   d. Heating facilities which conformed with applicable law at the time of installation, maintained in good working order;

   e. Sufficient electrical lighting, with wiring and electrical equipment which conformed with applicable law at the time of installation and maintained in good working order;
f. Building, grounds and appurtenances, clean, sanitary and free in every part from all accumulation of debris, filth, rubbish, garbage, rodent and vermin;

g. An adequate number of approved receptacles for garbage and rubbish, in clean condition and in good repair;

h. Floors, required floor covering, stairway and railings maintained in good repair;

i. One-hour fire protection between attached units;

j. In addition, any other condition, as determined by the building official, to the extent that endangers the life, limb, health, property, safety or welfare of the public or occupants must be corrected per accepted standards.

6. Use Permit Approval. Prior to applying for a building permit applicants shall receive approval of a use permit pursuant to this title.

7. Exception Procedures. Application for an exception to any development standards shall be made to the planning commission and an exception may be issued under the same procedures as that specified in title for the granting of a variance, except that no public hearing be held thereon, and the findings need include only that the second dwelling unit as proposed is as nearly in compliance with the requirements set forth in this section as is reasonably possible.

8. Noncompliance With Requirements. Existing second dwelling units unable to meet requirements set forth in this chapter shall constitute a nuisance, subject to abatement at the direction of the building official.

9. Filing Fees. Use permit applications, architectural review applications, and building permit applications for legalization of second dwelling units shall be accompanied by the standard application and building permit fees as set by resolution of the city council. (1996 zoning code (part)).
Chapter 18.34

PARK FACILITIES DEVELOPMENT FEES

Sections:

18.34.010 Title.
18.34.020 Definitions.
18.34.030 Imposition of park city development fee.
18.34.040 Operative date.
18.34.050 Exception.
18.34.060 Impact of fee--Enforcement.
18.34.070 Occupancy--Prohibition.
18.34.080 Refunds.
18.34.090 Proceeds.

18.34.010 Title.
This chapter shall be known as the park facility development fee law of the city. (1996 zoning code (part)).

18.34.020 Definitions.
For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:
A. “Bedroom” means any room containing a closet of a size sufficient to hold clothing, excluding therefrom one living room with entry closet per dwelling.
B. “Mobile home park” means any area of one or more lots or spaces to be occupied by a house trailer.
C. “Residential unit” means a single-family dwelling, a dwelling unit in a duplex, apartment house, or dwelling group, or any other place designed for human occupancy which contains a kitchen, and any space in a mobile home park designed or intended for a house trailer, mobile home, camper, or similar vehicle. Any additions to existing units that would add bedrooms. (1996 zoning code (part)).

18.34.030 Imposition of park city development fee.
A. Park Facility Development Fee Imposed. A fee is imposed for revenue purposes upon the construction of each residential unit in the city, irrespective of whether the developer is required to dedicate land or pay fees in lieu of land dedication under Title 17 of this code.
B. Fee. The fee imposed is as follows:
1. Every person constructing any residential unit in the city shall pay to the city the following fee: The sum of nine hundred thirty-six dollars for each bedroom contained therein; and
2. Mobile home parks shall pay nine hundred thirty-six dollars for each trailer space.
C. Date Due. The amount of the fee due under this chapter shall be determined at the time a building permit is sought for the construction or reconstruction of any mobile home park, and the full amount of such fee shall be due and payable concurrently with the application for such permit. If such fee is not fully paid on or before the date the permit is issued, the fee or the amount thereof not paid, shall thereupon become delinquent.
D. Delinquent Penalty--Interest. There shall be added to the fee for any unit or so much of such fee as becomes delinquent, a penalty of twenty-five percent which shall thereupon become payable in the same manner as the fee. The fee and penalty shall bear interest at the rate of ten percent per annum until paid. (1996 zoning code (part)).
18.34.040 Operative date.
   The fee imposed by this chapter shall apply to the construction of all residential units for which a building or construction permit is issued on or after the effective date of the ordinance codified in this chapter. (1996 zoning code (part)).

18.34.050 Exception.
   There is excepted from the fee imposed by this chapter the construction and occupancy of a residential unit which is a replacement for a unit being removed from the same lot or parcel of land. The exception shall be equal but shall not exceed the fee which would be payable under this chapter if the unit being replaced were being newly constructed. (1996 zoning code (part)).

18.34.060 Impact of fee--Enforcement.
   The fee imposed by this chapter shall be due from the person by or on behalf of whom a residential unit or building or mobile home park is constructed, whether such person is the owner or a lessee of land upon which the construction is to occur. The department of finance shall collect such fee and any penalty and interest due. The full amount due under this chapter shall constitute a debt to the city, and an action for the collection thereof may be commenced in the name of the city in any court having jurisdiction of the cause. (1996 zoning code (part)).

18.34.070 Occupancy--Prohibition.
   No occupancy permit shall be issued for, and no person shall occupy or offer for occupancy, any residential unit or building or any space in a mobile home park in the city unless the fee and any penalty and interest imposed upon the construction and occupancy thereof by this chapter has been paid. (1996 zoning code (part)).

18.34.080 Refunds.
   Any fee, penalty, and interest paid to the city under this chapter for any building, unit of a building, or mobile home park which is not constructed shall be refunded upon application of the payor and a showing to the satisfaction of the director of finance that such building or unit has not been constructed or construction commenced, and that the building permit issued for such building or unit has been cancelled or surrendered or otherwise does not authorize the construction of such building or unit. (1996 zoning code (part)).

18.34.090 Proceeds.
   All proceeds from the fees, penalty, and interest collected under this chapter shall be paid into a special fund of the city, which fund shall be used only for the acquisition, development, renovation and replacement of parks and recreational areas and their development, including equipment for recreational purposes. (1996 zoning code (part)).
Chapter 18.35
BELOW MARKET RATE HOUSING

Sections:

18.35.010 Purpose and intent.
18.35.015 Definitions.
18.35.020 Applicability.
18.35.025 Affordable housing agreement.
18.35.030 Establishment of an affordable housing fund.
18.35.035 Affordable housing fund accumulation and disbursement.
18.35.040 Location of below market rate units.
18.35.045 Fee in lieu of providing below market rate housing.
18.35.050 Occupancy requirements.
18.35.055 Resale of below market rate units.
18.35.060 Enforcement.

18.35.010 Purpose and intent.

This purpose of this chapter is to ensure that housing opportunities are available for all economic segments of the population as identified in the housing element of the city general plan. The intent of the below market rate housing program established by this chapter is to require either the construction of dwellings that very low, low, and moderate income households can afford to rent or buy, or require the contribution of an in lieu fee to an affordable housing fund an amount sufficient to provide affordable housing opportunities for these income groups as a part of any new residential subdivision of ten or more lots or dwelling units or the conversion of ten or more rental units to condominiums. (1996 zoning code (part)).

18.35.015 Definitions.

A. “Below market rate dwelling unit” means a unit which is affordable, either by rental or purchase, to very low, low, or moderate income households as defined herein.

B. “Very low income household” means any household whose income, with adjustments for family size, is fifty percent or less of the median income for San Mateo County as established by the U.S. Department of Housing and Urban Development.

C. “Low income household” means any household whose income, with adjustments for family size, is between fifty and one-tenth percent and eighty percent of the median income for San Mateo County as established by the U.S. Department of Housing and Urban Development.

D. “Moderate income household” means any household whose income, with adjustments for family size, is between eighty and one-tenth percent and one hundred twenty percent of the median income for San Mateo County as established by the U.S. Department of Housing and Urban Development.

E. “Affordability” means having a monthly rental or purchase cost (including a thirty-year mortgage based on twenty percent down payment, mortgage insurance, taxes, insurance, and homeowner association fees) of no more than thirty percent of monthly household income.

F. “Dwelling unit” means and includes any mobile home, manufactured housing unit, or any structure with water, sanitation, and utilities that has been designed, constructed, and used for purposes of habitation.

G. “Qualified buyer” means any potential purchaser whose gross annual income is less than or equal to the maximum annual income standards for a protected below market rate dwelling unit as provided for herein.
H. “Qualified renter” means any potential renter whose gross annual income is less than or equal to the maximum annual income standards for a protected below market rate dwelling unit as provided for herein. (1996 zoning code (part)).

18.35.020 Applicability.
This section applies to all new residential subdivisions of ten or more lots or dwelling units and condominium conversion projects of ten or more units approved in the city after the date of adoption. Every residential subdivision of ten or more lots or dwelling units and condominium conversion projects of ten or more units shall include one or more below market rate dwelling units according to the following general guidelines:

A. A minimum of twenty percent of the total number of dwelling units in all developments of ten or more units shall be priced at levels which are affordable to low and moderate income households as defined in this chapter and in the housing element.

B. At least twenty-five percent of all below market rate units (twenty-five percent of the twenty percent required) shall be priced at levels which are affordable to very low and low income households as defined in this chapter and the housing element.

C. To the extent practical and feasible, the targets for new below market rate housing units shall be as follows:

<table>
<thead>
<tr>
<th>Target Income Group</th>
<th>Target Housing Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moderate Income</td>
<td>7 percent of total</td>
</tr>
<tr>
<td>Low Income</td>
<td>7 percent of total</td>
</tr>
<tr>
<td>Very Low Income</td>
<td>6 percent of total</td>
</tr>
<tr>
<td>TOTAL</td>
<td>20 percent of total</td>
</tr>
</tbody>
</table>

D. The planning commission and city council may modify these targets based upon the specifics of each new residential subdivision of ten or more lots or dwelling units or condominium conversion projects of ten or more units.

E. In those cases where strict adherence to the formula provided herein results in a fraction between one one-hundredth and forty-nine one-hundredths of a below market rate dwelling unit, the city council may approve a pro rata contribution to the affordable housing fund an amount equal to twenty percent of the building permit valuation for the market rate units to be built.

F. Where the fraction of a below market rate housing unit was between five-tenths and ninety-nine one-hundredths, an additional housing unit shall be required. (1996 zoning code (part)).

18.35.025 Affordable housing agreement.
The city and developer of the below market rate dwelling units shall enter into an affordable housing agreement governing the dwelling units and that agreement shall be recorded against the property. (1996 zoning code (part)).

18.35.030 Establishment of an affordable housing fund.
The city council shall establish an affordable housing fund for purposes of accepting in-lieu contributions permitted by this chapter. (1996 zoning code (part)).

18.35.035 Affordable housing fund accumulation and disbursement.
Administration of the affordable housing fund shall be carried out by the planning department based on guidelines established by the city council. Priorities for disbursement of funds shall be established by the city council as part of the annual budget approval process. (1996 zoning code (part)).
18.35.040 Location of below market rate units.
  A. Unless otherwise approved by the planning commission and city council, below market rate units created by this chapter shall be provided on-site and integrated into the proposed residential subdivision.
  B. In considering any proposal to construct or otherwise provide below market rate units off-site from the proposed residential subdivision or condominium conversion, the planning commission and city council shall make the following findings:
    1. That the proposed location of the below market rate units will not result in the clustering of said units within any neighborhood or geographical area of the city.
    2. That an economic hardship would be created for either the qualified buyer or renter such as excessive homeowner association dues.
    3. That an economic hardship would be created for either the developer or purchasers of the market rate units that could be mitigated by contributing to the affordable housing fund in lieu of providing the below market rate units.
    4. That the proposed development site does not have sufficient land area to provide the affordable units without severely impacting the financial feasibility of the project. (1996 zoning code (part)).

18.35.045 Fee in lieu of providing below market rate housing.
  A. Where an applicant requests relief from the requirement to construct below market rate units as required by this chapter, the city council may approve a contribution to the city's affordable housing fund of an amount equal to twenty percent of the building permit valuation for the market rate units. The city council shall consider the following in approving any request to contribute to the affordable housing fund in lieu of providing the dwelling units:
    1. That an economic hardship would be created for either the qualified buyer or renter such as excessive homeowner association dues.
    2. That an economic hardship would be created for either the developer or purchasers of the market rate units that could be mitigated by contributing to the affordable housing fund in lieu of providing the below market rate units.
    3. That the proposed development site does not have sufficient land area to provide the affordable units without severely impacting the financial feasibility of the project. (1996 zoning code (part)).

18.35.050 Occupancy requirements.
  Any dwelling unit affordable to very low, low, or moderate income households created by this chapter shall be occupied by the qualified buyer or qualified tenant only. Ownership units shall be owner occupied. No sub-leasing or other transfer of tenancy of any ownership or rental unit created by this chapter is permitted. (1996 zoning code (part)).

18.35.055 Resale of below market rate units.
  Below market rate dwelling units created by this chapter may be resold at any time on the open market to a qualified buyer as defined herein. Deed restrictions shall be recorded against the property and included within the affordable housing agreement establishing the standards and criteria for management and resale of each protected unit, including the specific criteria to define a qualified buyer for each protected unit. (1996 zoning code (part)).

18.35.060 Enforcement.
  The city planning department shall be responsible for enforcing the affordability provisions of this chapter. As part of an annual housing affordability report funded by the affordable housing fund, the department shall monitor the rental/resale of designated
affordable units. Appropriate enforcement action will be taken in the event that violations of the chapter are revealed. (1996 zoning code (part)).
Chapter 18.36
PARKING STANDARDS*

Sections:
- 18.36.005 Intent and purpose.
- 18.36.010 General provisions.
- 18.36.015 Definitions.
- 18.36.020 Change in use--Increase in number of spaces.
- 18.36.025 Mixed occupancies and uses not specified.
- 18.36.030 Joint use of facilities.
- 18.36.035 Nonconforming parking.
- 18.36.040 Off-street parking spaces required.
- 18.36.045 Off-street loading requirements.
- 18.36.050 Guest parking spaces.
- 18.36.055 Plans to accompany building permit application.
- 18.36.060 Screening required.
- 18.36.065 Surfacing and grading.
- 18.36.070 Curbing and setback.
- 18.36.075 Lighting.
- 18.36.080 Interference with street right-of-way.
- 18.36.085 Spaces in residential district front yards.
- 18.36.090 Off-street parking on a separate lot.
- 18.36.095 Parking exceptions.

* Prior ordinance history: 1996 zoning code (part).

18.36.005 Intent and purpose.
The intent and purpose of this chapter is to implement the established off-street parking policies of the city by establishing reasonable requirements and design standards for off-street vehicle parking in all zoning districts in the city. The primary policy of the city planning commission and city council related to the provision of off-street parking is to require all new developments or additions of ten percent or more of useable area to existing buildings to provide off-street parking as provided for in this title. For the conversion of an existing, legal nonconforming building to a more intensive use, all reasonable efforts to meet the requirements of this title shall be explored. (Ord. 7-97 §1 (part), 1997).

18.36.010 General provisions.
Except as may be provided for in this chapter or as may be approved by the planning commission and/or city council, the following general provisions shall guide the provisions of off-street parking:

A. The provision and maintenance of required off-street parking and loading spaces is a continuing obligation of the property owner.

B. No building permit or other development permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading spaces. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title or as may otherwise be approved by the city. Any use of the property in violation hereof shall be a violation of this title.
C. Off-street parking spaces required in connection with all other uses except residential permitted in all zoning districts may be open or uncovered and shall be provided on the same building site as the main building, except as may be provided for in this chapter. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of delivery or service trucks used in conducting the business or use. Delivery or service tracks may be parked or stored in designated loading spaces.

D. Off-street parking for all residential uses in any zoning district shall be provided in private garages or enclosed carports. All required garages or enclosed carports shall be located on the same lot or building site as the buildings they are required to serve. All required garage spaces for residential uses shall be kept free clear and accessible for the parking of vehicles at all times.

E. When units of measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

F. Required parking spaces shall be improved as required and made available for use before the final inspection is completed and a certificate of occupancy issued.

G. Parking facilities shall be provided for all new construction as required by this title, but parking for the conversion of existing buildings to a more intensive use shall be provided as near to the requirements as is possible. (Ord. 7-97 §3(part), 1997).

18.36.015 Definitions.

A. For the purpose of this chapter, “floor area” in the case of medical, dental or other professional offices, retail and merchandising or service uses, means the gross floor area inside the perimeter walls of a building or site to be used, or intended to be used, for service to the public as customers, patrons, clients, patients or as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, show or display windows, for delineated office area incidental to the management or maintenance of retail stores or service uses, for toilet rooms or restrooms, for rooms used for utilities, or for dressing rooms, fitting or alteration rooms.

B. For the purpose of this chapter, “floor area” in the case of bars, cabarets, cafes, cocktail lounges and restaurants is defined as the gross floor area inside the perimeter building walls to be used, or intended to be used for service to patrons, and excluding nonpublic areas used for incidental office uses by the restaurant manager; restrooms; cooking, food preparation, and storage areas; hallways from the public areas to the nonpublic areas; or areas occupied by permanent fixtures used for the display or sale of food products.

C. For the purpose of this chapter, “floor area” in the case of light industrial and warehousing uses means the gross floor area inside the perimeter building walls of a building or site to be used, or intended to be used, for service to the public as customers, patrons, or as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise, and areas used principally for nonpublic purposes such as manufacturing, storage, incidental repair, processing or packaging of merchandise, and for delineated office area incidental to the management of the building or use. Mechanical or utility rooms and restrooms shall not be included in the definition of gross floor area for light industrial or manufacturing uses. (Ord. 7-97 §3(part), 1997).

18.36.020 Change in use--Increase in number of spaces.

Except as may be approved by the planning commission and/or city council in conjunction with a discretionary permit, whenever in any building or on any site there is a
change in use or increase in floor area, or an increase in the number of employees or other unit of measurement specified in this chapter to indicate the number of required off-street parking spaces, additional off-street parking spaces shall be provided on the basis of the increased requirements of the new use, or on the basis of the total increase in floor area or in number of employees, or in other unit of measurement. (Ord. 7-97 §3(part), 1997).

18.36.025 Mixed occupancies and uses not specified.

In the case of a use for which a parking requirement is not specifically mentioned in this chapter, the requirements for off-street parking facilities for a use which is so mentioned, and to which the use is similar, shall apply. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as specified for joint use in this chapter. (Ord. 7-97 §3(part), 1997).

18.36.030 Joint use of facilities.

A. Nothing in this chapter shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided that reciprocal access, egress, and parking agreements are reviewed by the city attorney and approved by the planning commission and or city council and recorded against all affected properties. The total of such off-street parking spaces supplied collectively shall not be not less than the sum of the requirements for the various uses computed separately.

B. Where a joint use of parking facilities is proposed and the applicant requests relief from the parking space requirements, a use permit shall be required. For restaurants which are combined with retail uses on the same property, which have different peak operating hours, the planning commission may approve a request for parking provisions for only seventy-five percent of restaurant capacity, as long as all required retail parking spaces are provided. (Ord. 7-97 §3(part), 1997).

18.36.035 Nonconforming parking.

Where automobile parking space is provided and maintained in connection with a main building or use upon the effective date of this chapter, and is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, then the building or structure may be extended only if automobile parking spaces are provided for the enlargement, extension or addition, to the standards set forth in this chapter. No existing parking may be counted as meeting this requirement unless it exceeds the requirements for the original building and then only that excess portion may be counted. (Ord. 7-97 §3(part), 1997).

18.36.040 Off-street parking spaces required.

Except as may be approved by the planning commission and or city council as a part of a discretionary permit or parking exception as provided for in this chapter, the design of any off-street parking area shall conform to the design standards incorporated into this chapter and provide the number of off-street parking spaces required for all permitted uses as set forth in the following table:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Number of Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings (single-family)</td>
<td>Two garage spaces per dwelling unit.</td>
</tr>
<tr>
<td>Apartments, condominiums</td>
<td>Two garage spaces per dwelling unit, plus one guest space for each five units.</td>
</tr>
<tr>
<td>In-law units (second dwelling units)</td>
<td>One off-street parking space in addition to the two enclosed spaces required for the single family</td>
</tr>
<tr>
<td>Type of Use</td>
<td>Parking Requirements</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Hotels, motels and motor lodges</td>
<td>One space for each guest bedroom, plus one space per employee.</td>
</tr>
<tr>
<td>Condominium hotels</td>
<td>Two parking spaces provided for each guest room plus one space per employee. The planning commission may reduce this standard to not less than 1.5 spaces per guest room if the maximum square footage of each guest room does not exceed six hundred square feet.</td>
</tr>
<tr>
<td>Sanitariums, convalescent homes, homes for aged, floor asylums, hospitals, children's homes</td>
<td>Three spaces for each two beds or one for each one thousand square feet of gross area, whichever provides the greater number.</td>
</tr>
<tr>
<td>Theaters</td>
<td>One space for each four seats.</td>
</tr>
<tr>
<td>Stadiums, auditoriums</td>
<td>One space for each four occupants, based upon the Uniform Building Code standards.</td>
</tr>
<tr>
<td>Churches</td>
<td>One space for each four occupants, based upon the Uniform Building Code standards.</td>
</tr>
<tr>
<td>Schools, day nurseries</td>
<td>One space for each employee plus one space for each five children in attendance.</td>
</tr>
<tr>
<td>Schools, elementary/intermediate</td>
<td>One space for each employee plus one space for each five seats or for each forty square feet of floor area in the place of public assembly.</td>
</tr>
<tr>
<td>Schools, high schools</td>
<td>One space for each eight enrolled students, plus one space per employee.</td>
</tr>
<tr>
<td>Schools, colleges/universities</td>
<td>One space for each three enrolled daytime students, plus one space for each employee.</td>
</tr>
<tr>
<td>Schools, private</td>
<td>Parking requirements to be determined by the planning commission as a part of use permit review and approval.</td>
</tr>
<tr>
<td>Dance halls, assembly halls without fixed seats, exhibition halls</td>
<td>One space for each one hundred square feet of floor area used for dancing or assembly.</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>Five spaces for each alley, plus two for each billiard table, plus one for each four seats in any gallery.</td>
</tr>
<tr>
<td>Retail sales</td>
<td>One space for each two hundred fifty square feet of area for the first ten thousand square feet of floor area; and one space for each three hundred square feet of floor area for buildings with floor area over ten thousand square feet.</td>
</tr>
<tr>
<td>Medical or dental clinics, banks</td>
<td>One space for each two hundred fifty square feet of floor business or professional offices area for the first ten thousand square feet of floor area; and one space for each three hundred square feet for all area over ten thousand square feet.</td>
</tr>
<tr>
<td>Cabarets, cocktail lounges, restaurants and cafes</td>
<td>One space for each forty-five square feet of floor area where the public is served, plus one space per employee.</td>
</tr>
</tbody>
</table>
Mortuaries or funeral homes  Ten spaces for each room used as a chapel room, or slumber room, or parlor, or one space for each twenty square feet of assembly room used for services, whichever amount is greater plus one space per employee, plus one space for each car operated by the establishment.

Auto sales  One space for every five hundred square feet of gross floor area.

Marina  One space for each two boat moorings.

Public utility, substations, and related facilities  One space per employee, plus one space per vehicle (including wheeled equipment) permanently assigned to the facility.

Park and recreation uses  One space for each eight thousand square feet of active recreation area within a park or playground, plus one space per acre of passive recreation area within a park or playground.

Warehousing and storage  One space for each one thousand square feet of floor area for the first ten thousand square feet; plus one space for each one thousand five hundred square feet for all additional area.

Light industrial and manufacturing  One space for each five hundred square feet of floor area for the first ten thousand square feet; plus one space for each seven hundred fifty square feet for all additional area.

Businesses using trucks as a typical part of operations  One space for each truck shall be provided, in addition to the other parking requirements.

All uses not listed above, which are permitted in C Districts:

Five thousand square feet of gross floor area or less  One space for each two hundred fifty square feet of gross floor area exclusive of floor area used for air-conditioning or other utility equipment.

Five thousand square feet of gross floor area or more  Nineteen spaces, plus one space for each two hundred square feet of gross floor area in excess of five thousand square feet, exclusive of floor area used for air-conditioning or other utility equipment.

(Ord. 7-97 §3(part), 1997).

18.36.045 Off-street loading requirements.

Buildings or structures to be built or substantially altered which receive and distribute material and merchandise by tracks shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.

A. The following standards shall be used in establishing the minimum number of berths required:

<table>
<thead>
<tr>
<th>Gross Floor Area of the Building in Square Feet</th>
<th>Number of Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 20,000</td>
<td>1</td>
</tr>
<tr>
<td>20,000 to 50,000</td>
<td>2</td>
</tr>
</tbody>
</table>

(Ord. 7-97 §3(part), 1997).
For each additional fifty thousand square feet of gross floor area, one additional berth shall be provided. For offices and stores up to five thousand square feet, regular off-street parking areas may be used to meet the off-street loading requirements.

B. A loading berth shall contain a minimum space of ten feet wide and sixty feet long and have an overhead clearance of fourteen feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

C. Access to loading berths shall be from alleys where they exist, but in no event shall a loading berth abut on or directly access any existing street, road or highway. (Ord. 7-97 §3(part), 1997).

**18.36.050 Guest parking spaces.**

Under the circumstances described in this chapter, parking spaces for guests shall be provided when and as follows:

A. For multifamily residential developments with ten or more units, guest parking shall be provided on-site at a ratio of one space for each five units.

B. Where a residential development is approved with internal streets and drives that do not meet city standards and on-street parking is restricted, or where streets or drives are designated and posted with restricted parking such as fire lanes, guest parking shall be provided outside of the street section or paved area at a ratio of one space for each five units.

C. For mobile home parks, parking spaces shall be located for convenient access to mobile home spaces. Two enclosed carport or garage parking spaces shall be located on each mobile home space, and an additional off-street parking space for each ten mobile home spaces may be located in adjacent parking bays or along access roads where sufficient paved roadway width is provided. (Ord. 7-97 §3(part), 1997).

**18.36.055 Plans to accompany building permit application.**

A plan, drawn to scale and fully dimensioned, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for any discretionary and building permit. Prior to the issuance of a building permit the planning and building director shall determine that the plan submitted incorporates all of the requirements of this chapter and any conditions imposed by the planning commission and or city council. The plan shall show all elements necessary to indicate that the requirements are being fulfilled, including the following:

A. Delineation of individual parking and loading spaces, including the size of stalls and access drives;

B. Circulation area necessary to serve parking and loading spaces;

C. Access to streets and property to be served;

D. Curb cuts and any closures of existing drives;

E. Dimensions, continuity and substance of screening;

F. Grading, drainage, surfacing and subgrading details;

G. Delineation of obstacles to parking and circulation in finished parking area;

H. Specifications as to signs and bumper guards;

I. Landscaping plans and details;

J. All other pertinent details as may be required by the planning and building director. (Ord. 7-97 §3(part), 1997).

**18.36.060 Screening required.**

A. Automobile parking facilities for more than ten vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residential district by a solid fence or wall with a uniformly treated surface. Except where a lower fence or wall is required to meet vehicle sight distance requirements, such fence or wall shall not be less than six feet in height and shall be maintained in good condition. Screen planting
of plant material and design approved by the planning commission may be substituted for a solid fence or wall, provided that a bond to guarantee the installation and maintenance of the screen planting is posted with the planning commission. The amount of the bond shall be set by the city engineer.

B. For screening on a corner site, within a required setback area, the sight distance area is a triangular area measured from the corner property marker or apex of the radius of the curve, to two points located fifteen feet back along the front and side property lines and completed by the diagonal connecting these two points. The volume of space between three feet and nine feet above this triangular area is to be depth clear to allow safe vehicular movements at the street intersection. For landscaping, this means that trees within a sight distance area must be pruned to allow a nine foot clearance between natural grade and the lowest foliage, and shrubs within the sight distance area must be trimmed to a maximum height of three feet. Fences cannot exceed a height of three feet in this area. (Ord. 7-97 §3(part), 1997).

18.36.065 Surfacing and grading.
Unless otherwise approved by the planning commission and or city council, all parking areas shall be surfaced with an asphaltic or cement binder pavement so as to provide a durable, dust free, all-weather surface and shall be so graded and drained as to dispose satisfactorily of all surface water accumulation within the area. All areas used for the parking and maneuvering of vehicles shall be so drained as to avoid flow of water across sidewalks. (Ord. 7-97 §3(part), 1997).

18.36.070 Curbing and setback.
Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high or by a bumper rail, and set back a minimum of four and one-half feet from the property line. (Ord. 7-97 §3(part), 1997).

18.36.075 Lighting.
Artificial lighting which may be provided shall be so deflected as to not shine or create glare in any residential district or any adjacent dwelling. (Ord. 7-97 §3(part), 1997).

18.36.080 Interference with street right-of-way.
All groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing or other maneuvering within a street right-of-way other than an alley. (Ord. 7-97 §3(part), 1997).

18.36.085 Spaces in residential district front yards.
In all R (residential) districts, vehicle parking may be allowed on all-weather driveways within the required front yard in front of garages. One required side yard setback area adjacent to the driveway in front of the garage may be used for the parking of a vehicle so long as the area consists of an all-weather surface. In no case may a vehicle be parked or stored within a required front yard area for other than short, temporary periods of time not to exceed twenty-four hours in any thirty-day period. (Ord. 7-97 §3(part), 1997).

18.36.090 Off-street parking on a separate lot.
The planning commission and or city council shall not approve required off-street parking or loading space proposed on a separate lot from the building site or sites unless:
A. The off-site parking lot is within 300 feet walking distance or otherwise located so as to be useful in connection with the proposed use or uses on the building site or sites; and
B. Parking at the off-site location will not create undue traffic hazards in the surrounding area; and
C. The off-site parking lot and the building site or sites are in the same ownership or the owners are entitled to the immediate possession and use thereof for a term coterminous with the proposed use.

D. Upon receiving approvals from the planning commission and or city council for all required discretionary permits, the owner or owners of the properties execute a written instrument or instruments, approved as to form and content by the city attorney, providing for the maintenance of the of the required parking on the off-site parking lot for the duration of the proposed use or uses on the building site. Such instruments shall be recorded in the county recorder's office as restricted covenants against each property.

E. Should a change in use or additional uses be proposed, the off-street parking regulations in effect at the time the change of type or intensity of use shall apply.

F. As set forth in this title, off-site parking lots in residential districts to support commercial uses require the approval of a use permit in each case. (Ord. 7-97 §3(part), 1997).

18.36.095 Parking exceptions.

In cases of practical difficulties and unusual hardship, the planning commission may, after proper hearings, recommend exceptions to the parking requirements or development standards set forth in this chapter. Application for a parking exception shall be made and an exception may be approved under the following procedures:

A. An application for a parking exception shall be submitted concurrently with any other required discretionary permit.

B. The applicant shall submit a written explanation relating the circumstance of the particular case to the following findings of fact:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to the land, buildings and/or uses in the same district;

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;

3. That the granting of such application will not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood;

4. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed, are as nearly in conformance with the requirements of the Half Moon Bay zoning code as are reasonably possible.

C. Where a public hearing is required for any discretionary permit associated with the parking exception, the required public notice shall also indicate that a parking exception is also requested. Where a public hearing is not required for any associated discretionary permit, no public hearing is required for the parking exception.

D. At any public hearing or meeting of the planning commission and/or city council, the applicant may present testimony and other evidence in support of his application, and other interested persons may be heard and/or present evidence on the matter.

E. After the conclusion of the public hearing or meeting, the planning commission and or city council shall make written finding of facts showing whether the four requirements in subsection (B) of this section have been established with respect to the land, building or use for which the parking exception is sought, and make its determination as to the granting or denial of the application for a parking exception based upon those findings.

F. In approving any parking exception under the provisions of this chapter, the planning commission and/or city council shall impose such conditions in connection therewith as will, in its opinion, secure substantially the objectives of this title as to the public health, safety, morals, convenience and general welfare. It shall also require such
evidence and guarantees as it deems necessary to obtain compliance with the conditions imposed in connection therewith.

G. The applicant or any interested property owner aggrieved by a determination of the planning commission may appeal to the city council within ten days from the date of such determination. The appeal shall be taken to and heard by the city council, in the same manner as is provided in this title for appeals with reference to the granting or denial of applications for use permits.

H. Unless otherwise expressly stated in the granting thereof, every parking exception approved under the provisions of this chapter shall lapse and expire and be of no force and effect whatsoever, unless the building, work of construction or other project or undertaking for which the parking exception was granted is substantially commenced within one year after its effective date and thereafter diligently prosecuted to completion. Nothing in this chapter shall prevent the planning commission and or city council from extending the time for the exercise of said rights for one additional period of six months upon receiving a written request from the applicant prior to the expiration of the six-month period.

I. An application for a parking exception that has been finally disapproved may not be resubmitted for a period of one year from final disapproval unless the application has been substantially changed.

J. Where a request for a parking exception has been submitted for a reduction in the parking stall dimensions, in no case shall the planning commission approve a parking stall with dimensions less than eight and one-half feet by eighteen feet. (Ord. 7-97 §3(part), 1997).
Chapter 18.37
VISUAL RESOURCE PROTECTION STANDARDS

Sections:
18.37.010 Purpose and intent.
18.37.015 Applicability.
18.37.020 Visual resources areas.
18.37.025 Beach viewshed area standards.
18.37.030 Scenic corridor standards.
18.37.035 Upland slopes standards.
18.37.040 Old downtown standards.
18.37.045 Significant plant communities.
18.37.050 Landscape design standards.
18.37.055 Screening standards.
18.37.060 Standards for utilities, lighting and signs.

18.37.010 Purpose and intent.
The specific purpose and intent of these visual resource protection standards are to:
A. Protect the scenic and visual qualities of coastal areas as a resource of public importance.
B. Ensure that new development is located so as to protect views to and along the ocean and scenic coastal areas.
C. Minimize the alteration of natural land forms.
D. Restore and enhance visual quality in visually degraded areas.
E. Allow development only when it is visually compatible with the character of the surrounding areas. (1996 zoning code (part)).

18.37.015 Applicability.
Development projects, including additions and remodeling, are subject to the standards for review by the planning department staff, architectural review committee and planning commission as set forth in this title. In addition, all new development projects within or adjacent to visual resource areas shall meet the visual resource standards established within this chapter. (1996 zoning code (part)).

18.37.020 Visual resources areas.
The planning director shall prepare and maintain maps of all designated visual resource areas within the city, based upon the visual resources overlay map contained in the city's local coastal program land use plan. Visual resource areas within the city are defined as follows:
A. Scenic Corridors. Visual resource areas along the Highway One corridor and scenic beach access routes, defined as follows:
   1. Highway One Corridor. Located on both sides of Highway One, for a distance of two hundred yards in those areas where Highway One is designated as a scenic highway by the state of California and in those areas shown on the visual resources overlay map in the city's local coastal program land use plan.
   2. Broad Ocean Views. Areas providing broad ocean views from Highway One, as indicated on the visual resources overlay map in the city's local coastal program land use plan. Specifically, these areas are located within the following boundaries:
      a. Between the breakwater in Pillar Point Harbor on the north to Magellan Avenue on the south.
b. Between the southerly edge of the city of Naples subdivision on the north and Sweetwood State Park on the south.

c. Between Frenchman’s Creek on the north and Wave Avenue of El Mar Beach Subdivision on the south.

3. Scenic Coastal Access Routes. Primary access routes from Highway One to major parking facilities adjacent to the state beaches: Young Avenue, Venice Boulevard, and Kelly Avenue; and secondary access routes from Highway One to minor parking facilities: Wavecrest Road, Redondo Beach Road, Miramontes Point Road.

B. Upland Slopes. Scenic hillsides which are visible from Highway One and Highway 92, as indicated on the visual resources overlay map. These areas occur include hillside areas above the one hundred sixty foot elevation contour line which are located:

1. East of the proposed Foothill Boulevard, comprising portions of Carter Hill and Dykstra Ranch properties.

2. Southeast of Pilarcitos Creek and east of Arroyo Leon, comprising a portion of land designated as open space reserve in the land use plan.

3. East of the Sea Haven Subdivision, being a portion of the Gravance property designated urban reserve in the land use plan.

4. East of the Nurseryman’s Exchange properties and lower Hester-Miguel lands, comprising all of the upper Hester-Miguel lands designated as open space reserve in the land use plan.

C. Planned Development Areas. New development within planned development areas shall be subject to development conditions as stated in the local coastal program land use plan for each planned development, to design review standards set forth in this title, and standards set forth in this chapter regarding landscaping, signs, screening, lighting, parking areas and utilities.

D. Old Downtown. The historic downtown area, once known as “Spanish Town,” is a visual resource area identified on the city’s land use plan visual resources overlay map. The old downtown is included within the larger planning area of the Half Moon Bay downtown specific plan. However, the “old downtown” referred to in this chapter pertains specifically to the following area:

1. Properties on both sides of Main Street, bounded on the north by Pilarcitos Creek and extending several properties south of Correas Street where historic buildings exist as visual resources.

2. Properties on both sides of Kelly and Miramontes Streets, bounded by Church Street to the west and extending several properties east of San Benito Street where historic buildings exist as visual resources.

3. Properties on both sides of Purissima, Johnston and San Benito Streets, bounded by Kelly Street to the north and several properties to the south of Correas Street where historic buildings exist as visual resources. (1996 zoning code (part)).

18.37.025 Beach viewshed area standards.

A. Structures shall be set back from the bluff edge far enough to ensure that the structure does not infringe on views from the beach and along the bluff top parallel to the bluff edge. In areas where existing structures on both sides of the proposed structure already impact public views from the beach or along the bluff top, new structures shall be located no closer to the bluff edge than adjacent structures.

B. Parking facilities and recreational structures, including campers, located in public regional recreational areas, private recreational areas, visitor-serving commercial areas and other developments shall be sited and designed to minimize visibility from the beach.

C. No off-premises outdoor advertising shall be permitted. This includes kiosks in beach viewshed areas. Other permitted signs shall be carefully designed and reviewed so that any negative visual impacts are minimized.
D. New development shall be sited and designed so as to avoid or minimize
destruction or significant alteration of significant existing plant communities identified in
the local coastal program land use plan and general plan. (1996 zoning code (part)).

**18.37.030 Scenic corridor standards.**

Public views within and from scenic corridors shall be protected and enhanced,
according to the following standards:

A. Development within areas shown on the visual resources overlay map as providing
broad ocean views. Development may not significantly obscure, detract from, or
negatively affect the quality of broad ocean views. All new development shall be
reviewed by the planning commission for conformance with the following criteria:

1. Structures shall be sited and designed to preserve unobstructed broad views
   of the ocean and shall be clustered to the maximum extent feasible.
2. A landscaping plan shall be provided which incorporates landscaping species
   which, when mature, will not interfere with public views of the ocean.
3. Within the mapped area of the visual resources overlay map, building height
   shall not exceed one story or fifteen feet, unless an increase in height would not obstruct
   public views to the ocean from the highway or would facilitate clustering of development
   which would result in greater view protection. The building height may be increased upon
   approval by the planning commission, if findings are made that greater view protection will
   result or public views will not be obstructed, but in no case shall building height exceed a
   height of twenty-eight feet.

B. Development within the Highway One corridor and scenic corridors along all
designated shoreline access routes as indicated on the visual resources overlay map
where existing permits or development does not exist. In general, structures shall be:

1. Situated and designed to protect any views of the ocean and scenic coastal
   areas. Where appropriate and feasible, the site plan shall restore and enhance the scenic
   quality of visually degraded areas.
2. Located where least visible from the public view. Development shall not block
   views of the shoreline from scenic road turnouts, rest stops or vista points.
3. Designed to be compatible with the environment, in order to maintain the
   natural features such as streams, major drainage, mature trees, and dominant vegetative
   communities.
4. Set back an appropriate distance from the Highway One right-of-way and
   from scenic beach access routes in accordance with the intent of this chapter.
5. Designed to maintain a low height above natural grade, unless a greater
   height would not obstruct public views.

C. Access Roads and Vegetation.

1. Removal of existing vegetation within roadway right-of-ways is prohibited,
   except where permitted for new landscaping or fire protection and in those areas required
   for road and shoulder alignment or as required for reasons of safety.
2. The number of access roads to a scenic corridor shall be minimized wherever
   possible. Access roads serving new development shall be combined with the intent of
   minimizing intersections with scenic roads, prior to junction with a scenic corridor unless
   severely constrained by topography. Traffic loops shall be used to the maximum extent
   possible so that dead-end roads may be minimized.
3. Curved approaches to scenic corridors shall be used in conjunction with
   native planting to screen access roads from view wherever practical. Additional planting
   may be required where existing planting is considered insufficient. Planting shall be
   placed so that it does not constitute a safety hazard.
4. Screening as required under this section should not consist of solid fencing,
   rather it should be of natural materials of the, area, preferably natural vegetation in
   conjunction with low earth berms.
5. Selective clearing of vegetation which allows the display of important public views may be permitted.

6. Landscaping and screening suitable to the site and compatible with the surrounding area shall be used to soften the visual effect of development within a scenic corridor.

7. Landscaping which establishes scenic gateways and corridors is encouraged to enhance the scenic quality of scenic corridors.

D. Signs. No off-premises outdoor advertising shall be permitted. Other permitted signs shall be carefully designed and reviewed so that any negative visual impacts are minimized.

E. Parking Lots. All commercial or public parking lots shall be landscaped and screened with berms, if necessary, to minimize visual intrusion within scenic corridors. (1996 zoning code (part)).

18.37.035 Upland slopes standards.

New development shall meet the following criteria:

A. Grading or creation of a building site which results in significant alteration of the natural terrain shall not be allowed. Structures shall be subordinate in appearance to the natural land form and shall follow existing natural contours.

B. Structures and roads shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction. Pitched, rather than flat roofs, which are surfaced with nonreflective materials except for solar energy devices shall be encouraged.

C. Structures shall be sited so as to not intrude or project above the ridge line skyline as seen from Highways One and 92.

D. Tree stands shall be preserved wherever possible. Where trees must be removed for building purposes, reforestation with indigenous or naturalized species shall be provided as part of new development in order to maintain forested appearance of the hillside.

E. Structures shall be concentrated into clusters to preserve larger areas of open space.

F. The padding or terracing of building sites shall be prohibited, unless it is determined that there are no feasible and reasonable alternatives.

G. Within the Dykstra Ranch, Carter Hill and Nurserymen’s Exchange planned unit development areas, no development shall occur above the one hundred sixty-foot contour line, nor on slopes of twenty-five percent or greater.

H. No off-premises outdoor advertising shall be permitted. Other permitted signs shall be carefully designed and reviewed so that any negative visual impacts are minimized. (1996 zoning code (part)).

18.37.040 Old downtown standards.

A. Design approval of new development, alterations to existing structures and proposed demolitions within the old downtown shall be in accordance with the following criteria:

1. Scale and style shall be similar to that of the predominant older structures within the immediate vicinity.

2. Continuity in building lines shall be maintained along Main Street.

3. Existing older buildings which contribute significantly to the character of the area, as described in the historic resources ordinance and inventory, shall not be demolished or altered in a manner which eliminates key architectural features, unless it is shown on a case by case basis that it is financially unfeasible to maintain such buildings due to requirements for seismic retrofitting of unreinforced masonry or for Americans with Disabilities Act requirements.
B. In addition to the above criteria, the downtown specific plan and historic resources ordinance contains preservation, design, and land use standards guiding new development and maintenance of historic sites within the downtown area. New development, additions and remodels in the downtown planning area shall be subject to the policies of the downtown specific plan and historic resources ordinance, and any design guidelines which may be developed to implement the downtown specific plan and historic resources ordinance.

C. New development, additions and remodels in the downtown area shall also be evaluated using the design review standards set forth in this title, and shall be subject to the standards set forth in this chapter regarding landscaping, signs, screening, lighting, parking areas and utilities.

D. No off-premises outdoor advertising shall be permitted, except temporary signs or signs approved by the city as a part of any directional sign program or special events sign program encouraged in policies of the city downtown specific plan. Other permitted signs shall be carefully designed and reviewed so that any negative visual impacts are minimized. (1996 zoning code (part)).

18.37.045 Significant plant communities.

A. Preservation of Significant Plant Communities. Significant plant communities including riparian vegetation along stream banks and bodies of water, notable tree stands, and unique species shall be preserved wherever possible.

1. Chapter 9 of the Half Moon Bay local coastal program land use plan establishes the following existing significant plant communities:
   a. Cypress stands or rows in Miramar Beach, North Wavecrest, and Arleta Park/Miramontes Terrace South west of Railroad Avenue.
   b. Eucalyptus stands or rows along Naples Creek (Guerrero Avenue Site), and in North Wavecrest.
   c. Riparian vegetation located adjacent to all bodies of water, intermittent or perennial, man-made or natural.

2. Other significant plant communities include:
   a. Cypress rows located elsewhere in the city including but not limited to along Highway 92 on the Pilarcitos Cemetery property and Nurseryman’s Exchange property, and along Highway One on Cunha School property.
   b. Groupings of native trees, such as Coast live oak, Holly oak, California sycamore, and Monterey pine, where they may occur in the city.
   c. California wild strawberry located on bluffs within the city.

B. Plant Communities Preservation Guidelines.

1. Evaluation. As a part of the environmental review process for a proposed development, any notable tree stand or hedgerow, riparian vegetation or wild strawberry patch shall be evaluated by a qualified biotic resources professional such as a registered forester for trees, a botanist or other vegetation specialist for other significant plant communities. The qualified professional shall be under contract with the city, at the expense of the project applicant, and shall determine if preservation of the significant plant community may be possible or desirable. If the applicant has retained the services of a biotic resources professional to prepare a report prior to the submittal of permit applications, the city may enter into contract with a second professional to confirm the findings of the earlier report, at the city’s expense. Evaluation of trees on public right-of-way or city property shall be performed at the expense of the city.

2. Report Required. Reports prepared by a qualified biotic resources consultant shall disclose the following:
   a. For tree rows and tree stands, the number, age and expected remaining life span, location, and condition of the trees shall be disclosed. If it is determined that the trees may be saved but need to be trimmed or stabilized in other ways, the report shall
describe any necessary trimming or other preservation device such as wiring. If the trees are proposed to be removed, the report shall evaluate each of the trees, condition with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, age or remaining life span, and whether or not the tree acts as host for a plant which is parasitic to other species of trees which are in danger of being infested or exterminated by the parasite. For the removal of blue gum trees, the report shall present an evaluation as to the spreading of blue gum trees and invasion into or displacement of the habitat of native species on the site. Additional reporting requirements listed below and in municipal code Chapter 12.16, Section 12.16.030C shall be required for any development affecting trees on city property or public right-of-way.

b. For other plant communities, the extent of the area covered by unique species, or the limit of riparian vegetation where fifty percent of the vegetative cover in an area is made up of riparian species, namely, California cord grass, Red alder, Jaumea, Pickle weed, Big leaf maple, Narrowleaf cattail, Arroyo willow, Broadleaf cattail, Horsetail, Creek dogwood, Black cottonwood, and Box elder. Report requirements contained in this title under Chapter 18.38, Coastal Resource Conservation Standards, shall be applicable.

3. Siting of Development. Parking lots, buildings, utility lines and other development shall be sited so as not to disturb existing notable tree stands including their root systems, nor to intrude upon riparian vegetation or the habitat of existing unique vegetative species. A landscape plan shall be prepared in accordance with Section 18.37.050 of this chapter. Where no feasible alternatives exist but for development to be located on a site such that the health of existing tree stands or rows will be negatively impacted, city permits for removal and replacement of vegetation shall be obtained by the applicant. Performance standards within riparian habitats, riparian buffer zones and unique species habitats are contained in Chapter 18.38, Coastal Resource Conservation Standards, of this title.

4. Pruning and Removal--Permits. If the report listed in subsection (B)(2)(a) of this section, indicates the need for pruning or removal of significant trees, whether on public or private property, the applicable city permits must be obtained by the applicant. Municipal code Chapter 12.16 regulations pertaining to application, permits required, and the criteria for the issuance or denial of such permits shall be applicable. Permits allowing the removal of significant trees may be conditioned so that one-for-one replacement of such trees by the applicant is required, however development proposals will be considered on a case-by-case basis.

5. Replacement. Replacement vegetation shall be required to mitigate any adverse effects of the removal of notable tree stands and rows, riparian vegetation or unique vegetative species. Species for such replacement shall be reviewed and approved by the planning director, and where removal of vegetation will occur on public right-of-way or city property, replacement species shall also be reviewed by the public works department. Where possible and practical, any species removed shall be replaced by the same species, subject to the provisions of this chapter. The planning commission may approve the planting of replacement of trees to be removed on adjacent or contiguous properties if the development site cannot reasonably support the number of trees required and as may otherwise be necessary to comply with the intent and purpose of this chapter.

C. Conditions. Conditions for the preservation or replacement of significant plant communities shall be included in conditions of approval for each planned development area in the city, and for each development located adjacent to riparian areas or other sensitive habitats. Preservation standards provided in Chapter 18.38, Coastal Resource Conservation Standards, for protection of Monterey pines, California wild strawberry and other rare, unique or endangered plant species shall be incorporated in conditions of approval for any development in the vicinity of these species. (1996 zoning code (part)).
18.37.050 Landscape design standards.

Approval of a landscape plan will be based upon how well the plan addresses environmental and visual conditions specific to the site. Criteria used to evaluate the landscape plans will include the following:

A. Landscaping shall be an integral part of the project design, to create a pleasing appearance from both within and off the site.

B. Landscape plans shall display organization and usefulness of space through arrangement of architectural elements and plantings. Vegetation shall be arranged in a hierarchy of plant groupings to enhance the visual and scenic qualities of the site.

C. New or replacement vegetation shall be compatible with surrounding vegetation and shall be adaptable to the site with regard to rainfall, soil type, exposure, growth rate, erosion control and energy conservation purposes. Plant materials chosen shall be species which do not present safety hazards, which allow native flora to reestablish in the area, and which require minimal maintenance, including watering, pest control, and cleanup of litter from fruit and leaf droppings.

D. Existing trees shall be preserved wherever possible. Trees which are to be saved should be identified and a note included on the plans as to their protection and pruning.

E. Trees should not be planted directly over or under utility lines. Trees with a surface root system should not be planted in the following areas without a root control box: parking lot medians, parking lot tree wells, parking strips, areas adjacent to other paved surfaces.

F. In general, trees and large shrubs should be planted a minimum of fifteen feet away from any major structure, except for street trees and shrubs in the downtown area. Trees and shrubs which have a height greater than width at maturity may be planted as close as three feet to a structure. Trees should be planted far enough from windows and entry ways to prevent severe pruning or removal of the plant as it matures.

G. Trees should be planted far enough from street lighting to prevent blockage or reduction of light as the tree matures. Trees should be planted far enough from road signs and signals so as not to obstruct visibility. On the corner of a corner lot, shrubs shall be maintained at a height of thirty inches or lower at maturity and trees shall be trimmed and pruned so that they branch at six feet or higher to allow for adequate sight distance.

H. New street trees shall be fifteen gallon can size, at a minimum, at the time of planting. (1996 zoning code (part)).

18.37.055 Screening standards.

Storage and service areas, parking lots, recreational vehicle parks, rooftop mechanical equipment, utility installations such as trash enclosures, traffic control devices, transformer vaults and electrical meters shall be screened in accordance with the following standards:

A. Landscaping shall be used to separate and/or screen parking and storage areas from other areas, break up expanses of paved area, and define open space for usability and privacy.

B. In addition to landscaping, earth berms shall be used for screening public parking lots, wherever possible.

C. Recreational vehicle parks shall be landscaped in such a manner that the site is fully screened from public roads, vista points, public recreation areas and residential areas within five years of development commencing.

D. Location of structures should take into account maintenance of private view; rooftop mechanical equipment shall be incorporated into roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic control devices, transformer vaults and electrical meters shall be accessible, but screened where possible. (1996 zoning code (part)).
18.37.060 Standards for utilities, lighting and signs.

Utilities shall be placed underground in all new developments. All exterior lighting shall be functional, subtle, and compatible with the building's architectural style, materials, and colors. Signs shall meet regulations for size, location, design, color, number, lighting and materials contained in municipal code Title 15. (1996 zoning code (part)).
Chapter 18.38
COASTAL RESOURCE CONSERVATION STANDARDS

Sections:
18.38.010 Purpose and intent.
18.38.015 Applicability.
18.38.020 Coastal resource areas.
18.38.025 Amendments to coastal resource area maps.
18.38.030 Required reports.
18.38.035 Biological report.
18.38.040 Archaeological report.
18.38.045 Geological report.
18.38.050 Environmental evaluation standards.
18.38.055 Environmental impact reports.
18.38.060 Sand dunes.
18.38.065 Bluffs and sea-cliffs.
18.38.070 Coastal access ways.
18.38.075 Riparian corridors and buffer zones.
18.38.080 Wetlands.
18.38.085 Habitats for rare and endangered species.
18.38.090 Habitats for unique species.
18.38.095 Archaeological resources.
18.38.100 Development conditions.
18.38.105 Fees.
18.38.110 Notice.
18.38.115 Appeals.
18.38.120 Water quality protection--Exceptional lots.
18.38.121 Water quality protection--Mobile home parks.

18.38.010 Purpose and intent.

The specific purpose and intent of these coastal resource conservation standards are:

A. Limit or prohibit urban development within coastal resource areas that would have adverse impacts on those resources designated in the city local coastal program land use plan;
B. Ensure that the siting and design of developments in the city does not significantly degrade sensitive habitat areas and maintains the biological productivity of those habitats;
C. Minimize the loss of vegetation and limit increased erosion and sedimentation in the riparian corridors associated with the two perennial streams, Frenchman’s Creek and Pilarcitos Creek, including the Arroyo Leon tributary, and one intermittent stream, Arroyo Canada Verde, within the city;
D. Limit access into sensitive habitats where necessary to preserve their biological productivity;
E. Identify and protect the habitats of rare, endangered or unique species, as defined in state and federal law, within the city;
F. Ensure that important archaeological resources within the city are identified and protected from the adverse effects of new development;
G. Encourage improved access to the beaches and bluffs along the coast as part of the establishment and development of recreational areas, both public and private, in the city;
H. Ensure more focused protection by specifying permitted uses and performance criteria for different types of habitats;
   I. Ensure restoration of damaged sensitive habitats; and
   J. Balance coastal act requirements for protection of fragile resources with requirements for the provision of shoreline access while keeping in mind that the protection of environmentally sensitive habitats has highest priority. (1996 zoning code (part)).

18.38.015 Applicability.
The requirements and standards of this chapter shall apply to all development within any zoning district in the city except the following activities:
   A. The continuance of any pre-existing nonagricultural use, provided such use has not lapsed for a period of one year or more. This shall include any change of use which does not significantly increase the degree of encroachment into or impact upon the sensitive habitat as determined by the planning director.
   B. The continuance of any pre-existing agricultural use, provided such use has been exercised within the last five years.
   C. All activities listed in the California Food and Agricultural Code pursuant to the control or eradication of a pest as defined in Section 5006, Food and Agricultural Code, as required or authorized by the county agricultural commissioner.
   D. Any category of development that is exempt from coastal development permitting requirements pursuant to Section 30610 of the Coastal Act as implemented by Title 14, Sections 13250, 13252, and 13253, of the California Code of Regulations, and Chapter 18.20 of the zoning code. (Ord. O-2-06 §5, 2006; 1996 zoning code (part)).

18.38.020 Coastal resource areas.
The planning director shall prepare and maintain maps of all designated coastal resource areas within the city. Coastal resource areas within the city are defined as follows:
   A. Sensitive Habitat Areas. Areas in which plant or animal life or their habitats are either rare or especially valuable, and/or as designated on the habitat areas and water resources overlay map. Areas considered to be sensitive habitats are listed below.
   B. Riparian Area and Corridor. Any area of land bordering a perennial or intermittent stream or their tributaries, or around a lake or other body of fresh water, including its...
banks and land at least up to the highest point of an obvious channel or enclosure of a body of water. Riparian corridors are the areas between the limits of riparian vegetation, where limits are determined by vegetative coverage, at least fifty percent of which is comprised of a combination of the following plant species: red alder, jaumea, pickleweed, big leaf maple, narrow-leaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder. These areas and corridors are sensitive habitats requiring protection. Man-made irrigation ponds having over two thousand five hundred square feet of surface area are exempt.

C. Bluff, Cliff and Sea-Cliff. Bluff, cliff and sea-cliff definitions:
   1. A bluff or cliff is a scarp or a steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, or folding of the land mass with a vertical relief of ten feet or more.
   2. Seaciff is defined as a cliff whose toe is subject to marine erosion.
   3. Bluff-edge or cliff-edge is defined as the upper termination of a bluff, cliff, or sea-cliff.
      a. Where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the edge shall be defined as that point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff.
      b. Where the top edge of the cliff is a step-like feature, the landward edge of the topmost riser shall be considered the cliff edge.

D. Wild Strawberry Habitat. Any undeveloped areas within one half mile of the coast.

E. Wetlands. As defined by the U.S. Fish and Wildlife Service, a wetland is an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mud flats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and man-made impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds, and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernally wet areas where the soils are not hydric.

F. Archaeological Resource Areas. Any area shown in the Half Moon Bay local coastal program land use plan map of potential archeological resources as potentially containing archaeological resources. Specific areas are:
   1. The coastal strip where exploitable resources occurred;
   2. All major creek shores, such as Pilarcitos, Arroyo Leon, and Frenchman’s Creek;
   3. All minor inland water courses, including historic or prehistoric springs, streams or marshes;
      4. The foothill strip above the over two hundred foot elevation;
      5. Areas of prehistoric site evidence and pertinent historic places such as cemeteries, houses and buildings; and
      6. Isolated hills and knolls. (1996 zoning code (part)).

18.38.025 Amendments to coastal resource area maps.
Amendments to coastal resource area maps shall be made as prescribed for amendments to zoning district boundaries in this title. (1996 zoning code (part)).

18.38.030 Required reports.
Biological, archeological and geological reports shall be required as set forth in Sections 18.38.035, 18.38.040, and 18.38.045. Required reports shall be prepared by a
qualified professional selected by the city in accordance with established city procedures. Unless otherwise specified herein, all required biological, archaeological, and geological reports shall be performed by a consultant selected by the city and paid for by the applicant.

A. Report Requirements. The following requirements apply to reports.
   1. Reports shall identify significant impacts on identified coastal resources on the project site that would result from development of the proposed project.
   2. Reports shall recommend feasible measures to mitigate any significant impacts and to protect the identified coastal resource. The adequacy of these measures shall be evaluated under a program developed jointly by the applicant and the planning director. These measures may include, but are not limited to:
      a. Changes in development intensity;
      b. Siting of buildings, structures or paving; and
      c. Limitations on the timing and location of construction.
   3. Reports shall contain a proposed monitoring and reporting program to ensure that development conditions imposed are adequately being carried out and that significant impacts on the coastal resources have not occurred.
   4. Reports shall be reviewed by the city for consistency with this title and with the California Environmental Quality Act.
   5. Reports shall be completed to the satisfaction of the planning director prior to the determination that a required development permit application is considered complete.

B. Exceptions. The planning director may grant exceptions to the requirements of this chapter if he or she finds that existing studies adequately fulfill the requirements of this chapter, provided such studies were prepared by a qualified professional as a part of a previously certified final EIR in accordance with the provisions of this chapter. (1996 zoning code (part)).

18.38.035 Biological report.

A. When Required. The planning director shall require the applicant to submit a biological report, prior to development review, prepared by a qualified biologist for any project located in or within one hundred feet of any sensitive habitat area, riparian corridor, bluffs and sea-cliff areas, and any wetland.
   1. Exception. The development of one single-family dwelling within a designated wild strawberry habitat area and not within any other designated coastal resource area shall not be subject to this requirement.

B. Report Contents. In addition to meeting the requirements of Section 18.35.030, the biological report shall contain the following components:
   1. Mapping of Coastal Resources. The biological report shall describe and map existing wild strawberry habitat on the site, existing sensitive habitats, riparian areas and wetlands located on or within two hundred feet of the project site.
   2. Description of Habitat Requirements.
      a. For Rare and Endangered Species. A definition of the requirements of rare and endangered organisms, a discussion of animal predation and migration requirements, animal food, water, nesting or denning sites and reproduction, and the plants, life histories and soils, climate, and geographic requirements.
      b. For Unique Species. A definition of the requirements of the unique organism; a discussion of animal food, water, nesting or denning sites and reproduction, predation, and migration requirements; and a description of the plants, life histories and soils, climate, and geographic requirements.
   C. Distribution of Report. Any biological report prepared pursuant to this title shall be distributed to the U.S. Fish and Wildlife Service, the Army Corps of Engineers, the California coastal commission, the state Department of Fish and Game, the regional
water quality control board, and any other federal or state agency with review authority over wetlands, riparian habitats, or water resources.

1. The biological report shall be transmitted to each agency with a request for comments from each agency with jurisdiction over the affected resource on the adequacy of the report and any suggested mitigation measures deemed appropriate by the agency.

2. Included within the transmittal of the biological report to the various agencies shall be a request for comments to be transmitted to the planning director within forty-five days of receiving the report. (1996 zoning code (part)).

18.38.040 Archaeological report.
   A. When Required. The applicant shall have prepared, by a qualified archeologist an archaeological report for any development project located within any designated archaeological resource area, where a recorded archaeological site identified in local coastal program land use plan Figure 6.1 is located on or within one hundred feet of the project site, and for any public projects as defined in Section 18.38.095B located within the mapped areas.

   B. Report Contents. In addition to meeting the report requirements listed in this title, the archaeological report shall contain the following components:
      1. Identification of Unique Archaeological Resources. In that portion of any development of one acre or more, as indicated on the land use plan map, which is also within an area designated on the map of potential archaeological resources, an archaeological survey of the project site shall be undertaken as a part of the preparation of a specific plan for development. The archaeological report shall describe the findings of the survey, conducted by a qualified professional. The report shall:
         a. Evaluate whether unique archaeological resources are present or are likely to be present on the project site;
         b. Consider the impacts of the development proposed; and
         c. Recommend mitigation measures.

      2. Mitigation Measures. All feasible mitigation measures shall be incorporated in any specific plan or development plan prior to the issuance of a permit for development. Mitigation measures may include, but are not limited to:
         a. Site sampling or salvage;
         b. Limiting the timing or location of construction activities to avoid existing or potential resources; and
         c. Covering the site with fill.

      3. Monitoring and Reporting Program. The monitoring and reporting program shall ensure that where unique archaeological resources are present, the development conditions imposed are adequately being carried out and that significant impacts on the archaeological resources have not occurred. (1996 zoning code (part)).

18.38.045 Geological report.
   A. When Required. The applicant shall submit a geological report for shoreline structures, for any structure to be built within one hundred feet of the bluff edge, any seawall or cliff-retaining structure, and projects which involve substantial alteration of waterways, and for any development in areas of known geologic hazards, including but not limited to those indicated on the LUP geologic hazards map or in any area known to contain expansive soils or to be subject to subsidence.

   B. Report Contents. All geologic reports prepared pursuant to this chapter shall include an evaluation of the proposed development's adjacency to, threats from, and impacts on geologic hazards arising from seismic events, and from any other hazardous event or situation potentially affecting the particular parcel(s) on which the development is proposed, e.g., flooding, tsunami run-up, landslides, or other geologic conditions such as expansive soils and subsidence areas. The evaluation shall recommend mitigation
measures to ensure the elimination or reduction of identified hazards, including, as appropriate to location or project specifics, measures to minimize erosion problems during and after construction and to ensure that development will not contribute to flood hazards. In addition to including these contents required for all geologic evaluations, the geologic reports prepared for bluff and cliff top development and for sea walls and cliff retaining structures shall include the information specified below:

1. Bluff and Cliff Top Development. This evaluation shall focus on the base, face and top of all bluffs and cliffs, where the extent of bluff top to be considered is generally fifty feet inland from the bluff edge, but may extend inland beyond fifty feet in certain instances. The evaluation shall contain the following information:

   Evaluation Information
   1. A study of past, present, and future cliff erosion.
   2. An analysis of cliff geometry and site topography.
   3. A description of geologic conditions.
   4. Evidence of past or potential landslide conditions and potential effects upon development and vice versa.
   5. A study of wave and tidal action as to their erosion of sea cliffs.
   6. An analysis of sound and surface water conditions and variations.
   7. A discussion of effects of proposed development, including siting and design of structures, landscaping, drainage, grading and impacts of construction activity on the stability of the site and adjacent area, and any other factors that might affect slope stability.
   8. For any structure to be built within one hundred feet of the bluff edge, an assessment of the prospective hazard to the structure.

2. Sea Walls and Cliff-Retaining Structures. The geological report for sea wall or cliff-retaining structures shall indicate that the structure will succeed in stabilizing that portion of the shoreline which is subject to severe erosion and will not aggravate erosion in other shoreline areas. (1996 zoning code (part)).

18.38.050 Environmental evaluation standards.
Projects proposed within coastal resource areas shall be evaluated in an initial study and any necessary subsequent CEQA documents according to the following general standards (in addition to those set forth in CEQA guidelines):

A. Development and land use:
   1. Shall be prohibited when significant adverse impacts on coastal resource areas would occur as a result.
   2. Shall be sited and designed to prevent impacts that could significantly degrade adjacent sensitive habitat areas or significantly degrade areas adjacent to sensitive habitat areas.
   3. Shall be compatible with the maintenance of biologic productivity of any adjacent sensitive habitat areas.
   4. Shall be permitted within sensitive habitat areas only if they are resource-dependent uses or other uses which will not have any significant adverse environmental impacts, and if the uses comply with U.S. Fish and Wildlife Service and state Department of Fish and Game regulations.
   5. Shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter
natural land forms along bluffs and cliffs, and shall minimize risks to life and property in hazard areas.

6. Shall comply with the restrictions listed in this title for each coastal resource area, and with all other applicable sections of the city’s local coastal program land use plan.

B. The initial study:
1. Shall evaluate the proposed uses and development within any coastal resource areas in terms of their dependence upon the coastal resources.
2. Shall determine whether the proposed uses are sited and designed so as to prevent impacts which would significantly degrade areas adjacent to a sensitive habitat.
3. Shall review the feasibility of partial or total restoration of damaged sensitive habitat(s).
4. Shall determine whether proposed development is sited and designed so as to avoid or minimize destruction or significant alteration of significant existing plant communities identified in the general plan, including riparian vegetation and notable tree stands.
5. Shall evaluate projects to ensure the protection of riparian corridors of streams, lakes and other bodies of fresh water as designated on the habitat areas and water resources overlay, and any other riparian areas, except for man-made irrigation ponds over two thousand five hundred square feet surface area.
6. Shall evaluate the project’s conformance with the restrictions listed in this title for each coastal resource area, and with all other applicable sections of the city’s local coastal program land use plan. (1996 zoning code (part)).

18.38.055 Environmental impact reports.

At the discretion of the planning director, a project applicant may use the analysis contained in an environmental impact report prepared under the California Environmental Quality Act or an environmental impact statement prepared under the federal Environmental Policy Act to fulfill the requirements of this title.

A. Use of Environmental Impact Report on Project. The planning director may allow an applicant to substitute the analysis in an environmental impact report on a project for a geological, biological or archaeological report on the same project, if the planning director determines that the environmental impact report adequately meets the requirements for geological, biological, or archaeological reports listed in this title.

1. Determination of Adequacy. The planning director shall determine whether the environmental impact report adequately meets the requirements for a geological, biological or archaeological report as set forth herein prior to the preparation of the draft environmental impact report. The planning director shall make any determination of inadequacy in writing, giving reasons for a finding of inadequacy and listing any changes needed to be in the environmental impact report for it to adequately substitute for the geological, biological, or archaeological report.

B. Use of Previously Prepared Environmental Impact Report. The planning director may accept the information and analysis contained in a previously prepared environmental impact report required under the California Environmental Quality Act in lieu of a new geological, biological, or archaeological report if the planning director determines that:

1. The environmental impact report adequately meets the requirements for geological, biological or archaeological reports listed in this chapter; and
2. The environmental impact report was prepared for either a previous project on the project site or a project on a directly adjoining site;
3. In order to use any previously prepared biological report pursuant to this section, the biological report must have been a part of a certified final EIR that was accepted as complete and adequate no more than one year prior to the date of submittal;
4. In order to use any previously prepared geological report pursuant to this section, the geological report must have been a part of a certified final EIR that was accepted as complete and adequate no more than five years prior to the date of submittal;

5. In order to use any previously prepared archaeological report pursuant to this section, the archaeological report must have been a part of a certified final EIR that was accepted as complete and adequate no more than five years prior to the date of submittal. (1996 zoning code (part)).

18.38.060 Sand dunes.
For purposes of this title, a sand dune is defined as a mound, ridge, or hill of loose sands heaped up by the wind. The following regulations are applicable to sand dune areas defined in this title and designated on the city’s coastal resource map.

A. Permitted Uses.
   1. Education and research;
   2. Trails;
   3. Dune stabilization activities;
   4. Underground utilities, only when no feasible or practical alternative exists.

B. Prohibited Uses.
   1. All nonauthorized motor vehicles;
   2. Any activity which alters the profile of an active dune or which results in the disturbance or removal of dune vegetation on active dunes;
   3. Direct removal or excavation of sand from active dunes.

C. Standards.
   1. Pedestrian traffic must be controlled and trails for public access to the beach shall be roped along the trail edges;
   2. Signs must be posted informing recreational users not to disturb dunes or their natural vegetation;
   3. New development shall include revegetation of any dune areas to be disturbed by development activities;
   4. Revegetation plantings shall be appropriate stabilizing species, and native plants shall be used wherever possible.

D. Buffer Zone. A minimum buffer area for sand dunes shall be provided from the most seaward stabilized dune extending fifty feet landward. Development shall be located only landward of the most seaward stabilized dune.

E. Parking Facilities. When located adjacent to dunes, parking facilities:
   1. Shall be located so that beach access is not across dunes, where possible,
   2. Shall provide wooden walkways where access across the dunes is required, and
   3. Shall provide signs to discourage random passage to the beach.

F. Dune Stabilization.
   1. If vegetation will be disturbed due to development activities, the dunes shall be revegetated with appropriate stabilizing species (preferably native).
   2. Agencies and community groups are encouraged to assist in dune stabilization and restoration of dunes.
   3. The spread of dune grass shall be assessed, monitored, and contained.
(1996 zoning code (part)).

18.38.065 Bluffs and sea-cliffs.
The following regulations are applicable to the coastal resource areas defined in this title and designated on the city’s coastal resource map:

A. Permitted Uses--Sea-Cliff or Bluff-Face.
   1. Where nesting or roosting exists, only education and research activities are permitted.
2. Where nesting or roosting do not exist, the following uses are permitted:
   a. Education and research activities.
   b. Limited coastal access, pedestrian paths, and engineered stairways for coastal access.
   c. Limited recreational rock climbing.
   d. Road and underground utility construction where no feasible alternative exists.
   e. Intake or outfall lines, provided that the habitat is not threatened.
   f. Planting of drought-tolerant coastal vegetation for sea cliff stabilization purposes only.

B. Prohibited Uses--Sea-Cliff or Bluff Face.
   1. Development is prohibited on bluff-faces (except for stairways for public access to the beach).

C. Permitted Priority Uses, Bluffs.
   1. Priority shall be given to coastal dependent and related recreational activities and support facilities, except that camping facilities shall be set back one hundred feet from the beach and bluffs and near-shore areas reserved for day use activities.
   2. Priority shall be given to recreational uses that do not require extensive alteration of the natural environment, as both public and private development.

D. Conditionally Permitted Uses. Where no other less environmentally damaging alternatives are available, and when required to serve coastal dependent uses, to protect existing structures, or to protect public beaches in danger from erosion, the following are permitted by use permit with CEQA compliance.
   1. Sea walls and cliff retaining structures.
   2. Revetments, breakwaters, groins, harbor channels, pipelines, outfalls, and other such construction that may alter natural shoreline processes.
   3. Bluff top structures within fifty year line of cliff retreat.
   4. Buildings within fifty feet of the bluff edge.
   5. Grading for development.

E. Prohibited Uses--Bluffs. Off-road vehicle use shall be prohibited in regional recreational areas as designated on the land use plan map.

F. Development Standards. In addition to requirements listed in subsection D of this section, the following shall apply:
   1. Sea Walls and Cliff Retaining Structures. These structures are permitted by use permit under the following standards or conditions:
      a. The structure is designed to preserve the maximum amount of existing beach.
      b. The structure is designed to ensure lateral access along the shoreline.
      c. The structure is designed so that all existing endangered development within the area of the improvement is protected as a part of the project.
      d. The structure is not designed so as to encompass an area larger than that necessary to protect existing structures.
      e. The project is designed to eliminate or mitigate all significant adverse impacts on local shoreline sand supply.
   2. Revetments, groins, pipelines, outfalls, and other construction that alter natural shoreline processes. These projects are permitted by use permit under the following standards or conditions:
      a. The installation is designed so as not to block lateral beach access.
      b. Drain pipes shall be designed and placed so as to minimize impacts to the bluff face, toe and beach. Drainage devices extending over the bluff face shall not be permitted if water can be directed away from the beach.
      c. The project is designed to eliminate or mitigate all significant adverse impacts on local shoreline sand supply.
3. Bluff Top Structures. Development permitted shall comply with the following controls and regulations.
   a. The area of demonstration of stability includes the base, face and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined a twenty degree angle from the horizontal passing through the toe of the bluff or cliff, or fifty feet inland from the edge of the cliff or bluff, whichever is greater. Figure 1 below is provided for clarification.

   ![Figure 1](EXTENT OF BLUFF TOP)

   b. Bluff top or cliff top development shall be permitted only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development of fifty years plus an additional fifty feet of setback, and if the development, including storm runoff, foot traffic, grading, irrigation, and septic tanks if required, will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area. Development is prohibited on bluff faces except for stairways for public access to the beach.
   c. Land divisions or new structures identified in areas described in subsections (F)(3)(a) and (F)(3)(b) of this section that would require the need for bluff protection work.
   d. For any proposed bluff or cliff top development, a geological report shall be prepared, according to the provisions of this title.

4. Grading for Development.
   a. Grading is permitted only when required to establish proper drainage, install minor improvements (e.g., trails), restore eroded areas, or provide permitted access ways.
   b. Any required or permitted grading must direct water runoff away from the edge of the bluff, and prevent damage to the bluff by surface and percolating water.

5. Development on Bluff Face. On cliff or bluff faces, development is permitted for:
   a. Engineered access ways to provide public beach access;
   b. Drainage pipes only where no other less environmentally damaging drain system is feasible and the drain pipes are designed and placed to minimize impacts to the bluff face, toe, and beach; and
   c. Drainage devices extending over the bluff face shall not be permitted if water can be directed away from the bluff face.

6. Drought-Tolerant Coastal Vegetation. In the absence of a determination supported by a site-specific survey by a qualified geologist and biologist to the contrary, the following requirements shall apply:
a. Vegetation shall be installed within one hundred feet from the bluff or foredune edge and maintained as part of any new development in the area.

b. Vegetation shall be capable of enhancing bluff and stability. (1996 zoning code (part)).

18.38.070 Coastal access ways.
A. Pedestrian Traffic.
   1. Pedestrian traffic in bluff and cliff areas and on faces are restricted to a limited number of well-defined trails which avoid seabird nesting and roosting sites.
   2. Signs shall be posted along lateral and vertical access ways, informing the public of their right to use these areas, and stating any limitations on the public’s right of access and specific uses, such as informing pedestrians not to disturb natural vegetation or nesting and roosting sites.

B. Coastal Access Plans.
   1. For all new development along the shoreline trail alignment shown on the access improvements map, granting of lateral easements to allow for continuous public access along the shoreline shall be mandatory unless publicly owned bluff top land suitable for trail development intervenes between the development and the bluff edge.
   2. Vertical and lateral public access ways to public shoreline recreation areas shall be shown in plans on property abutting the state beach and county acquisition area, and shall be reviewed by any public agency holding beach lands to ensure consistency with the adopted state park general plan or land use plan in other areas.
   3. Lateral easements shall be dedicated on all beach seaward of the base of the bluff, and shall have a width sufficient to allow an adequate trail and to protect the privacy of any residential structures built near the access way.

C. Buffer Zones.
   1. Lateral easements shall be set back at least ten feet from the bluff edge and native vegetation shall be established between the trail and the edge to stabilize the bluff top.
   2. Vertical and lateral access ways shall be protected by a minimum fifteen foot buffer within which no structure shall be built. This setback may be increased should it be determined to be necessary to minimize adverse visual impacts, protect residential privacy, or protect public access.

D. Public Dedications or Easements.
   1. Dedications and easements are expected to be purchased by the state of California, the county of San Mateo, or any private entity organized for acquisition of public dedication.
   2. Dedications and easements shall be required by the city in order to reduce required purchases. The city shall retain any offers of dedications or easements required by the local coastal plan and or general plan as open for acceptance by entities listed above.

E. Bluff Edge Trail. An improved lateral bluff edge trail from Kelly Avenue to Miramontes Point Road:
   1. Shall be designed to improve coastal access and avoid increase in bluff edge runoff, as shown on the access improvement map or as determined by the wavecrest conservancy project for the area between Seymour and Redondo Beach Road;
   2. Shall be connected to the beach with vertical trails at the end of Kelly, midway between Kelly and Seymour, at the end of Seymour, midway between Seymour and Redondo Beach Road as determined by the wavecrest conservancy project, near the end of Redondo Beach Road, and at the end of Miramontes Point Road;
   3. Shall include the use of landscaping and signs to separate horse and pedestrian trails; and
4. Shall allow horseback riding only on trails and areas as shown on the access improvements map. (1996 zoning code (part)).

18.38.075 Riparian corridors and buffer zones.
   A. Permitted Uses. Except as may be specified in this chapter, within riparian corridors, only the following uses shall be permitted:
      1. Education and research.
      2. Consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code.
      3. Fish and wildlife management activities.
      4. Trails and scenic overlooks on public land.
      5. Necessary water supply projects.
      6. Restoration of riparian vegetation.
   B. No Alternative Permitted Uses. The following are permitted uses where no feasible or practical alternative exists.
      1. Stream-dependent aquaculture provided that nonstream-dependent facilities locate outside of corridor.
      2. Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development.
      3. Bridges when supports are not in significant conflict with corridor resources.
      4. Pipelines and storm water runoff facilities.
      5. Improvement, repair, or maintenance of roadways or road crossings.
      6. Agricultural uses, provided no existing riparian vegetation is removed, and no soil is allowed to enter stream channels.
   C. Standards. Development shall be designed and constructed so as to ensure that:
      1. Removal of vegetation is minimized;
      2. Land exposure during construction is minimized and that temporary vegetation or mulching is used to protect critical areas;
      3. Erosion, sedimentation, and runoff is minimized by appropriately grading and replanting modified areas;
      4. Only adapted native or noninvasive exotic plant species are used for replanting;
      5. Sufficient passage is provided for native and anadromous fish as specified by the state Department of Fish and Game;
      6. Any adverse effects of waste water discharges and entrainment are minimized;
      7. Any depletion of groundwater supplies and substantial interference with surface and subsurface water flows are prevented;
      8. Waste water reclamation is encouraged;
      9. Natural vegetation buffer areas which protect riparian habitats are maintained; and
      10. Any alteration of natural streams is minimized.
   D. Riparian Buffer Zone. The riparian buffer zone is defined as:
      1. Land on both sides of riparian corridors which extends from the "limit of riparian vegetation" fifty feet outward for perennial streams and thirty feet outward for intermittent streams; or
      2. Land along both sides of riparian corridors which extends fifty feet from the bank edge for perennial streams and thirty feet from the midpoint of intermittent streams, where no riparian vegetation exists.
   E. Permitted uses within riparian buffer zones include:
      1. Uses permitted in riparian corridors;
2. Crop growing and grazing, provided no existing riparian vegetation is removed and no soil is allowed to enter stream channels; and
3. Timbering in “stream side corridors” as defined and controlled by state and county regulations for timber harvesting.

F. No Alternative Permitted Uses. The following are permitted uses within riparian buffer zones where no feasible alternative exists:
1. The construction of new structures on existing legal building sites, set back twenty feet from the limit of riparian vegetation, only if no other building site on the parcel exists.
2. The creation of new parcels only if the only building sites available are those within buffer area, if the proposed parcels are consistent with existing development in the area, and if the building sites are set back twenty feet from the limit of riparian vegetation, or if there is no vegetation, twenty feet from the bank edge of a perennial stream or twenty feet from the mid-point of an intermittent stream.

G. Development Standards within Riparian Buffer Zones. Development shall be designed and constructed so as to ensure that:
1. The removal of vegetation is minimized;
2. Development conforms to natural topography and that erosion potential is minimized;
3. Provisions have been made (i.e., catch basins) to keep runoff and sedimentation from exceeding predevelopment levels;
4. Native and noninvasive exotic vegetation is used for replanting, where appropriate;
5. Any discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor is prevented;
6. Vegetation in or adjacent to man-made agricultural ponds is removed if the life of the pond is endangered; and
7. Dredging in or adjacent to man-made ponds is allowed if the county resource conservation district, or any similar or successor agency or entity, certifies that siltation imperils continued use of the pond for agricultural water storage and supply.

H. Findings for Development within Riparian Buffer Zones. The following findings shall be supported by the contents of the required biological report that:
1. There are special circumstances or conditions affecting the property;
2. The project is necessary for the proper design and function of some permitted or existing activity on the property;
3. The project will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;
4. The project will not significantly reduce or adversely impact the sensitive habitat, or there is no feasible alternative which would be less damaging to the environment;
5. The project is in accordance with the purpose of this chapter and with the objectives of the LCP land use plan; and
6. Development on a property which has its only building site located in the buffer area maintains a twenty-foot buffer from the limit of riparian vegetation, or if no vegetation exists, a twenty-foot buffer from the bank of a perennial stream and a twenty-foot buffer from the midpoint of an intermittent stream. (1996 zoning code (part)).

18.38.080 Wetlands.
A. Permitted Uses.
1. Education and research.
2. Passive recreation such as bird-watching.
3. Fish and wildlife management activities.

B. Permitted Uses with Approval of a Use Permit.
1. Commercial mariculture where no alteration of the wetland is necessary.
2. Bridges.
3. Pipelines and storm water runoff facilities.
4. Improvement, repair or maintenance of roadways.

C. Standards. The riparian corridor standards listed in this chapter shall apply to wetlands.

D. Wetlands Buffer Zone. The minimum buffer surrounding lakes, ponds, and marshes shall be one hundred feet, measured from the high water point, except that no buffer is required for man-made ponds and reservoirs used for agriculture.

E. Permitted Uses within Wetlands Buffer Zones. The riparian buffer zone uses listed in this title shall apply to wetlands buffer zones.

F. Permitted Uses within Wetlands Buffer Zones, Where No Feasible Alternative Exists. The riparian buffer zone uses listed under this title shall apply to wetlands buffer zones.

G. Development Standards within Wetlands Buffer Zones. The riparian buffer development standards listed under this title shall apply to wetlands buffer zones.

H. Findings for Development within Wetlands Buffer Zones. The following findings shall be supported by the contents of the required biologic report that:
   1. There are special circumstances or conditions affecting the property;
   2. The project is necessary for the proper design and function of some permitted or existing activity on the property;
   3. The project will not be detrimental to the public welfare or injurious to other property in the area in which the project is located;
   4. The project will not significantly reduce or adversely impact the sensitive habitat, or there is no feasible alternative which would be less damaging to the environment;
   5. The project is in accordance with the purpose of this chapter and with the objectives of the LCP land use plan; and
   6. Development on a property, which has its only building site located in the buffer area, maintains a twenty-foot buffer from the outer edge of any wetland. (1996 zoning code (part)).

18.38.085 Habitats for rare and endangered species.

A. Rare and Endangered Species. The potential exists for any of the following rare and endangered species to be found within the county coastal area and therefore within the city.
   1. Animals. The San Francisco garter snake, California least tern, California black rail, California brown pelican, San Bruno elfin butterfly, San Francisco tree lupine moth, Guadalupe fur seal, sea otter, California brackish water snail, globose dune beetle.
   2. Plants. Rare plants known in San Mateo County are the Coast rock cress, Davy’s bush lupine, Dolores campion, Gairdner’s yampah, Hickman’s cinquefoil, Montara manzanita, San Francisco wallflower, and Yellow meadow foam (botanical names are listed in the city’s LCP/LUP).

B. Permitted Uses. In the event that a biological report indicates the existence of any of the above species in an area, the following uses are permitted.
   1. Education and research.
   2. Hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat.
   3. Fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.

C. Permitted Uses within Critical Habitats. Within the critical habitat as identified by the Federal Office of Endangered Species, permitted uses are those which are deemed
compatible by the U.S. Fish and Wildlife Service in accordance with the provisions of the

D. Buffer Zones. The minimum buffer surrounding a habitat of a rare or endangered
species shall be fifty feet.

E. Standards.
   1. Animals. Specific requirements for each rare and endangered animal are
      listed in Chapter 3 of the local coastal program land use plan.
   2. Plants. When no feasible alternative exists, development may be permitted
      on or within fifty feet of any rare plant population, if the site or a significant portion thereof
      shall be returned to a natural state to enable reestablishment of the plant, or a new site
      shall be made available for the plant to inhabit and, where feasible, the plant population
      shall be transplanted to that site.

F. Habitat Preservation. Rare and endangered species habitats shall be preserved
according to the requirements of the specific local coastal program land use plan policies
tailored to each of the identified rare and endangered species and LCP/LUP implementing
ordinances. (1996 zoning code (part)).

18.38.090 Habitats for unique species.

A. Unique Species. Unique species are those organisms which have scientific or
   historic value, few indigenous habitats, or some characteristics that draw attention or are
   locally uncommon.
   1. Existing unique animals are: raptors (owls, hawks, eagles and vultures), the
      red-legged frog, sea mammals (whales, dolphins, seals, and sea lions).
   2. Existing unique plants are: the California wild strawberry and Monterey pine.

B. Permitted Uses. Permitted uses include:
   1. Education and research;
   2. Hunting, fishing, pedestrian and equestrian trails that have no adverse impact
      on the species or its habitat; and
   3. Fish and wildlife management to the degree specified by existing
governmental regulations.

C. Critical Habitat Preservation. Development, trampling or other destructive activity
   which would destroy any unique plant species shall be prevented, and plants identified as
   being valuable shall be successfully transplanted to some other suitable site.

D. Eradication of Invasive Plants. Pampas grass, weedy thistles, French broom,
   Scotch broom, and other weedy plants which are identified to be destructively invasive
   shall be eradicated.
   1. On public lands: invasive plants shall be removed from public lands by the
      appropriate public agencies, to the point feasible.
   2. On private lands: the city shall encourage voluntary cooperation of farmers
      and landowners to remove invasive plants.
   3. Plants sold by retail nurseries on the coast: the city shall encourage voluntary
      cooperation of retail nurseries to prevent the sale of brooms and pampas grass.

E. Control of Blue Gum Eucalyptus. It is not desirable to encourage wholesale
   removal of existing stands of blue gums, however:
   1. Landowners shall be encouraged to remove blue gum seedlings to prevent
      the slow, natural spread of the species; and
   2. The city shall not allow the planting of blue gum trees on public lands, and
      shall discourage private landowners from planting blue gums on private property. (1996
      zoning code (part)).
18.38.095 Archaeological resources.

A. Site Protection. Development within an area designated on the map of potential archaeological resources shall include such designs and methods of construction as will offer protection for any potential archeological site.

B. Public Projects. As a part of any project to construct new roads, trails, sewer or water lines, or other public projects involving substantial excavation which could destroy archaeological resources within the areas designated on the map of potential archaeological resources, provision shall be made for a qualified archeologist to conduct an archaeological survey and to sample and salvage the site as a part of the construction project.

C. During Construction. The developer of a project shall notify the city when an archaeological site is discovered during construction of a project. The city shall require that all work that, in the determination of the planning director, could degrade the archaeological resources on the site be suspended until the completion of an investigation of the archaeological resources by a qualified professional. The city shall call for such an investigation within fifteen days of its notification. If the investigation does not find significant archaeological resources on the site, the investigation shall be completed within thirty days. If the investigation finds significant archaeological resources on the site, the investigation shall be completed within ninety days. (1996 zoning code (part)).

18.38.100 Development conditions.

The planning commission shall impose development conditions on proposed projects within or adjacent to designated coastal resource areas that require a coastal development permit and are subject to the provisions of this chapter. These conditions shall include the mitigation measures recommended in required reports or the environmental impact report if the planning director accepts it in lieu of required reports, as development conditions in the coastal development permit for the proposed project. The planning commission may modify or eliminate conditions where it is found that the modification is consistent with the purposes of this chapter and the California Coastal Act. (1996 zoning code (part)).

18.38.105 Fees.

The city shall require, as a condition of approved private development, the improvement or financial participation in the improvement of all primary and secondary beach access routes indicated on the land use plan map where development is permitted adjacent to such access route or is served by it. (1996 zoning code (part)).

18.38.110 Notice.

Notice of preparation of a required biologic or archaeological report shall be given as required in this title for local coastal development permits. (1996 zoning code (part)).

18.38.115 Appeals.

Appeals to the findings of any required report or development conditions shall be made as part of the coastal development permit process provided for in this title. (1996 zoning code (part)).

18.38.120 Water quality protection--Exceptional lots.

The applicability of this section shall be limited to development on exceptional lots as defined in Section 18.02.040.

A. On-Site Retention and Infiltration. To the maximum extent feasible, development shall not result in an increase in the peak rate or average volume of off-site storm water discharge from the pre-development discharge. This requirement shall be achieved by maximizing on-site storm water retention and infiltration. However, on-site infiltration of
storm water shall not be required where infiltration would contribute significantly to
geologic instability in a geologically hazardous area.

B. Discharge to Sensitive Habitat Areas and Coastal Waters. No pollutants, including but not limited to sediments, heavy metals, pesticides, herbicides, fertilizers, nutrients, construction material, chemicals, petroleum hydrocarbons, trash, etc., shall be directly discharged to any sensitive habitat area, wetland, stream, drainage ditch, or coastal waters.

C. Construction Phase Best Management Practices. Development shall be undertaken in accordance with the following construction phase best management practices. Selection of the appropriate BMPs shall be conducted in consultation with the city engineer. Other BMPs approved by the city engineer as being equally or more effective in pollutant reduction than comparable BMPs identified below are acceptable. All BMPs must comply with local zoning and building codes and other applicable regulations. Construction phase BMPs may include but are not limited to:

1. Prohibit clearing and grading in areas adjacent to sensitive habitat areas, streams, wetlands, drainage ditches and other coastal waters and on slopes greater than 4:1 during the rainy season (October 14th through April 15th).
2. Reduce waste by ordering only the amount of materials needed.
3. Stabilize disturbed areas with vegetation, mulch, geotextiles, or similar methods.
4. Avoid mixing excess amounts of fresh concrete or cement mortar. Whenever possible, return contents of mixer barrel to the supplier for recycling. Dispose of small amounts of excess concrete, grout, and mortar in the trash.
5. Revegetate disturbed areas as soon as possible following completion of grading or clearing. To the maximum extent feasible, native, drought tolerant vegetation shall be used.
6. Identify all storm drains, drainage swales, drainage ditches, and streams located near the construction site and ensure all construction personnel are aware of their locations to prevent pollutants from entering them.
7. Use straw bale barriers, sand bags, brush or rock filters or other appropriate measures to trap sediment and minimize the quantity of sediment-laden runoff from the site.
8. Ensure that vehicles are parked in areas free from mud; monitor site entrances for mud tracked off site.
9. Avoid stockpiling of soils or materials when rain is forecast.
10. Cover all construction material and stockpiles with a waterproof tarp during periods of rainy weather to control runoff.
11. Monitor the site for erosion and sediment runoff every twenty-four hours during and after every storm event.
12. Before it rains, sweep and remove materials from surfaces that drain to storm drains, creeks, or channels.
13. To the maximum extent feasible, prevent blowing dust from exposed soils through the use of mulch or other nontoxic, organic materials.
14. Control the storage, application and disposal of pesticides, petroleum products and other chemicals.
15. Prohibit cleaning of brushes or rinsing paint containers into streets, gutters, storm drains, streams, and drainage ditches. Recycle, return to supplier, or donate unwanted water-based (latex) paint. Dried latex paint may be disposed of in the garbage. Unwanted paint (that is not recycled), thinners, and sludges must be disposed of as hazardous waste.
16. Avoid cleaning, fueling, or maintaining vehicles on site, except in an area designated to contain and treat runoff. Clean up leaks, drips, and other spills immediately
so they do not contact storm water. Never wash down pavement or surfaces where materials have spilled. Use dry cleanup methods whenever possible.

17. Locate washout areas more than fifty feet from storm drains, open ditches or surface waters and ensure that runoff from washout does not enter coastal waters or other sensitive habitats.

18. Provide sanitary facilities for construction workers.

19. Prohibit placement of portable toilets on or near storm drain outlets. Ensure that the units are adequately maintained, promptly repaired, and replaced as needed.

20. Provide adequate disposal facilities for solid waste produced during construction and recycle where possible.

21. All construction phase best management practices shall be inspected and maintained as necessary to ensure proper function.

D. Post-Construction Phase Best Management Practices. Development shall be undertaken in accordance with the following post-construction phase best management practices. Selection of the appropriate BMPs shall be conducted in consultation with the city engineer. Other BMPs approved by the city engineer as being equally or more effective in pollutant reduction than comparable BMPs identified below are acceptable. All BMPs must comply with local zoning and building codes and other applicable regulations. Post-construction phase BMPs may include but are not limited to:

1. Use permeable materials for driveways and walkways to the maximum extent feasible.

2. Minimize directly connected impervious surfaces.

3. Direct rooftop and driveway runoff to on-site pervious areas such as landscaped areas, and avoid routing rooftop runoff to the roadway, drainage ditches, or other storm water conveyance systems.

4. Minimize vegetation clearing and grading.

5. Maximize canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native, drought-tolerant trees and large shrubs.

6. Use water cisterns to collect and store runoff where necessary and feasible.

7. Landscape with native, drought-tolerant species to the maximum extent feasible to minimize the need for fertilizers, pesticides, herbicides, and irrigation.

8. All post-construction phase best management practices shall be inspected and maintained as necessary to ensure proper function.

E. Erosion Control, Drainage, and Storm Water Management Plans. Development that (1) increases impervious surface coverage by more than ten percent of the lot area or (2) involves grading shall be undertaken in accordance with site-specific construction phase erosion control, drainage plan and post-construction storm water management plan.

1. The erosion and drainage control plans shall include controls on grading (i.e., timing and amounts), best management practices for staging, storage, and disposal of construction materials, design specification of sedimentation controls and plans for the revegetation of graded or disturbed areas. The plans shall also include site-specific storm water runoff control measures that demonstrate how the net increase in runoff will be diverted from impervious surfaces into pervious areas of the property in a nonerosive manner that filters and lets storm water infiltrate the soil.

2. The post-construction storm water management plan shall include details regarding how the development will use appropriate best management practices specified in subsection D of this section to minimize post-construction polluted runoff and maximize on-site retention and infiltration of storm water. The post-construction plan shall also detail:

a. Pre-development site drainage.

b. Post-development site drainage.
c. Location and design specification of any treatment or structural best management practices that will be implemented.

d. Description of how the disturbed portions of the site will be revegetated, including the types of native, drought-tolerant plants that will be used. (Ord. O-2-06 §6, 2006).

**18.38.121 Water quality protection--Mobile home parks.**

The applicability of this section shall be limited to any development involving a mobile home park that requires a coastal development permit.

A. On-Site Retention and Infiltration. To the maximum extent feasible, development shall not result in an increase in the peak rate or average volume of off-site storm water discharge from the pre-development discharge. This requirement shall be achieved by maximizing on-site storm water retention and infiltration. However, on-site infiltration of storm water shall not be required where infiltration would contribute significantly to geologic instability in a geologically hazardous area.

B. Discharge to Sensitive Habitat Areas and Coastal Waters. No pollutants, including but not limited to sediments, heavy metals, pesticides, herbicides, fertilizers, nutrients, construction materials, chemicals, petroleum hydrocarbons, trash, etc., shall be directly discharged to any sensitive habitat area, wetland, stream, drainage ditch, or coastal waters.

C. Construction Phase Best Management Practices. Development shall be undertaken in accordance with the following construction phase best management practices. Selection of the appropriate BMPs shall be conducted in consultation with the city engineer. Other BMPs approved by the city engineer as being equally or more effective in pollutant reduction than comparable BMPs identified below are acceptable. All BMPs must comply with local zoning and building codes and other applicable regulations. A site-specific erosion and sediment control plan prepared by a California registered civil engineer shall be required for development resulting in the addition or replacement of more than ten thousand square feet of impervious surface coverage. The plan shall indicate the specific design, installation, location, and maintenance of BMPs necessary to meet the requirements of subsections A and B of this section. Construction phase BMPs may include but are not limited to:

1. Erosion Control.
   a. Stabilize disturbed areas with vegetation, mulch, geotextiles, or similar methods.
   b. Revegetate disturbed areas as soon as possible following completion of grading or clearing. To the maximum extent feasible, native, drought-tolerant vegetation shall be used.

2. Sediment Control.
   a. Prohibit clearing and grading in areas adjacent to sensitive habitat areas, streams, wetlands, drainage ditches and other coastal waters and on slopes greater than 4:1 during the rainy season (October 14th through April 15th).
   b. Identify all storm drains, drainage swales, drainage ditches, and streams located near the construction site and ensure all construction personnel are aware of their locations to prevent pollutants from entering them.
   c. Use straw bale barriers, sand bags, brush or rock filters or other appropriate measures to trap sediment and minimize the quantity of sediment-laden runoff from the site.
   d. Before it rains, sweep and remove materials from surfaces that drain to storm drains, creeks, or channels.
   e. To the maximum extent feasible, prevent blowing dust from exposed soils through the use of mulch or other non-toxic, organic materials.

3. Tracking Control.
a. Ensure that vehicles do not track mud to areas that could discharge to surface waters.
b. Monitor site entrances for mud tracked off site.

   a. Avoid cleaning, fueling, or maintaining vehicles on site, except in an area designated to contain and treat runoff. Clean up leaks, drips, and other spills immediately so they do not contact storm water. Never wash down pavement or surfaces where materials have spilled. Use dry cleanup methods whenever possible.
   b. Locate washout areas more than fifty feet from storm drains, open ditches or surface waters and ensure that runoff from washout does not enter coastal waters or other sensitive habitats.

5. Waste Management and Materials Pollution Control.
   a. Reduce waste by ordering only the amount of materials needed.
   b. Avoid mixing excess amounts of fresh concrete or cement mortar. Whenever possible, return contents of mixer barrel to the supplier for recycling. Dispose of small amounts of excess concrete, grout, and mortar in the trash.
   c. Avoid stockpiling of soils or materials when rain is forecast.
   d. Cover all construction material and stockpiles with a waterproof tarp during periods of rainy weather to control runoff.
   e. Prohibit cleaning of brushes or rinsing paint containers into streets, gutters, storm drains, streams, and drainage ditches. Recycle, return to supplier, or donate unwanted water-based (latex) paint. Dried latex paint may be disposed of in the garbage. Unwanted paint (that is not recycled), thinners, and sludges must be disposed of as hazardous waste.
   f. Provide adequate disposal facilities for solid waste produced during construction and recycle where possible.
   g. Control the storage, application and disposal of pesticides, petroleum products and other chemicals.
   h. Provide sanitary facilities for construction workers.
   i. Prohibit placement of portable toilets on or near storm drain outlets.

Ensure that the units are adequately maintained, promptly repaired, and replaced as needed.

   a. Monitor the site for erosion and sediment runoff every twenty-four hours during and after every storm event.
   b. All construction phase best management practices shall be inspected and maintained as necessary to ensure proper function.

D. Post-Construction Phase Best Management Practices. Development shall be undertaken in accordance with the following post-construction phase best management practices. Selection of the appropriate BMPs shall be conducted in consultation with the city engineer. Other BMPs approved by the city engineer as being equally or more effective in pollutant reduction than comparable BMPs identified below are acceptable. All BMPs must comply with local zoning and building codes and other applicable regulations. A site-specific storm water management plan that includes appropriate treatment BMPs prepared by a California registered civil engineer shall be required for development resulting in the addition or replacement of more than ten thousand square feet of impervious surface coverage. The plan shall indicate the specific design, installation, location, and maintenance of BMPs necessary to meet the requirements of subsections A and B of this section. Post-construction BMPs may include but are not limited to:

1. Site Design.
   a. Use permeable materials for driveways and walkways to the maximum extent feasible.
b. Minimize directly connected impervious surfaces.
c. Direct rooftop and driveway runoff to on-site pervious areas such as landscaped areas, and avoid routing rooftop runoff to the roadway, drainage ditches, or other storm water conveyance systems.
d. Minimize vegetation clearing and grading.
e. Maximize canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native, drought-tolerant trees and large shrubs.
f. Use water cisterns to collect and store runoff where necessary and feasible.

2. Source Control.
   a. Landscape with native, drought-tolerant species to the maximum extent feasible to minimize the need for fertilizers, pesticides, herbicides, and irrigation.
   b. Stencil or affix signs on storm drains to prohibit dumping of improper materials into the urban runoff conveyance system.
   c. Prohibit locating storm drains in immediate vicinity of the trash storage area.
   d. Post signs on all dumpsters informing users that hazardous materials are not to be disposed of therein.

3. Treatment.
   a. Structural best management practices including but not limited to biofilters, detention basins, infiltration basins, and drainage inserts shall be implemented for development creating or replacing more than ten thousand square feet of impervious surface coverage.
   b. Structural best management practices shall be designed to treat storm water runoff produced by all storms up to and including the eighty-fifth percentile, twenty-four-hour storm event for volume-based best management practices and/or the eighty-fifth percentile, one-hour storm event, with an appropriate safety factor (i.e., two or greater), for flow-based best management practices.
   c. All post-construction phase best management practices shall be inspected and maintained as necessary to ensure proper function. (Ord. C-6-07 §4, 2007).
# Chapter 18.39
## HISTORIC RESOURCES PRESERVATION

### Sections:

- **18.39.005** Intent and purpose.
- **18.39.010** Definitions.
- **18.39.015** Applicability.
- **18.39.020** Exemptions.
- **18.39.025** Land use regulations.
- **18.39.030** Alteration of any historic resource on the inventory.
- **18.39.035** Historic preservation permit.
- **18.39.040** Findings for approval for any alteration to an historic resource.
- **18.39.045** Demolition of any historic resource on the inventory.
- **18.39.050** Documentation of historic resource to be demolished.
- **18.39.055** Adoption of State Historical Building Code.
- **18.39.060** Fees.

### 18.39.005 Intent and purpose.

The intent and purpose of this chapter:

A. Provide incentives to property owners desiring to participate in a program for the protection, preservation, enhancement, and perpetuation of those buildings, structures and areas of historic, architectural and engineering significance which contribute to the cultural heritage of the city.

B. Encourage conservation and preservation of historic buildings, structures, sites, objects and districts with the need to set standards for and implement other elements of the city’s plans, policies, and programs.

C. Establish policies and procedures to meet the requirements for the city to qualify as a certified local government as defined in the National Historic Preservation Act of 1966. (1996 zoning code (part)).

### 18.39.010 Definitions.

The definitions set forth herein shall apply to any building or site designated as an historic resource on the historic resources inventory, and in conjunction with any process specified herein.

A. “Addition” means expansion of the size of a historic building or object by new construction physically connected with the existing structure or by the addition of a new building on the same site.

B. “Alteration” means any kind of exterior change to a historic building, site, or object. For purposes of this chapter, minor changes to the structure that do not alter the physical appearance of the building such as the replacement of windows or doors that do not affect the historical integrity of the building or site are not to be considered an alteration.

C. “Architectural” means anything pertaining to the science, art or profession of designing and constructing buildings.

D. “Contributing resource” means a building, site, structure, or object that adds to the historic architectural qualities, historic associations, or archaeological value for which a district is significant.

E. “Cultural” means anything pertaining to the concepts, skills, habits, arts, instruments or institutions of a given people at a given point in time.

F. “Demolition” means an act or process which destroys a building, structure, site, object or major portion thereof, or impairs their structural integrity.
G. “Historic” defines any building, site, structure, site or object which depicts, represents or is associated with persons or phenomena which significantly affect or which have significantly affected the functional activities, heritage, growth, or development of the city, state or nation.

H. “Historic district” means a defined area containing buildings, structures, sites, objects and spaces linked historically through location, setting, materials, workmanship, feelings and/or association. The significance of a district is the sense of time and place in history that its individual components collectively convey. This sense may relate to developments during one period or through several periods of history. For purposes of this chapter and the historic resource preservation ordinance, district shall not be construed to be a zoning district.

I. “Historic district review criteria” means standards of appropriate activity which will preserve the historic and architectural character of a building, structure, site, object or the atmosphere of an area.

J. “Historic landmark” means the first, last, only or most significant of a type in a region, over fifty years old, possessing integrity of original location and intangible elements of feeling and association.

K. “Historic resource” means any real property or improvement thereon such as a building, structure, object or archaeological excavation that is significant because of its location, design, setting, materials, workmanship, or aesthetic feeling and is designated as such by the city council pursuant to the provisions of this chapter.

L. “Historic resources inventory” means the list of historic resources in Half Moon Bay published in 1981 and updated in 1995 and officially adopted by resolution of the city council. For purposes of this chapter and Chapter 2.48 of the municipal code, the historic resources inventory may also be referred to as simply the inventory.

M. “Integrity” means the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic period.

N. “Maintenance and repair” means and includes the act or process of conserving or repairing a structure without modifying the form, detail, or type of material. Maintenance and repair includes the placement of a concrete foundation for buildings and structures listed on the city’s historic resource and contributors inventory.

O. “Preservation” means the use of long-term or permanent safeguards to guarantee the viability of man-made resources and includes the identification, study, protection, rehabilitation, restoration or enhancement of historic resources.

P. “Significant” means having historic, archaeological, architectural, or engineering value. (1996 zoning code (part)).

18.39.015 Applicability.

The provisions of this chapter shall apply to any historic resource on the historic resources inventory when:

A. The owner of an historic resource on the historic resources inventory desires to secure the advantages and benefits of preserving identified historic resources;

B. The owner of an historic resource on the historic resources inventory desires to alter the building or site in such a manner as to compromise its attributes that qualify it for inclusion on the inventory. In these cases, the provisions of Section 18.39.030 shall be followed; or

C. The owner of an historic resource on the historic resources inventory desires to demolish a building or object on the inventory. In these cases, the provisions of Section 18.39.045 shall be followed. (1996 zoning code (part)).

18.39.020 Exemptions.

The provisions of this chapter do not apply to the following situations:
A. Repair, Maintenance and Correction of Unsafe Conditions. Nothing in this chapter shall be construed to prevent the normal maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material or external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the chief building inspector certifies that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California State Historical Building Code (Title 24, Part 8). However, only such work as is necessary to correct the unsafe or dangerous condition may be performed and only after obtaining any required building permit. In the event any structure or other feature is damaged by fire or other calamity, the chief building inspector may specify, prior to any required review by the planning director, or the planning commission serving as the historic preservation commission, the amount of repair necessary to correct an unsafe condition. Such determination shall be made in conformance with the provisions of Public Resources Code Section 5028.

1. Prior to the issuance of a building permit for any proposed minor or routine maintenance or reconstruction, the planning and building director shall determine if the proposed work requires further review by the architectural review committee and planning commission serving as the historic preservation commission in accordance with the provisions of this chapter.

2. In the event the planning and building director determines the proposed alteration requires review by the architectural review committee and planning commission serving as the historic preservation commission in accordance with the provisions of this chapter or Chapter 2.48 of the municipal code, the property owner shall be notified in writing within five days of that determination and shall be informed of the process to be followed.

B. Alteration Covered by Plan. Any alteration or other work which conforms to an adopted historic resource plan as defined herein that has been approved by the planning commission serving as the historic preservation commission.

C. Nonhistoric Landscape Elements. Removal, alteration, or maintenance of landscape material at any building or site identified as an historical resource on the historical resource inventory unless the landscape elements are specifically identified as historic elements in an adopted historic resource plan.

D. Contributor Exemption. The provisions of this chapter do not apply to those buildings or sites identified as a contributor on the historic resources inventory and contributors list. (1996 zoning code (part)).

18.39.025 Land use regulations.

A. Underlying Zoning. Except as provided for herein, properties on the historic resources inventory are subject to the land use and development regulations of the underlying zoning district in which the historic resource exists.

B. Zoning Exceptions. Existing designated buildings, structures, sites or objects shall not be subject to the adopted development standards of the underlying zoning district such as height, floor area ratio, lot coverage, and setbacks if strict compliance with those provisions adversely affects the ability of the property owner to restore an identified historic resource and qualify for consideration as an historic landmark.

C. Hearing. Following notice of hearing pursuant to the provisions of this title, the planning commission serving as the historic preservation commission may grant an exception to any development standard set forth in the underlying zoning district regulations in conjunction with the approval of an historic preservation permit when such exception is necessary to permit the preservation, restoration, or improvements to, a building, structure, site or object listed on the historic resources inventory and contributors list. Such exceptions may include, but not be limited to parking, yards, height and
coverage regulations. Such exceptions shall not include approval of uses not otherwise allowed by the zoning district regulations.

D. New Construction. In those cases where a property owner desires to modify a designated historic resource in any manner that is not consistent with the restoration of the building to its original condition, all new construction on a designated site shall be subject to all of the development standards of the underlying zoning district and to the procedures set forth herein. (1996 zoning code (part)).

18.39.030 Alteration of any historic resource on the inventory.

Prior to the issuance of a building permit to alter or add to any building or object on the historic resources inventory, the procedures set forth in this section shall be followed.

A. Participation Procedures. In the event the property owner desires to participate in the historic preservation process set forth herein and in Chapter 2.48 of the municipal code and receive the benefits thereof, the procedures set forth in Section 18.39.035, Historic preservation permit, shall be followed.

B. Nonparticipation Procedures. In the event the property owner does not desire to participate in the historic preservation process set forth herein and in Chapter 2.48 of the municipal code and desires to alter the building site, or object in such a manner as to compromise the historic integrity of the building, site, or object, the following shall apply:

1. The building, site, or object shall be photographically recorded to historic American building survey standards; measured drawings at an appropriate scale shall be prepared; and any other recordation appropriate to the significance of the historic resource or landmark deemed necessary and appropriate to the satisfaction of the planning commission serving as the historic preservation commission shall be submitted.

2. Within thirty days of the submittal of the information required by this section, the planning commission serving as the historic preservation commission shall determine if the photographic record, measured drawings, or other recordation material required and submitted is adequate to establish a record of the resource.

3. The planning commission serving as the historic preservation commission shall notify the planning and building director immediately upon making a determination that the information is adequate.

4. Two copies of all required documentation shall be submitted to the planning and building director prior to the issuance of any permits. (1996 zoning code (part)).

18.39.035 Historic preservation permit.

Should the owner of an historic resource on the historic resources inventory desire to have the resource considered for inclusion on the National Register of Historic Places and the State Register of Historic Resources, and desire to restore or alter the building, site, or object in any manner that requires the issuance of a building permit prior to restoration or alteration, the process specified herein for approval of an historic preservation permit shall be followed prior to the issuance of any building permits.

A. Application. Application for an historic preservation permit shall be made on forms provided by the planning department and shall contain whatever detailed information as is required to review the application.

B. ARC Review. The architectural review committee shall review all proposed alterations or additions or modifications to the exterior elevations that would result in a change to the appearance to any building or object on the historic resources inventory. The architectural review committee shall forward its recommendation to the planning commission serving as the historic preservation commission.

C. Historical Society. The planning director shall forward a copy of the historic preservation permit application and plans to the Spanish town historical society at least twenty-one days prior to the date the planning commission considers the application. The Spanish town historical society shall submit any comments or recommendations to the
planning department at least seven days prior to the date the planning commission considers the application.

D. Required Review. The planning commission serving as the historic preservation commission shall review the recommendations of the architectural review committee and Spanish town historical society and shall determine, by resolution, if the proposed alterations and additions are consistent with the provisions of this chapter and forward its recommendation to the city council.

E. Finding of Consistency. Should the city council find that the proposal is consistent with the provisions of this chapter, the city council shall, by resolution, designate the site an historic landmark.

F. Support of Incentives. The city council shall support any such tax incentives, mutual covenants, protective covenants, purchase options, preservation easements, building, fire, health and city code modifications and any other methods deemed mutually agreeable between city and landowner which will help preserve historic resources. (1996 zoning code (part)).

18.39.040 Findings for approval of any alteration to an historic resource.

In reviewing applications for additions to, or exterior alteration of any historic resource, the architectural review committee, planning commission serving as the 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. An historic preservation permit for alteration of a designated historic resource shall be approved only upon the following findings of fact:

A. The proposed work is consistent with an adopted historic resource plan; or
B. 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
C. The proposed work is a minor change which does not affect the historic fabric of the building, structure, site or object; or
D. The proposed alteration retains the essential architectural elements which make the resource historically valuable; or
E. The proposed alteration maintains continuity and scale with the materials and design context of the historic resource to the maximum extent feasible;
F. The proposed alteration, as conditioned, does not significantly and adversely affect the historic, archaeological, architectural, or engineering integrity of the resource;
G. 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)).

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. (1996 zoning code (part)).

18.39.050 Documentation of historic resource to be demolished.
   A. Photographic Record. Prior to the issuance of a demolition permit, the building, site, or object shall be photographically recorded to historic American building survey standards; measured drawings at an appropriate scale shall be prepared; and any other recordation appropriate to the significance of the historic resource or landmark deemed necessary and appropriate to the satisfaction of the planning commission serving as the historic preservation commission shall be submitted.
   B. Establishing a Record. Within thirty days of the submittal of the information required by this section, the planning commission serving as the historic preservation commission shall determine if the photographic record, measured drawings, or other recordation material required and submitted is adequate to establish a record of the resource.
   C. Determination. The planning commission serving as the historic preservation commission shall notify the planning and building director immediately upon making a determination that the information is adequate.
   D. Copies of Documentation. Two copies of all required documentation shall be submitted to the planning and building director prior to the issuance of any permits. (1996 zoning code (part)).

18.39.055 Adoption of state Historical Building Code.
   The California State Historical Building Code shall be the adopted standards for all construction and alteration of historical buildings and structures in the city. This shall include structures on existing or future national, state or local historic registers or official inventories such as the National Register of Historic Places, the California registered historical landmarks, the California points of historical interest, the California register of historic resources, and city or county registers or inventories of historical or architecturally significant sites, places, historic resources and districts. (1996 zoning code (part)).

18.39.060 Fees.
   The fees for review by the architectural review committee, planning commission serving as the historic resources commission, and city council, shall be set annually by resolution of the city council. (1996 zoning code (part)).
Chapter 18.40
LOCAL COASTAL PROGRAM PUBLIC ACCESS

Sections:
18.40.010 Purpose and intent.
18.40.020 Definitions.
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18.40.040 Standards for application of access conditions.
18.40.050 Public access dedication findings and support.
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18.40.010 Purpose and intent.
The purpose and intent of this local coastal program public access chapter is:
A. To achieve the basic state goals of maximizing public access to the coast and public recreational opportunities, as set forth in the California Coastal Act codified at Sections 30000 through 30900 of the California Public Resources Code. Section 30001.5 (c) states that public access both to and along the shoreline shall be maximized consistent with sound resource conservation principles and constitutionally protected rights of private property owners;
B. To implement the public access and recreation policies of Chapter 3 of the Coastal Act (Sections 30210--30255); and
C. To implement the certified land use plan of the local coastal program which is required by Section 30500(a) of the act to include a specific public access component to assure that maximum public access to the coast and public recreation areas is provided;
D. In achieving these purposes, this chapter shall be given the most liberal construction possible so that public access to the navigable waters shall always be provided and protected consistent with the goals, objectives and policies of the California Coastal Act and Article X, Section 4, of the California Constitution. (1996 zoning code (part)).

18.40.020 Definitions.
As used in this chapter:
A. "Development" means, on land, in or under water, the placement or erection of a solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; change in density or intensity of use of land, including but not limited to, subdivisions pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water; or access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes; kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'bergNejedly Forest Practice Act of 1973 (commencing with Section 4511).
B. "Structure" means and includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
C. New Development. For purpose of implementing the public access requirements of Public Resources Code Section 30212 and of this chapter, "new development" includes "development" as defined above except the following:
1. Structures Destroyed by Natural Disaster. The replacement of any structure, other than a public works facility, destroyed by a disaster; provided that the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent, and is sited in the same location on the affected property as the destroyed structure. As used in this section, “disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owners.

2. Demolition and Reconstruction. The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than ten percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

3. Improvements. Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the structure by more than ten percent, which do not block or impede access and which do not result in a seaward encroachment by the structure.

4. Repair and Maintenance. Repair or maintenance activity which, pursuant to Public Resources Code Section 30610, requires no permit unless the activity will have an adverse impact on lateral public access along the beach.

5. Reconstruction and Repair. The reconstruction or repair of any seawall; provided that the reconstructed or repaired seawall is not seaward of the location of the former structure. As used in this section, “reconstruction or repair” of a seawall shall not include replacement by a different type of structure or other modification in design or construction which results in different or greater impacts to shoreline resources than those of the existing structure.

D. “Sea” means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

E. Types of Public Access and Recreation. The following defines the types of public access required by this chapter:

1. Lateral public access provides public access and use along or parallel to the sea.

2. Bluff top access provides public access and coastal viewing along a coastal bluff top area.

3. Vertical access provides a public access connection between the first public road, trail, or public use area nearest the sea and the publicly owned tidelands or established lateral access.

4. Trail access provides public access along a coastal recreational path, including to and along lakes, rivers, streams, freshwater marshes, significant habitat and open space areas or similar resource areas, and which also may link inland recreational facilities to the shoreline.

5. Recreational access provides public access to coastal recreational resources through means other than those listed above, including but not limited to parking facilities, viewing platforms and bluff top parks.

F. Character of Access Way Use. The following defines the character of access way use established by this chapter:

1. Pass and repass refers to the right of the public to walk and run along an access way. Because this use limitation can substantially restrict the public’s ability to enjoy adjacent publicly owned tidelands by restricting the potential use of lateral access ways, it will be applied only in connection with vertical access or other types of access where the findings required by Sections 18.40.050(A)(1) through (4) and 18.40.050(D)(1)
through (6) establish that the limitation is necessary to protect natural habitat values, topographic features (such as eroding bluffs), or privacy of the landowner.

2. Passive recreational use refers to the right of the public to conduct activities normally associated with beach use, such as walking, swimming, jogging, sunbathing, fishing, surfing, picnicking, but not including organized sports, campfires, or vehicular access other than for emergencies or maintenance.

3. Active recreational use refers to the right of the public to conduct the full range of beach-oriented activities, not including horseback riding and use of motorized vehicles unless specifically authorized. (1996 zoning code (part)).

18.40.030 Applicability.

A. Access Required. As a condition of approval and prior to issuance of a permit or other authorization for any new development identified in subsections (A)(1) through (4) of this section, except as provided in subsections (B)(1) through (3) of this section, an offer to dedicate an easement or other legal mechanism pursuant to Section 18.40.040(J)(2) for one or more of the types of access identified in Section 18.40.020(D)(1) through (5) shall be required and shall be supported by findings required by Section 18.40.050A through C provided that no such condition of approval shall be imposed if the analysis required by Section 18.40.050(A)(1) through (4) establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources or that the access dedication requirements will not alleviate the access burdens identified.

1. New development on any parcel or location specifically identified in the land use plan or in the LCP zoning districts.
2. New development between the nearest public roadway and the sea.
3. New development on any site where there is substantial evidence of a public right of access to the sea acquired through use or a public right of access through legislative authorization.
4. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access.

B. Exceptions. The requirements set forth above shall apply except in the following instances:

1. Projects excepted from the definition of “new development” in Section 18.40.020(8)(1) through (5).
2. Where findings required by Sections 18.40.050(A)(1) through (4) and 18.40.050(B)(1) through (5) establish any of the following:
   a. Public access is inconsistent with the public safety, military security needs, or protection of fragile coastal resources;
   b. Adequate access exists nearby; or
   c. Agriculture would be adversely affected.
3. Exceptions identified in subsection (B)(2)(b) of this section shall be supported by written findings required by Section 18.40.050(C)(1) through (3) of this chapter. (1996 zoning code (part)).

18.40.040 Standards for application of access conditions.

A. Lateral Public Access. The public access required pursuant to Section 18.40.030 (A)(1) through (4) shall conform to all of the following standards and requirements set forth in this section:

1. Minimum Requirements. A condition to require lateral access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 18.40.030(A)(1) through (4) shall provide the public with the permanent right of lateral public access and passive recreational use along the shoreline (or public recreational area, bikeway, or bluff top area, as applicable); provided
that in some cases controls on the time, place, and manner of uses may be justified by site characteristics including sensitive habitat values or fragile topographic features, or by the need to protect the privacy of residential development. These minimum requirements are also to be used for bluff top access or trail access, as applicable.

2. Active Recreational Use. Active recreational use may be appropriate in many cases where the development is determined to be especially burdensome on public access. Examples include cases where the burdens of the proposed project would severely impact public recreational use of the shoreline, where the proposed development is not one of the priority uses specified in Public Resources Code Section 30222, where active recreational uses reflect the historic public use of the site, where active recreational uses would be consistent with the use of the proposed project, and where such uses would not significantly interfere with the privacy of the landowner. In determining the appropriate character of public use, findings shall be made on the specific factors enumerated in Section 18.40.050(B)(1) through (5). Lateral access shall be legally described as required in subsections (G)(1) through (3) of this section.

B. Vertical Public Access--Minimum Requirements.
1. A condition to require vertical public access as a condition of approval of a coastal development permit or other authorization to proceed with development pursuant to Section 18.40.030(A)(1) through (4) shall provide the public with the permanent right of access as follows:
   a. Located in specific locations identified in the certified local coastal program for future vertical access, or
   b. Located in a site for which the local government has reviewed an application for a development permit and has determined a vertical access way is required pursuant to the access and recreation policies of the Coastal Act or the applicable provisions of the local coastal program.
2. A condition to require vertical access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 18.40.030(A)(1) through (4) shall provide the public with the permanent right of vertical access and be limited to the public right of passive recreational use unless another character of use is specified as a condition of the development. In determining whether another character of use is appropriate, findings shall be made on the specific factors identified in Section 18.40.050(B)(1) through (5).
3. Each vertical access way shall extend from the road to the shoreline (or bluff edge) and shall be legally described as required in subsections (G)(1) through (3) of this section. The access easement shall be a minimum of ten feet wide. If a residential structure is proposed, the access way should not be sited closer than ten feet to the structure.

C. Bluff Top Access--Minimum Requirements.
1. A condition to require public access along a bluff top as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 18.40.030(A)(1) through (4) shall provide the public with the permanent right of scenic and visual access from the bluff top to the public tidelands.
2. The bluff top access shall be limited to passive recreational use and coastal viewing purposes unless another character of use is specified as a condition of development. In determining the appropriate character of use findings shall be made on the specific factors identified in Section 18.40.050(B)(1) through (5).
3. Each bluff top access way shall be described in the conditions of approval of the coastal development permit as an area beginning at the current bluff edge extending fifty feet inland, or a different standard, greater or lesser as determined to be necessary for public safety or geologic stability. However, the access way shall not extend any closer than ten feet from an occupied residential structure. Due to the potential for
erosion of the bluff edge, the condition shall include a mechanism that will cause the access way to be adjusted inland as the edge recedes. Any permanent improvements should be set back from the access way by a distance derived by multiplying the annual rate of bluff top retreat by the life expectancy in years of the improvements.

4. The access way shall be legally described as required in subsections (G)(1) through (3) of this section, with the furthest inland extent of the area possible referenced as a distance from a fixed monument in the following manner:

Such easement shall be _____ feet wide located along the bluff top as measured inland from the daily bluff edge. As the daily bluff top edge may vary and move inland, the location of this right of way will change over time with the then current bluff edge, but in no case shall it extend any closer than _____ feet from _____ (a fixed inland point such as the centerline of a public road or other easement monument).

D. Trail Access--Minimum Requirements.
1. A condition to require public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) required pursuant to Section 18.40.030(A)(1) through (4) shall provide the public with the permanent right of access and active recreational use as follows:
   a. Along a designated alignment of a coastal recreational path or trail in specific locations identified in the LCP for implementation of trail access; or
   b. In locations where it has been determined that a trail access is required to link recreational areas to the shoreline or provide alternative recreation and access opportunities pursuant to the access and recreation policies of the LCP and Coastal Act, consistent with other provisions of this chapter. In determining if another character of use is appropriate, findings shall be made on the specific factors enumerated in Section 18.40.050(B)(1) through (5). The trail access shall be legally described as required by subsections (G)(1) through (3) of this section.

E. Recreational Access--Minimum Requirements. A condition to require public recreational access as a condition of approval of a coastal development permit (or some other authorization to proceed with development) required pursuant to subsections (A)(1) through (4) of this section, shall provide the public with the permanent right of access and use within a designated recreational access area. Conditions required pursuant to this section shall specify the location and extent of the public access area. The form and content should take the form of requirements in subsections (A)(1) through (D)(1)(a) and (b) of this section as applicable. The access way shall be legally described as required in subsections (G)(1) through (3) of this section.

F. Protection of Historic Public Use.
1. Substantial Evidence Determination. Substantial evidence that the area used by the public has been impliedly dedicated shall be determined based on evidence of all of the following:
   a. The public must have used the land for a period of five years or more as if it were public land;
   b. Without asking for or receiving permission from the owner;
   c. With the actual or presumed knowledge of the owner;
   d. Without significant objection or bona fide attempts by the owner to prevent or halt the use; and
   e. The use must be substantial, rather than minimal; and
   f. The applicant must not have demonstrated that the law has prevented the property from being impliedly dedicated.

2. Findings. Where an issue as to the existence of public prescriptive rights has been raised during the course of reviewing a coastal development permit application, one of the following findings shall be made:
a. Substantial evidence does not warrant the conclusion that public
prescriptive rights exist;
b. Substantial evidence of public prescriptive rights exist but development
will not interfere with those rights;
c. There is an unresolved controversy as to the existence of public
prescriptive rights which requires denial of a coastal development permit because of
interference with those rights;
d. There is an unresolved controversy as to the existence of public
prescriptive rights, but the applicant’s dedication of a public access protects the rights of
the public and allows an agreement to accept the actual dedication in exchange for giving
up the contested claim of implied dedication.

3. Siting and Design Requirements. Development shall be sited and designed in
a manner which does not interfere with or diminish any public right of access which may
have been established based on historic public use. Only when site constraints are so
severe that siting of the access way of recreational use area in its historic location would
significantly impair the proposed development and alternative development siting is not
feasible, development may be sited in the area of public right of access based on historic
use provided that the applicant provides an equivalent area of public access or recreation
to and along the same destination and including the same type and intensity of public use
as previously existed on the site. Mechanisms for guaranteeing the continued public use
of the area or equivalent area shall be required in accordance with subsections A through
E of this section.

4. Minimum Requirements. An access condition shall not serve to extinguish or
waive public prescriptive rights. In permits where evidence shows the possibility of such
prescriptive rights, the following language shall be added to the access condition:

Nothing in this condition shall be construed to constitute a waiver of any
prescriptive rights which may exist on the parcel itself or on the designated
easement.

G. Legal Description of an Access Way--Recordation.
1. An access dedication required pursuant to Section 18.40.030(A)(1) through
(4) shall be described in the condition of approval of the permit or other authorization for
development in a manner that provides the public, the property owner, and the accepting
agency with the maximum amount of certainty as to the location of the access way. As
part of the condition of approval, easements shall be described as follows:
   a. For lateral access: along the entire width of the property from the mean
      high tide line to (as applicable): the toe of the bluff, the toe of the seawall, or other
      appropriate boundary such as string-line or drip-line;
   b. For bluff top access or trail access: extending inland from the bluff edge
      or along the alignment of a recreational trail;
   c. For vertical access: extending from the road to the shoreline (or bluff
      edge). A privacy buffer provided pursuant to subsection I of this section shall be
described, as applicable.
2. Prior to the issuance of the coastal development permit or other authorization
for development, the landowner shall execute and record a document in a form and
content acceptable to the Coastal Commission or the city, consistent with provisions of
Section 18.40.060A through E of this chapter, irrevocably offering to dedicate to a public
agency or private association approved by the Coastal Commission an easement for a
specific type of access as described in Section 18.40.020(D)(1) through (5) and a specific
character of use as described in Section 18.40.020(E)(1) through (3), as applicable to the
particular conditions.
3. The recorded document shall provide that the offer to dedicate shall not be used or construed to allow anyone, prior to acceptance of the dedication, to interfere with any rights of public access acquired through use which may exist on the property.

4. The recorded document shall include legal descriptions of both the applicant’s entire parcel and the casement area and a map to scale. The offer shall be recorded free of prior liens and any other encumbrances which the Coastal Commission or the city determines may affect the interest being conveyed. The offer to dedicate shall run with the land in favor of the people of the state of California, binding all successors and assignees, and shall be irrevocable for a period of twenty-one years, such period running from the date of recording.

H. Management Plan Minimum Requirements. A management plan may be required in conjunction with a dedication of public access in any case where there is substantial evidence of potential conflicts between public access use and other uses on or immediately adjacent to the site. Examples include access in areas of sensitive habitats, agricultural resources, or significant hazards, or adjoining residential neighborhoods or military security areas. The plan shall be prepared by the accepting agency and approved by the city prior to the opening of the access to public use. Where applicable, the plan should specify management controls on time and intensity of use, standards for privacy buffers, and requirements for maintenance of aesthetic values through such measures as litter control.

I. Privacy Buffers Minimum Requirements. Separation between a public access way and adjacent residential use may be provided when necessary to protect the landowner’s privacy or security as well as the public’s right to use of the access way. Any such buffer shall be provided within the development area. Access should not be sited closer to any residential structure than ten feet. The buffer can be reduced where separation is achieved through landscaping, fences or grade separation.

J. Implementation.

1. A dedicated access way shall not be required to be opened to public use until a public agency or private association approved in accordance with subsections (G)(1) through (3) of this section agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is implemented through a deed restriction.

2. In any case where the size and character of a development would impose very substantial burdens on public access, such as a large resort development on the shoreline, and where the applicant has the capacity to operate and maintain the access way or recreation area, a deed restriction may be required instead of an offer to dedicate in order to assure immediate public use of the area and maintenance of the area by the applicant and successors in interest. In any such case, all other applicable provisions of this ordinance shall apply.

3. Access facilities constructed on access easements (e.g., walkways, paved paths, boardwalks, etc.) should be no wider than necessary to accommodate the numbers and types of users that can reasonably be expected. Width of facilities can vary for ramps or paved walkways, depending on site factors.

K. Title Information. As a requirement for any public access condition, prior to the issuance of the permit or other authorization for development, the applicant shall be required to furnish a title report and all necessary subordination agreements. Title insurance may also be required where easements are being granted. The amount of insurance shall reflect the estimated cost to acquire an equivalent access way or recreational use elsewhere in the vicinity. All offers shall be made free of all encumbrances which the approving authority pursuant to subsections (G)(1) through (3) of this section determines may affect the interest being conveyed. If any such interest exists which could erase the access easement, it must be subordinated through a written and recorded agreement. (1996 zoning code (part)).
18.40.050 Public access dedication findings and support.

A. Required Overall Findings. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals, denials or conditional approvals of projects between the first public road and the sea (whether development or new development) and of all approvals or conditional approvals of projects (whether development or new development) where an access dedication is included in the project proposal or required as a condition of approval. Such findings shall address the applicable factors identified by Section 18.40.050 (B)(1) through (5) and shall reflect the specific level of detail specified, as applicable. Findings supporting all such decisions shall include:

1. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section 18.40.050(B)(1) through (5). The type of affected public access and recreation opportunities shall be clearly described.

2. An analysis based on applicable factors identified in Section 18.40.050(B)(1) through (5) of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act.

3. A description of the legitimate governmental interest furthered by any access condition required.

4. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified and is reasonably related in nature and extent.

B. Required Project--Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (3)(1) through (5) of this section, to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the dedication will alleviate or mitigate the adverse effects which have been identified and is reasonably related to those adverse effects in both nature and extent. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.

1. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection of the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities.

2. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to...
shoreline processes and beach profile unrelated to the proposed development. 

Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas.

3. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, bluff top, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvement made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use).

4. Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline.

5. Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent to which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

C. Required Findings for Public Access Exceptions. Any determination that one of the exceptions of Section 18.40.030(B)(2)(a) through (c) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

1. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be projected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable.

2. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected.

3. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.

D. Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:

1. Identification and protection of specific habitat values including the reasons supporting the conclusion that such values must be protected by limiting the hours, seasons, or character of a public use.

2. Topographic constraints of the development site.

3. Recreational needs of the public.
4. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development.
5. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access.
6. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use. (1996 zoning code (part)).

18.40.060 Review of recorded access documents.
The following standards and procedures shall apply when reviewing access documents prior to recordation:
A. Upon final approval of a coastal development permit or other authorization for development, and where issuance of the permit or authorization is conditioned upon the applicant recording a legal document which restricts the use of real property or which offers to dedicate an interest in land for public use, a copy of the permit conditions, findings of approval and drafts of any legal documents proposed to implement the conditions shall be forwarded to the California Coastal Commission for review and approval prior to the issuance of the permit. The standards of review and approval by the Coastal Commission shall be the legal adequacy of the document to carry out the purposes of the permit conditions or certified land use plan; the uniform application of the document with other documents required throughout the coastal zone; and the document's consistency with the requirements of potential participating agencies. If requested, and if provided with copies of the permit conditions, findings and the applicant's name, address and telephone number, the Coastal Commission will prepare the documents and forward copies to the city for processing.
B. The Coastal Commission shall have fifteen working days from the receipt of the documents where review is requested and thirty working days where preparation is requested to complete the review or preparation and notify the applicant and city of recommended revisions, if any.
C. If the city does not receive notification of the inadequacy of documents it has prepared within the fifteen working day period, the documents are deemed approved and the permit may be issued upon proof that the documents have been recorded free of prior liens and encumbrances which the executive director determines may affect the interest being conveyed, in accordance with the provisions of the certified local coastal program.
D. Where the Coastal Commission prepares the legal documents, the city may issue the permit after the thirty day preparation period has expired, or the applicant has signed a document that meets the standards of this section, and the document has been recorded free of prior liens and encumbrances which the executive director determines may affect the interest being conveyed, in accordance with the provisions of the certified local coastal program.
E. Where revisions are required to meet the standards of this section, the permit shall not be issued until the local government has been notified that all issues of adequacy, uniformity and consistency have been resolved and the document has been recorded free of prior liens and encumbrances, in accordance with the provisions of the certified local coastal program. (1996 zoning code (part)).
Chapter 18.41
CONDOMINIUM HOTEL DEVELOPMENTS

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18.41.010 Intent and purpose.
The intent and purpose of this chapter is to guide the orderly development of condominium hotel projects as defined in this chapter and developments with similar characteristics. In order to ensure the protection of the health, safety and general welfare of persons living and working in the city and in the vicinity of these developments, reasonable development standards and procedural requirements are contained in this chapter. (Ord. 6-97 §1(part), 1997).

18.41.015 Condominium hotels defined.
For purposes of this chapter, “condominium hotels” are defined as any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied for no more than thirty days at a time either by transient occupants, homeowners association or other similar entity, or the individual owner of a unit or units within the project; and that is also an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interior space in the building on the real property. In addition, a condominium may include a separate interest in other portions of the real property. (Ord. 6-97 §1(part), 1997).

18.41.020 Approvals required.
All condominium hotel and similar projects as defined in this chapter are subject to the procedural requirements set forth in this section in addition to all other procedural requirements of this code. The approvals required pursuant to this chapter include:
A. Architectural Review Committee Consideration. All new condominium hotel developments and/or remodeling or new construction on an existing condominium hotel building shall be subject to the review of the architectural review committee.
B. Use Permit Required. All condominium hotel and similar projects as defined in this chapter are subject to the procedural requirements of securing a use permit as set forth in this title.
C. Subdivision Required. All condominium hotel and similar projects as defined in this chapter are subject to the procedural requirements of a subdivision map as set forth in Title 17, the subdivision ordinance of the Half Moon Bay Municipal Code.
D. Conditions, Covenants and Conditions. The proposed conditions, covenants and restrictions shall be submitted with the application materials.
E. Review by City Attorney. Prior to city council action on the final map, the applicant shall submit to the city attorney all documentation required by the State Department of Real Estate. (Ord. 6-97 §1(part), 1997).

18.41.025 Conditions of approval.
The planning commission and/or city council may impose any conditions determined to be necessary to protect the health, safety and welfare of persons living or working in the vicinity of the proposed development. (Ord. 6-97 §1(part), 1997).

18.41.030 Development standards.
All condominium hotel projects shall be subject to the development standards set forth in this Section.
A. Building Height. All construction must conform to the building height limitations of the underlying zoning district for the property on which the project is proposed.
B. Lot Coverage. Unless more restrictive standards are provided for in the development standards for the underlying zoning district in which the project is proposed, the following lot coverage standards shall apply in each case:
   1. For single story buildings, the maximum lot coverage shall be fifty percent;
   2. For multi-story buildings, the maximum lot coverage shall be thirty-five percent.
C. Floor Area Ratio. Unless more restrictive standards are provided for in the development standards for the underlying zoning district in which the project is proposed, the maximum floor area ratio shall not exceed 0.5:1 in each case.
D. Parking Requirements. All parking spaces required by this chapter shall be on the development site.
   1. For each guest room there shall be a minimum of two parking spaces. The planning commission may reduce this standard to not less than 1.5 spaces per guest room if the maximum square footage of each guest room does not exceed six hundred square feet.
   2. There shall be at least one additional parking space for each employee on-duty during peak hours.
   3. The parking requirements for any restaurant or similar use open to the public shall be based upon the current standards set forth in this title.
   4. The parking requirements for any conference room facilities or similar functions shall be based upon the current standards set forth in this title.
E. Landscaping. At least twenty percent of the entire site shall be landscaped.
F. Sewer Connections.
   1. The requisite number of single-family equivalent sewer connections for the hotel condominium units as well as any restaurant facilities and any other ancillary facilities shall be as set forth in the standards of Title 13 of the Municipal Code.
   2. For purposes of allocating sewer treatment capacity, hotel condominium or similar projects as defined in this chapter shall not be considered a “priority use” as defined in the certified local coastal plan.
G. Minimum Size of Development Site. The minimum size of any site proposed for a condominium hotel or similar use shall be one acre. (Ord. 6-97 §1(part), 1997).

18.41.035 Occupancy requirements.
The maximum period of occupancy by any owner or transient occupant during any one-year period, commencing with the date the certificate of occupancy is issued by the city shall be as follows:
A. No more than twenty-nine days of consecutive occupancy; and
B. No more than ninety days during any year. (Ord. 6-97 §1(part), 1997).
18.41.040 Creation of and on-going requirements for on-site management.

The applicant shall provide details to the city as a part of the application submittal pertaining to the on-going management of the hotel condominium project. Each hotel condominium project created pursuant to this chapter shall have or otherwise provide for an on-site management program that addresses the following:

A. Details of how the rooms will be reserved by the owners and how they will be made available for transient occupancy;
B. Providing for a manager to be on-site at all times;
C. Within thirty days of the end of each quarter (every three months) a report shall be filed with the finance director detailing all occupancy by transients and owners, the amount of room rents paid, and evidence that the transient occupancy taxes have been paid as required by this chapter and Chapter 3.12 of the Municipal Code;
D. A description of the on-going building and grounds maintenance program. (Ord. 6-97 §1(part), 1997).

18.41.045 Annual audits.

Annually, commencing one year from the date the certificate of occupancy is issued, the management entity shall make available, upon reasonable request, all guest ledgers and receipt books to the finance director for purposes of determining accurate accounting of the transient occupancy tax payments and to ensure that the owner occupancy requirements set forth in Section 18.41.035 are not exceeded. (Ord. 6-97 §1(part), 1997).

18.41.050 Conformance with the residential growth initiative.

Where all or a portion of the units are potentially available for occupancy by the owner of the unit for a portion of the year, the portion permitted as a percent of an entire year shall be considered a dwelling unit for purposes of calculating the number of dwelling units permitted annually to ensure a maximum annual population growth of not more than three percent. (Ord. 6-97 §1(part), 1997).

18.41.055 Transient occupancy tax requirements.

Hotel condominium projects are subject to the requirement of paying the transient occupancy tax as defined and provided for in Chapter 3.12 of the Municipal Code as currently adopted and as may be amended in the future. (Ord. 6-97 §1(part), 1997).

18.41.060 Payment of park facilities development fees.

Condominium hotel projects are subject to the payment of park facilities development fees as set forth in Chapter 18.34 of the zoning code. In those cases where a unit consists of only one room, that room will be considered a bedroom for purposes of determining the park facilities development fee. In those cases where the unit consists of a separate room or rooms for sleeping, only those rooms clearly set aside for sleeping are subject to the requirements of the park facilities development fees. (Ord. 6-97 §1(part), 1997).

18.41.065 Payment of traffic mitigation fees.

Condominium hotel projects are subject to the payment of traffic mitigation fees as set forth in Chapter 14.35 of the Municipal Code. In those cases where a unit consists of only one room, that room will be considered a bedroom for purposes of determining the traffic mitigation fee. In those cases where the unit consists of a separate room or rooms for sleeping, the city council shall establish the amount of traffic mitigation fees to be paid based upon the nature and extent of any potential residential use or occupancy by nontransients. (Ord. 6-97 §1(part), 1997).