



**CITY COUNCIL / PLANNING COMMISSION AGENDA  
SPECIAL JOINT MEETING  
CITY OF HALF MOON BAY**

**TUESDAY, NOVEMBER 9, 2021**

**REMOTE MEETING (SEE NEXT PAGE)**

**Robert Brownstone, Mayor  
Debbie Ruddock, Vice Mayor  
Joaquin Jimenez, Councilmember  
Deborah Penrose, Councilmember  
Harvey Rarback, Councilmember**

**Steve Ruddock, Chair  
Sara Polgar, Vice Chair  
James Benjamin, Commissioner  
David Gorn, Commissioner  
Rick Hernandez, Commissioner**

**5:00 PM**

This agenda contains a brief description of each item to be considered. Those wishing to address the City Council on any matter not listed on the Agenda, but within the jurisdiction of the City Council to resolve, may come forward to the podium during the Public Forum portion of the Agenda and will have a maximum of three minutes to discuss their item. Those wishing to speak on a Public Hearing matter will be called forward at the appropriate time during the Public Hearing consideration.

Please Note: Anyone wishing to present materials to the City Council, please submit seven copies to the City Clerk.

Copies of written documentation relating to each item of business on the Agenda are on file in the Office of the City Clerk at City Hall and the Half Moon Bay Library where they are available for public inspection. If requested, the agenda shall be available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132.) Information may be obtained by calling 650-726-8271.

In compliance with the Americans with Disabilities Act, special assistance for participation in this meeting can be obtained by contacting the City Clerk's Office at 650-726-8271. A 48-hour notification will enable the City to make reasonable accommodations to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

<http://hmbcity.com/>

## **SPECIAL REMOTE PARTICIPATION PROTOCOLS**

*This meeting will be held entirely by teleconference. All Councilmembers, Commissioners, and staff will only participate via the Zoom platform using the process described below. The meeting is being conducted pursuant to recent amendments to the teleconference rules required by the Ralph M. Brown Act allowing teleconferencing during a proclaimed state of emergency when local officials have recommended social distancing (AB 361). The purpose of AB 361 is to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.*

*This meeting will be conducted via Zoom Webinar and live Spanish interpretation will be available within the Zoom platform. Members of the public are welcome to login into the webinar as Attendees. During any public comment portions, attendees may use the "raise your hand" feature and will be called upon and unmuted when it is their turn to speak. The meeting will also be streamed on Channel 27, on pacificcoast.tv, and on Facebook at [www.facebook.com/cityofhalfmoonbay](http://www.facebook.com/cityofhalfmoonbay). Please click to join the webinar: <https://us06web.zoom.us/j/81076854421> or join by phone at 669-900-9128, using Webinar ID 810-7685-4421.*

## **CALL TO ORDER / ROLL CALL**

### **1. SPECIAL WORK SESSION: CITY COUNCIL AND PLANNING COMMISSION**

#### **1.A. WORK SESSION - HOUSING SITES AND MEASURE D**

**Staff Recommendation:** Receive a staff presentation, consider public input, discuss, and provide direction about housing opportunity sites and Measure D ordinance update concepts.

[STAFF REPORT](#)

[ATTACHMENT 1](#)

[ATTACHMENT 2](#)

[ATTACHMENT 3](#)

[ATTACHMENT 4](#)

## **ADJOURNMENT**

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

**AGENDA REPORT**

For special meeting of: **November 9, 2021**

---

**TO:** Honorable Mayor and City Council  
Chair Ruddock and Planning Commission

**VIA:** Bob Nisbet, City Manager

**FROM:** Jill Ekas, Community Development Director  
Brittney Cozzolino, Associate Planner

**TITLE: WORK SESSION – HOUSING SITES AND MEASURE D**

---

**RECOMMENDATION:**

Receive a staff presentation, consider public input, discuss, and provide direction about housing opportunity sites and Measure D ordinance update concepts.

**FISCAL IMPACT:**

There is no fiscal impact associated with this update.

**STRATEGIC ELEMENT:**

This action supports the Healthy Communities and Public Safety, Inclusive Governance, and Infrastructure and Environment Elements of the Strategic Plan.

**BACKGROUND:**

Affordable housing has been a City Council priority for the last several years. The Planning Commission and City Council both made strides for expanding affordable housing opportunities with the adoption of the 2020 Local Coastal Land Use Plan (LCLUP) update, which included numerous housing strategies such as a new Workforce Housing Overlay and affirming affordable housing as a local priority land use that is eligible for priority water connections. The City is now preparing to update its Housing Element for cycle 6 which will include an assessment of housing opportunity sites, identification of constraints for affordable housing, and policies and programs that aim to reduce these constraints and support affordable housing production and preservation. This joint work session is intended to inform the Housing Element update and identify Council and Commission priorities for housing opportunity sites. Opportunity sites presented at the session will include sites in the Town Center, sites suitable for farmworker housing, examples of Planned Development areas, mobile home parks, and sties in public ownership by the Cabrillo Unified School District and the City.

Updating the Measure D ordinance is also included in this year's work plan for supporting City Council's priority for affordable housing. Initial concepts for updating the Measure D ordinance are presented in the September 21, 2021 City Council staff report included as Attachment 1. The Measure D ballot language and ordinance language are also included as Attachments 2 and 3. Direction received at this joint work session from City Council and Planning Commission will inform a draft ordinance update.

**DISCUSSION:**

The work session will begin at 5:00 PM. The agenda for the joint work session is as follows:

Part 1: Housing Sites

- Staff Presentation
- Public Comment
- *Dinner Break*
- Council and Planning Commission Discussion
- *Stretch Break*

Part 2: Measure D

- Staff Presentation
- Public Comment
- Council and Planning Commission Discussion

Presentation materials will be made available online following the work session.

This work session has been noticed broadly including through the City's webpage; weekly e-News; social media; announcement during public meetings; email notification to the City Council agenda; Planning Commission agenda, and Housing Element Update mailing lists; and word of mouth. Notification has been provided in both English and Spanish.

**Next Steps**

Staff will continue to work with the San Mateo County "21 Elements" collaborative on updating the City's Housing Element. Following this session, the City's recently hired housing consultant will conduct additional feasibility assessment of the priority housing development sites and provide recommendations for each. These will be brought back to City Council, most likely in early 2022. Assuming the direction is to move forward with Measure D updates, a draft ordinance will be prepared and presented to the Planning Commission with Planning Commission and City Council public hearings to follow. Any update to the Measure D provisions will require California Coastal Commission certification.

**ATTACHMENTS:**

1. September 21, 2021 City Council staff report
2. Measure D Ballot Language
3. Measure D Ordinance Language
4. Analysis of 880 Stone Pine Road for Housing (Memo from the City Manager, dated November 8, 2021)

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

**AGENDA REPORT**

For meeting of: **September 21, 2021**

---

**TO:** Honorable Mayor and City Council  
**VIA:** Bob Nisbet, City Manager  
**FROM:** Jill Ekas, Community Development Director  
**TITLE:** **2021 MEASURE D ALLOCATIONS TRANSFER**

---

**RECOMMENDATION:**

Adopt a resolution approving a transfer of twenty Downtown base Measure D allocations, comprising all of the Downtown base allocations remaining as of September 2021, to be used for new dwelling units proposed outside of the Downtown area, prioritized according to affordability and readiness (Attachment 1), and provide input on potential Measure D ordinance updates.

**FISCAL IMPACT:**

There is no fiscal impact associated with this update.

**STRATEGIC ELEMENT:**

This action supports the Inclusive Governance Element of the Strategic Plan.

**BACKGROUND:**

Half Moon Bay’s residential growth management system is referred to as “Measure D.” Measure D caps the maximum annual percentage increase in residential population at 1 percent, with an additional 0.5 percent allowed on development sites located within a defined “Downtown Area.”<sup>1</sup> Measure D is administered through an allocation system whereby “Measure D Certificates” are issued to eligible applications. One certificate represents one allocation, which is required for each new residential unit (including each new Accessory Dwelling Unit, or ADU and Junior Accessory Dwelling Unit, or JADU). The total number of certificates made available each year is determined according to Chapter 17.06 of the Municipal Code (Residential Dwelling Unit Allocation System). The calculations are reviewed and authorized annually by City Council every December for the next calendar year.

---

<sup>1</sup> The Downtown Area defined through the ballot measure consists of the City’s former Redevelopment Area.

At its meeting on December 1, 2020, the City Council authorized a total of 66 allocations for 2021. This includes 44 allocations inside Downtown (22 “base” allocations, and 22 additional or “bonus” allocations allowing for a 0.5 percent increase in this area as provided for by the ballot measure and associated implementing ordinance) and 22 allocations outside Downtown. As of April 28, 2021, all 22 allocations for outside Downtown and 2 Downtown base allocations had been issued. Twenty Downtown area base allocations and all 22 of the bonus allocations remain available. As of the drafting of this report, 17 additional applications requesting a total of 27 Measure D certificates for sites outside the Downtown area have been submitted. They include 10 applications for individual ADUs, one application for an individual JADU, 5 applications for a single-family residence with an ADU, and one application for 6 units (comprised of a duplex with two ADUs and one single-family residence with an ADU on a site containing two parcels).

Municipal Code section 17.06.120.F (Distribution of residential dwelling unit allocations) provides for reallocation of Downtown base allocations in September as follows:

*If the maximum number of residential dwelling unit allocations has not been applied for by September 1st, any unused **base allocations** granted for the downtown area as provided in Section 17.06.020 may be transferred to projects located outside of the downtown area. Additional allocations granted for the downtown area as provided in Section 17.06.020 shall not be transferred to projects located outside the boundaries of the downtown area. (Emphasis added.)*

Thus, as of September 1, 2021, the 20 Downtown base allocations could potentially be made available for sites outside Downtown.

At its meeting on September 17, 2019, the City Council approved a process for considering potential transfers (Attachment 2). The process specifies that Council is not obligated to approve transfers; however, if it chooses to do so, transfers must be approved by resolution based on findings. The process is also consistent with the Municipal Code with respect to timing wherein transfers are to be considered during the months of September or October. The procedure intended to provide flexibility for years in which all Measure D allocations outside Downtown have been issued when base allocations for inside Downtown remain. The City Council also opted to emphasize housing affordability and project readiness in the process. The required findings are as follows:

- That there are no known pending applications for a project(s) within Downtown needing Measure D Downtown base allocations.
- That the transfers are prioritized for projects outside Downtown that include some form of more affordable housing, including but not limited to accessory dwelling units, duplexes, triplexes, or other multi-family units.
- That the applicant applying for a Measure D allocation for outside Downtown demonstrates that the application(s) for the associated permit(s) have been prepared, including but not limited to a Coastal Development Permit or a Building Permit.

- That transfers may be allocated to single-family homes that include a component of affordability including an accessory dwelling unit or a City approved deed restriction.

The procedure further specified that City Council consider any other criteria it deems applicable for allowing transfers for projects outside Downtown that meet stated City objectives.

**DISCUSSION:**

Council is being asked to consider transferring the 20 remaining Downtown base allocations to projects proposed on sites located outside Downtown. At this time, all 22 certificates for outside Downtown have been issued, including 6 for three applications including both a single-family home and an ADU (thus two allocations per application), and the remaining 16 for ADUs. As stated above, there are now 17 additional applications for 27 total Measure D certificates for sites outside Downtown that have not yet been issued. Two of the 2021 Downtown allocations (total of 44, including 22 base allocations) have been issued and no significant pending projects within Downtown are anticipated before the end of the year. There are no known pending applications for projects within Downtown that need Measure D base allocations at this time.

Staff recommends that City Council transfer all of the remaining 20 base Downtown allocations to support development of 20 new dwelling units proposed outside Downtown.

Prioritization of Transfer Allocations: Measure D allocations are initially offered in the first quarter of each calendar year following application submittals in January. In the event where more applications are received than applications available, a ranking process must be followed with Planning Commission confirmation. This part of the Measure D ordinance is quite detailed and includes timelines and other criteria to regulate administration of these initial allocations. This year, 29 outside Downtown allocations were requested in January and 22 (the maximum available) were awarded by the Planning Commission in March based on the ranking process. However, while the ordinance allows the City Council to make transfers in September, it does not mandate use of the ranking process nor does it obligate Council to approve transfer requests.

Since the Planning Commission ratification of the January 2021 Measure D applications, two applications for Downtown allocations were received and issued which resulted in fewer applications available for potential transfer. Additional applications were also received from applicants interested in a potential transfer, including several of those who were not awarded certificates from the March ratification process as well as a number of new applications. Staff informed applicants seeking transferred Measure D allocations that they would need to wait until September to find out if Council would transfer any allocations. Staff established and published a schedule and procedure for applying for transfers. Applicants were strongly encouraged to submit plans and to fill out the Measure D scoring criteria to help with application ranking.



If City Council decides to allow transfers, staff recommends that they be allocated to specific applications according to the following criteria consistent with the 2019 adopted transfer procedures:

- **Affordability:** Exemplified by projects that propose to include a deed restricted affordable dwelling unit, and those that include ADUs and JADUs and thus conform to the basic Council criteria seeking more affordable types of housing; and
- **Project readiness:** Exemplified by providing a full plan set with the Measure D application.
- **Town Center:** Where a project does not exemplify both affordability and readiness, those that are located within the Town Center as defined by the 2020 Local Coastal Land Use Plan (LCLUP) are prioritized over those that are outside the Town Center. Attachment 3 provides a map showing how the projects requesting Measure D transfer allocations align with the Town Center boundary.

Projects that meet both criteria – affordability and readiness - are recommended for approval. Three applications for a single-family residence with an ADU (six allocations total) did not demonstrate readiness and are not recommended for approval. One application for an ADU outside Town Center, which does not have well-developed plans, is also not recommended for approval.

Summary: Staff recommends approving the transfer request for the following Measure D applications:

<b>Project Type</b>	<b>Number of Allocations Requested</b>	<b>Number of Allocations Recommended per Ranking</b>
Multi-family units	2	2
Single-family units with ADUs (Each such application is for two allocations)	12	6*
ADUs (with existing an existing single-family home)	12	11
JADUs	1	1
<b>Totals</b>	<b>27</b>	<b>20</b>

*\*Note: Four of these units are proposed to be deed-restricted affordable.*

Applicants who do not receive allocations at this time may apply again in January 2022. These include:

- 1049 Railroad Ave. (Single-family residence + ADU)
- Grove & 1<sup>st</sup> (Single-family residence + ADU)
- Poplar & 4<sup>th</sup> (Single-family residence + ADU)
- 415 Myrtle (ADU)

Staff will assist these applicants with the January submittal process. Because none of these applications included well-developed plans, better preparation is expected to improve application scores under the current system, as well as with any proposed update to the scoring system, such as the concept described in the next section of this report.

**MEASURE D ORDINANCE STUDY SESSION:**

As briefly discussed during the ADU ordinance update process, staff recommends updating the Measure D ordinance. As it stands, the Measure D ordinance provides some support for ADUs and smaller, more affordable dwelling units. However, the increase in demand for Measure D certificates for ADUs and the need for stronger affordable housing incentives has driven interest in updating the Measure D ordinance from both the community and the City. The Measure D ballot measure language cannot be changed without going back to ballot, but there are opportunities for improving the Measure D review and approval process within the ordinance language. Staff suggestions include updating both the ranking criteria and allocation requirements. City Council policy guidance is sought now in advance of the additional research and full legal review required for this work. It is also of note that some of these approaches, as well as ideas that may be suggested by City Council, may be foreclosed by specific ballot measure language. That said, staff believes that it is possible to make highly effective improvements to these complex regulations.

Ranking System: Staff’s initial assessment is that the ranking system can be significantly updated because the ranking system is not part of the ballot measure language. The current ranking categories include infill sites; home size scale and clustering; design for walking and biking; design for safety and social gathering; design for diverse households; and landscaping. While all of these criteria remain valid, the associated point values skew away from City Council’s priorities, and some of the specific criteria have been superseded by various laws and City policies. To simplify the ranking system, align it to City Council priorities (especially with respect to affordable housing), and establish consistency with the LCLUP, staff recommends focusing on the following categories: Town Center, affordability, accessibility, sustainability, LCLUP consistency, and readiness.

- **Town Center:** Project sites located in the Town Center would rank higher than those outside the Town Center. This would simplify the assessment of infill sites. Town Center contains most of the “Downtown Area” specified in the ballot measure, but is larger and includes parts of town that City Council chose for infill development over the course of the LCLUP update. Similarly, infill sites within established neighborhoods as presented in the LCLUP would rank higher than sites in the substantially undeveloped areas. Workforce Housing Overlay units would be considered infill units if outside the Town Center.
- **Affordability:** Units made affordable through deed restrictions or other mechanisms to extremely low, very low, and low income households, including

Workforce Housing Overlay units, would receive significantly more points than any other units. Units that are more affordable by design (e.g. ADUs, mobile homes, smaller units, multi-family units) would also receive points related to affordability even if they are not deed restricted.

- **Accessibility:** A significant number of points should be available for wholly accessible units; and a modest number of points could be awarded for “visitable” units. It is notable that accessibility is also a sustainability measure in that accessible design results in homes will require less retrofitting in the future in the event that a household’s need for accessibility change, saving resources and money over time.
- **Sustainability:** Sustainability is a broad topic. The current ranking system recognizes solar access, passive cooling, use of recycled materials, and water conservation. For an update, points could be awarded for projects that significantly exceed State Title 24 requirements which address energy conservation and relevant standards of the forthcoming Climate Action and Adaptation Plan. However, it is noted that at this time the City is also developing an electrification ordinance that will accomplish such an outcome relative to energy conservation and associated reductions in greenhouse gas emissions. Instead of a broad-brush approach to ranking projects relative to sustainability measures, staff suggests that this category be simplified to focus on water conservation, which is a highly pertinent local need.
- **Local Coastal Program (LCP) Consistency:** Sites would be eligible for consistency points if the proposed project would not be anticipated to have an impact on environmentally sensitive habitat areas, coastal access, visual resources, or otherwise require a variance or exceptions.
- **Readiness:** Projects that demonstrate readiness by submitting a full draft plan set with their Measure D application would rank modestly higher than projects that submit a partial plan set, site plan only, or no plans. The importance of readiness has become increasingly significant. Some applicants who receive Measure D allocations do not proceed with their projects within the one-year effective period during which a complete application for a coastal development permit or building permit (as applicable) must be submitted. At the end of the year, the allocations expire, unless they qualify for a one-time six-month extension associated with building permit review. Several have expired and are thus wasted.

A conceptual update to the ranking system is presented as Attachment 4.

Allocation Requirements: As a second part to this effort, the allocation requirements could also be updated. Measure D allocation requirements contribute to an annual population growth rate that is less than the permitted 1 to 1.5 percent, with allocations

not fully utilized, even in years where demand exceeds supply. This condition is a result of how the system is currently administered per the requirements of the ordinance. While ensuring consistency with the ballot measure, the focus in updating allocation requirements will be to make the most of the available allocations. Timing for this work is better enabled now that 2020 census data is coming forth; it will be an important part of the planning analysis. Staff intends to prepare the following updates to the allocation requirements, subject to a robust review of legal feasibility:

- Partial Allocations: Measure D could be updated to allow for partial allocations for different types of housing units. Persons per household is on average lower for certain types of units, including ADUs. Staff’s initial recommendation is to focus on ADUs:
  - ADUs - One-half Allocation: This would be consistent with the certified LCLUP wherein ADUs were modeled as one-half of a single-family home based on their occupancy and infrastructure demands.
  - JADUs – No Allocation: JADUs are created by converting existing space within a residence and can be no more than 500 square feet. For permitting purposes, they are treated like tenant improvements, do not require a coastal development permit, and typically provide improved living conditions for household members already living in the primary dwelling.
- Phasing: For larger projects involving ownership units in subdivisions, the process currently allows for phasing Measure D allocations over multiple years. It has rarely been used. For a larger residential rental project, such as an apartment building, no subdivision is included and therefore phasing for this type of development is not specifically allowed. Some means for supporting such developments, which would likely include affordable units, should be included in an update to the allocation requirements.
- Transfers: As previously noted, sometimes allocations are granted and then not used. A transfer process could better assure that allocations are utilized when there is demand, especially for affordable units. Transferred allocations would first need to be relinquished to the City, and then the City would reallocate to another qualifying project during the same allocation year. Transfers directly from one property to another would not be allowed.
- Banking: Unused allocations from any given year do not “roll over.” Staff is evaluating a mechanism whereby unused allocations would roll over **to the City** and be banked for affordable housing. The City could then give these allocations to developers seeking to build qualifying units. This mechanism would support implementation of the City’s Regional Housing Needs Allocations (RHNA) in the forthcoming RHNA cycle 6 Housing Element, which has a significantly greater

requirement for affordable unit production than in the previous cycle 5. Of all the recommendations, banking is likely the most meaningful change in support of affordable housing; however, it may also be the most challenging to implement in alignment with the ballot measure language.

Other updates include:

- **September Transfer Process:** The discretionary September transfer process is not well defined. Updates would establish an application window and deadline for requesting a Measure D transfer, as well as clarification about if and what scoring criteria should be used for review of Measure D transfer requests.
- **Fees for Measure D Allocations:** The current fee is \$610/unit for all types of dwelling units, except ADUs and JADUs. At this time, there is no fee for Measure D allocations for ADUs or JADUs. The Measure D ranking process is time consuming, even for ADUs. The updated ADU ordinance approved by City Council in August would allow a fee to be charged for processing Measure D allocations for ADUs. ADUs will be added to the fee schedule for next year's fiscal year budget, for 50 percent of the standard fee. More importantly, there are no fee reductions for affordable units. Staff recommends that Measure D fees be waived for any units affordable to extremely low, very low, and low income households, including Workforce Overlay units.

### **Next Steps**

Updating the Measure D ordinance is included in this year's work plan for supporting City Council's priority for affordable housing. Assuming Council's direction is to move forward, a draft ordinance will be presented to the Planning Commission. Planning Commission and City Council public hearings would follow. Any update to the Measure D provisions will require California Coastal Commission certification.

### **ATTACHMENTS:**

1. Resolution for 2021 Measure D Transfer of Twenty Allocations
2. Resolution C-2019-81 Procedure for Transferring Measure D Allocations
3. 2021 Measure D September Transfer Projects Map
4. Conceptual Measure D Ranking System

# CITY OF HALF MOON BAY

## MEASURE D

Shall the Ordinance amending the Residential Growth Limitation Ordinance be adopted?

### FULL ORDINANCE

#### RESIDENTIAL GROWTH LIMITATIONS

The people of the City of Half Moon Bay do ordain as follows:

#### SECTION 1: PURPOSES

The purposes of this ballot measure are to protect the public health, safety and welfare of the residents of Half Moon Bay; to provide for development which is orderly, sustainable, and fiscally responsible; to respond to the worsening traffic situation; and to protect the City's unique scenic and rural coastal character by managing the rate, location, and density of residential development.

#### SECTION 2: FINDINGS

- (a) Accelerated population growth. According to the California Department of Finance's January 1998 population estimates, Half Moon Bay's residential population grew 22% during a six-year period, making Half Moon Bay the fastest growing jurisdiction in San Mateo County. Statistics show an average population growth of 0.9% for San Mateo County in 1998, compared to the 3% maximum annual growth now permitted by the City of Half Moon Bay Local Coastal Program/Land Use Plan.
- (b) Services: Property taxes generated by residential development in the City do not cover the cost of basic services for that development. Projected residential development, combined with limits on public works and finances, creates a public health and safety crisis for residents.
- (c) Traffic: State Highways 1 and 92 experience prolonged gridlock. According to the 1997 Traffic Modeling Study conducted by the San Mateo County City and County Association of Governments, these highways experience Level of Service F, the worst ("speed approaches zero"), for several hours each day. The study projects Highways 1 and 92 to have the highest volume/capacity ratios in the County when current growth projections are achieved. No highway capacity improvements are planned by Caltrans.
- (d) Jobs-Housing Imbalance: Half Moon Bay's main role within the region has been commuter housing, and the Coastsides is the only area within San Mateo County that will add more housing than jobs through 2020. This situation exacerbates congestion on Highways 1 and 92.
- (e) Water: Half Moon Bay's future water supply depends on the ability to get more water from the Crystal Springs Pipeline. This is a precarious situation since in times of water shortage San Francisco has the right to restrict this supply.
- (f) Schools: The recent assessment bond study conducted by the Cabrillo Unified School District reports that State maximum school fees on new residential development cover only about one-third of school facility costs. With a general state limit of about \$1.90 per square foot for new houses (with exceptions only for fees which may be negotiated for projects requiring special legislative approvals), that translates into a school district loss of \$3.80 per square foot, or \$9,500 for a 2,500 square-foot house.
- (g) Character: Mounting growth pressures endanger Half Moon Bay's remaining open spaces. Development densities currently allowed for several large, undeveloped tracts in the City threaten the community's character with destruction of important coastal, rural, and hillside views.

#### SECTION 3: ANNUAL LIMITS ON NEW DWELLING UNITS

- (1) The Local Coastal Program and Land Use Plan of the City of Half Moon Bay, Chapter 9, Section 9.4, is amended to read as follows:

##### Section 9.4 Residential Growth Limitations

(a) The number of dwelling units which the City may authorize each calendar year may not exceed the number of units which would result in a growth of one percent (1%) in the City's population as of January 1 of that year. In determining the number of permissible units, the City shall use the most recent United States 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) may be increased by fifty percent (50%) 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 (1/2) of the units authorized under subsection (a). If fewer applications are received, the remainder of these units may be authorized in the Downtown Area.

(d) Subject to subsections (b) and (c), the City shall allocate permissible dwelling units among applications under the existing allocation system in the Municipal Code, to the extent feasible, and subsequent modifications by the City Council.

(e) The limitations in this Section shall not apply to replacement of existing dwelling units on a one-for-one basis, nor shall it apply to density bonuses for the provision of low and moderate income housing to the extent required by State law.

(f) 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.

- (2) The Zoning Code of the City, Section 18.04.010, is amended to read as follows:

##### Section 18.04.010: Maximum Number of New Dwellings

A. The number of dwelling units which the City may authorize to be built each calendar year shall not exceed the number of units which would result in a growth of one percent (1%) in the City's population as of January 1 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. may be increased by fifty percent (50%) 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. If fewer applications are received, the remainder of these units may be authorized in the Downtown Area.

D. Subject to subsections B. and C., the City shall allocate permissible dwelling units among applications on the basis of the existing allocation system in Municipal Code Section 1730 or a subsequently modified allocation system.

# CITY OF HALF MOON BAY

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.

(3) Section 18.04.030 of the Zoning Code is amended to read:

**Section 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.

**SECTION 4: OPEN SPACE RESERVE PRESERVATION.**

(1) Section 18.11.020 2 b of the Zoning Code is amended to read as follows:

**2b. Single-Family.** On lands in the Open Space Reserve Districts (as demarcated on the City's Land Use Plan Map on May 15, 1999), one dwelling is permitted on each 50 acres of land, subject to the approval of a Use Permit in each case. North of Highway 92, and south of Highway 92 above the one hundred and thirty (130) foot elevation line, two or more dwellings on a parcel or contiguous parcels in common ownership on May 15, 1999, shall be clustered on contiguous lots or parcels, not to exceed one acre each, as near as possible to existing development, to minimize harmful impact on natural and visual resources.

(2) The numbers in the Table B, Section 18.11.025 of the Zoning Code shall be changed to comply with Section 18.11.020 2b as amended by this Section.

(3) Section 18.11.035 of the Zoning Code is amended by adding at the end:

Provided further, Open Space Reserve lands (as demarcated on the City's Land Use Plan Map on May 15, 1999) north of Highway 92, and south of Highway 92 above the one hundred and thirty (130) foot elevation line, may not be approved for development, except as authorized by Section 18.11.020 2b, as amended by this Section, or as "allowed by Zoning" without a use permit under Section 18.11.015 (Table A) on May 15, 1999, or except to the extent approved by the voters of Half Moon Bay at a regularly scheduled election.

**SECTION 5: ANNEXATIONS**

Any land annexed to the City after May 15, 1999 shall be subject to the same zoning and other prohibitions, restrictions and conditions on use or development as applied to the land on May 15, 1999 under County jurisdiction, except as approved by a majority of the voters of the City.

**SECTION 6: DUTIES OF CITY OFFICIALS**

It is the intent of the people of Half Moon Bay that the provisions of this initiative ordinance be carried out in full good faith and diligently by the City Council and other officials of the City.

**SECTION 7: GENERAL PLAN CONSISTENCY.**

If any provision in the General Plan, zoning ordinance or other ordinances or resolutions of the City of Half Moon Bay is inconsistent with this ordinance, that provision is superseded and nullified to the extent, but only to the extent, that it is inconsistent. The population, housing and job projections in the General Plan, including but not limited to citywide totals and allocations to areas and to income levels, are amended to be consistent with this ordinance. Accordingly, City officials shall make necessary calculations and change the numbers in the Plan.

**SECTION 8: CONSISTENCY WITH FEDERAL AND STATE LAW.**

The provisions of this ordinance are not applicable to the extent, but only to

the extent, that it is judicially determined that they would violate the constitution or law of the United States or the State of California. The provisions shall not be applied to deprive any person of constitutional or other legal rights. To the extent that a provision or provisions of this ordinance are not applicable because of this section, then the minimum development required by law which is most consistent with the provisions and purposes of this proposed ordinance shall be permitted by the City Council.

**SECTION 9: EFFECTIVE DATES.**

This ordinance shall become effective according to statute, except if all of the General Plan amendments allowed by law during the year in which the ordinance is enacted have been made, the provisions of the ordinance shall be operative on January 1 of the following year.

**SECTION 10: AMENDMENT.**

This ordinance shall not be amended or repealed except by a majority vote of the people of Half Moon Bay.

**SECTION 11: SEVERABILITY.**

If any provision or application of this ordinance is held to be invalid, the invalidation shall not affect the validity of any other provision or the application of any provision. The voters of Half Moon Bay expressly declare that this ordinance and each section, sentence, clause and phrase hereof would have been prepared, adopted, and approved irrespective of the fact that one or more other sections, sentences, clauses or phrases is declared unconstitutional or otherwise violative of law.

## IMPARTIAL ANALYSIS OF MEASURE D

"In 1991, the people of Half Moon Bay adopted Measure A. Measure A amended the General Plan and Zoning Ordinance to limit the construction of new dwelling units to a number which would limit annual population growth to no more than three percent. Measure A also provides limited exceptions. Measure A also required the City Council to adopt an Allocation System. After adoption, the Measure was approved by the California Coastal Commission and is part of the City's Local Coastal Program. This proposed measure would, if adopted by the people and approved by the Coastal Commission, amend provisions of the City's land use regulations including some of the provisions of Measure A.

This measure limits construction of new dwelling units to a number which will result in population growth of no more than one percent annually. It permits the amount of annually permitted dwelling units to increase by fifty percent in the "Downtown Area." The "Downtown Area" is that area approved as a redevelopment survey area by the City in November 1998.

Measure A required the adoption of an Allocation System to implement its provisions. This measure provides that that allocation system, or a subsequently modified one, would be used to allocate each year's authorized units. The measure modifies the allocation system so that priority for one-half of the dwelling units authorized each year would go to new units built outside the Downtown Area; if fewer applications are received than necessary to satisfy this priority, remaining unused priority units can be authorized in the Downtown Area.

The maximum annual residential growth limit would not apply to one-for-one replacement of existing dwellings, nor would it apply to bonus dwellings authorized by state law as a result of the construction of low and moderate income housing.

The measure would also adopt new zoning regulations pertaining to all Open Space Reserve (OSR) zoned parcels north of Highway 92, and those located above the 130 foot elevation line south of Highway 92. The new

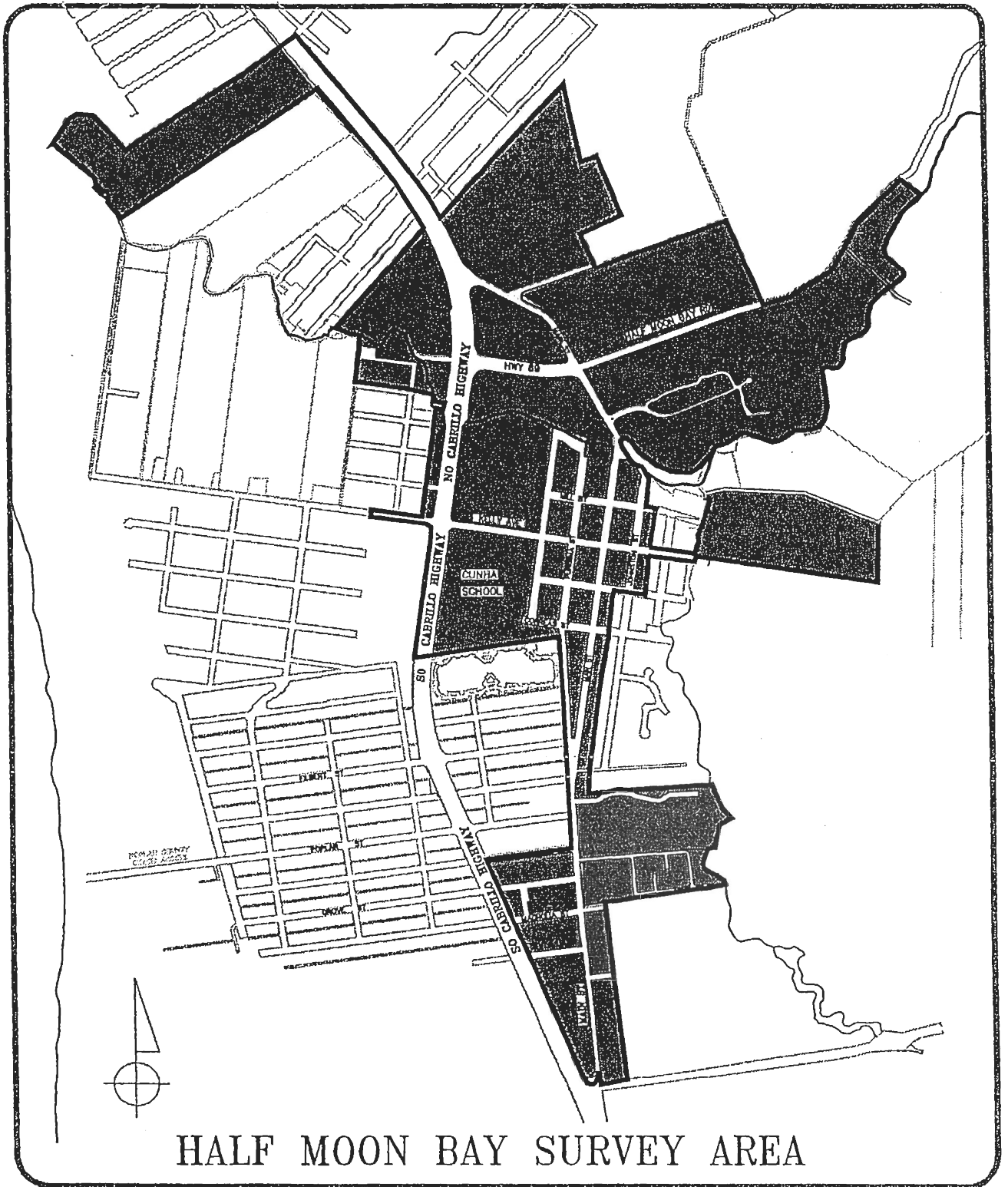


Figure 1: Downtown Half Moon Bay Redevelopment Survey Area,  
City Resolution No. C-91-98



**Chapter 17.06  
RESIDENTIAL DWELLING UNIT ALLOCATION SYSTEM**

## Sections:

- 17.06.005 Purpose and intent.**
- 17.06.010 Applicability.**
- 17.06.015 Exemptions.**
- 17.06.020 Establishment of number of residential dwelling unit allocations to be authorized annually.**
- 17.06.025 Emergency situations.**
- 17.06.030 Establishment of allocation system.**
- 17.06.035 Amendments to the established residential dwelling unit allocation system.**
- 17.06.040 Processing fee established.**
- 17.06.045 Fiscal impact analysis required.**
- 17.06.050 Timing of building permits issued pursuant to this chapter.**
- 17.06.055 Development phasing plans and agreements.**
- 17.06.060 Timely performance required.**
- 17.06.065 Priority established for residential development projects based on proximity.**
- 17.06.100 Residential development projects--Defined.**
- 17.06.105 Application form for residential dwelling unit allocations.**
- 17.06.110 Application period for residential dwelling unit allocations.**
- 17.06.120 Distribution of residential dwelling unit allocations.**
- 17.06.200 Subdivisions for residential development.**
- 17.06.205 Application form for subdivisions for residential development.**
- 17.06.210 Application period for subdivisions for residential development.**
- 17.06.215 Evaluation procedures for subdivisions for residential development based upon design and amenity criteria and contribution to public facilities.**
- 17.06.220 Water.**
- 17.06.225 Sewer.**
- 17.06.230 Drainage.**
- 17.06.235 Schools.**
- 17.06.240 Fire protection.**
- 17.06.245 Police department services.**
- 17.06.250 Streets, state highways, and pedestrian improvements and amenities.**
- 17.06.255 Open space.**
- 17.06.260 Park and recreation facilities.**

**17.06.265 Affordability.**

**17.06.270 Architectural design and landscaping.**

**17.06.275 Review of points awarded and residential dwelling units allocated.**

**17.06.280 Appeal of distribution of residential dwelling unit allocations.**

**17.06.005 Purpose and intent.**

A. The purpose of this chapter is to implement the policies and guidelines of the city as established by the general plan, its elements, and the Local Coastal Program Land Use Plan, based upon the mandate of Measure D, the residential growth initiative. This purpose is to be accomplished by city control of the rate and quality of future development on a year-to-year basis.

B. It is the intent of this chapter to:

1. Establish procedures and criteria for the allocation of new residential dwelling units in the city;
2. Establish procedures for the review of all new residential development proposals by all city departments and any affected outside agency to ensure that all new residential development meets and addresses the needs of both existing and future residents;
3. Ensure that the city retains control over the rate and quality of all new residential development in order to:
  - a. Preserve the quality of life in the community;
  - b. Protect and enhance the available public and private open space and parks and recreation facilities and opportunities;
  - c. Ensure that adequate public school facilities will be available to serve new development;
  - d. Provide for the orderly development of the city at a rate of population growth that does not exceed a maximum, annually, of one percent plus the additional fifty percent allocation for dwelling units in the downtown area annually as mandated by Measure D and as provided in this title, while addressing the housing needs of all economic segments of the community; and
  - e. Protect the health and safety of existing and future residents by controlling the rate of residential growth to ensure that infrastructure capacity, particularly those related to water supply, streets and highways, sewage treatment, school facilities, and parks and open space, is sufficient to serve the population. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.010 Applicability.**

- A. The provisions of this chapter shall be met prior to the issuance of building permits for all new residential dwelling units as defined in Section 17.06.100.
- B. An applicant seeking to construct any new residential dwelling units shall apply for and obtain a residential dwelling unit allocation for each proposed dwelling unit prior to submitting an application for a coastal development permit. After receiving a coastal development permit, the applicant may seek issuance of a building permit for the residential dwelling units for which allocations were awarded and shall submit a complete application for a building permit consistent with the provisions of Section 17.06.050.
- C. Pursuant to Section 18.20.070, a coastal development permit is required in order to undertake any development as defined in Public Resources Code Section [30106](#) and may be approved or conditionally approved only after the approving authority has made the necessary findings, including that the development is consistent with the Local Coastal Program and, where applicable, the California Coastal Act, and that adequate services and infrastructure will be available to serve the development upon its completion. Receipt of a residential dwelling unit allocation does not replace, supersede, or modify the independent requirement for a coastal development permit approved pursuant to the applicable policies of the Local Coastal Program and the Coastal Act. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.015 Exemptions.**

The limitations on residential dwelling units imposed by this chapter shall not apply to:

- A. Replacements 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. C-2018-04 §2(Att. A)(part), 2018; Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.020 Establishment of number of residential dwelling unit allocations to be authorized annually.**

- A. The number of residential dwelling units for which the city may authorize allocations each calendar year shall not exceed the number of units that would result in a growth of one percent in the city's population as of January 1st of that year. This number shall be considered the base allocation, not including any additional density that may be granted in accordance with subsection B of this section. 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 residential 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. This number shall be considered the maximum allocation including any additional density that may be granted. If fewer applications for allocations are received than are available, the remainder of these units may be authorized outside of the downtown area.

C. Applications for new residential dwelling units in areas of the city located outside of 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 residential dwelling units among applications on the basis of the allocation system contained herein or a subsequently modified allocation system.

E. The "downtown area" is the area designated as the Downtown Half Moon Bay redevelopment survey area in the city Resolution No. C-91-98, November 3, 1998. A copy of the map follows this section (Figure 1).

F. The city council, by resolution, shall establish the maximum number of new residential dwelling units which may be allocated in the upcoming calendar year in accordance with the procedures and methodology established in this title prior to December 31st of the preceding year. When applying the formula to establish the annual maximum number of new residential dwelling units for which allocations may be issued in each category, in those cases where a fraction of a dwelling unit occurs, any fraction less than 0.5 shall be rounded down to the nearest whole number; any fraction of 0.5 or more is rounded up to the next whole number.

G. In establishing the number of new residential dwelling unit allocations in the upcoming year, the city council shall also consider:

1. The number of residential dwelling units allocated in the current year;
2. The number of residential dwelling units allocated in the preceding year, but not necessarily issued building permits;
3. The number of future residential dwelling unit allocations awarded in accordance with a development phasing plan and agreement as provided for in Section 17.06.055;
4. The information and data contained in the annual fiscal impact analysis as provided for in Section 17.06.045, Fiscal impact analysis required.

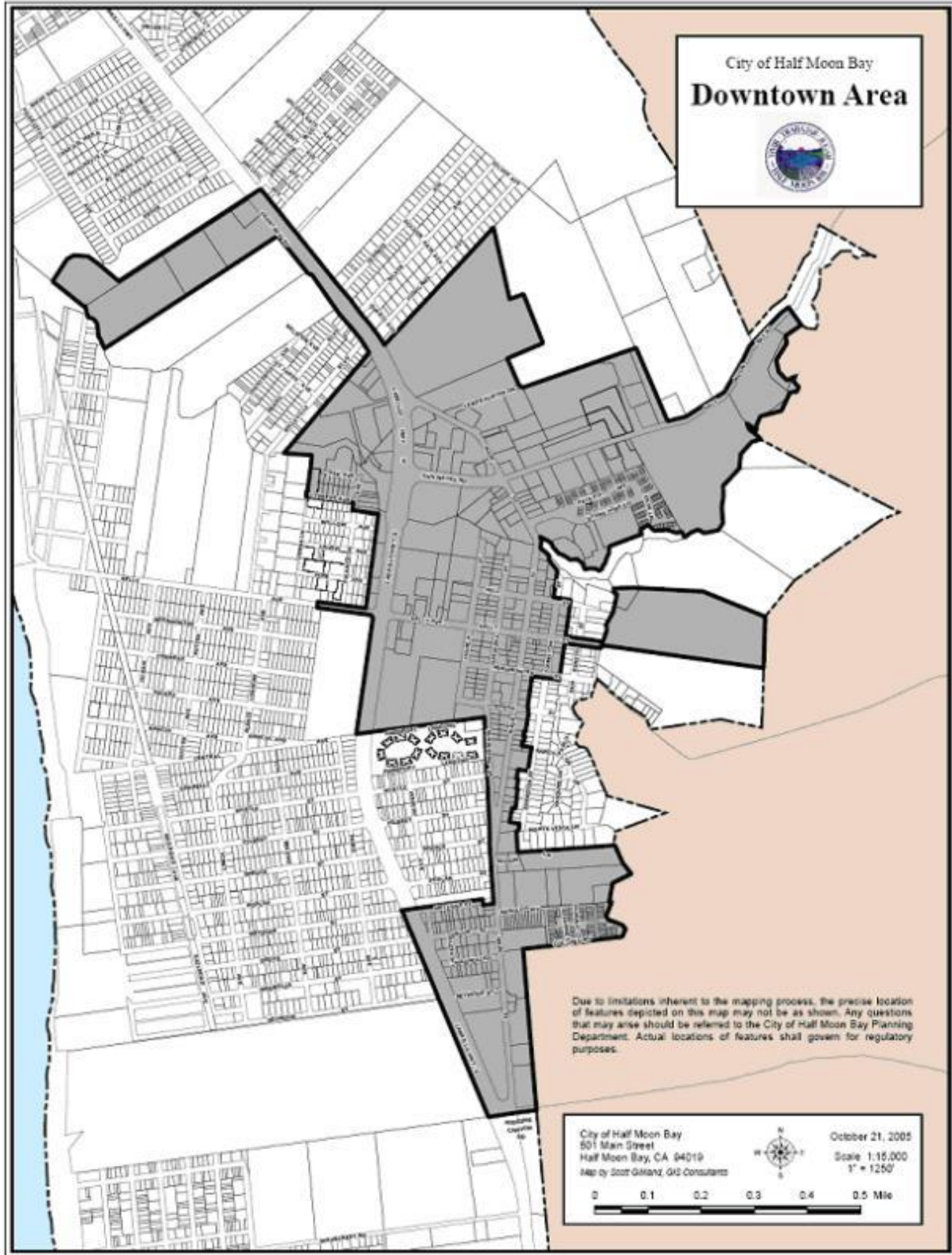


Figure 1

(Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.025 Emergency situations.**

A. In the event the city council determines that an emergency situation directly affecting the health and safety of the residents of the city exists due to a lack of available sewage treatment capacity, available water for domestic purposes or for fire suppression, or that roadway capacity is not available to accommodate new residential development, or any other endangerment to the public health or safety, the city council may adopt a resolution establishing the necessity for setting the number of residential dwelling unit allocations in the upcoming year to less than one percent plus the allocation for the downtown area. The resolution establishing the emergency shall clearly identify the specific nature and extent of the emergency situation and its effect on the health and safety of the residents of the city.

B. If it is determined that there shall be no residential dwelling unit allocations for the upcoming year due to health and safety reasons, the city council shall adopt an urgency ordinance in accordance with the applicable sections of the California Government Code. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.030 Establishment of allocation system.**

A. The city council shall establish criteria and a system for the review and allocation of all new residential dwelling units subject to the provisions of this chapter.

B. When an application for a residential dwelling unit allocation has been accepted as complete by the community development director, the application shall be subject to the provisions of this chapter that were in effect at that time.

C. The provisions of subsection B of this section shall not apply to the number of allocations available in any given year in the event the city council determines that an emergency exists as provided for in Section 17.06.025. (Ord. C-2015-04 §1(part), 2015; Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.035 Amendments to the established residential dwelling unit allocation system.**

Any proposed amendments to this chapter shall be accomplished prior to December 31st in order to become effective for the residential dwelling unit allocation the following year. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.040 Processing fee established.**

The city council shall by resolution establish a fee for processing an application for residential dwelling unit allocations as provided in this chapter. The city council may adjust the fee in conjunction with the adoption of the resolution establishing the number and distribution of residential dwelling units to be allocated for the upcoming year. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.045 Fiscal impact analysis required.**

The fiscal impact of new residential development on the city shall be continually monitored. City staff shall prepare an annual report identifying the effects of new residential development on city finances and its ability to adequately provide services to the residents. The information presented in the annual fiscal impact analysis shall be considered by the city council in setting the number of residential dwelling units to be allocated in the upcoming year. The fees assessed for processing an application for a residential dwelling unit allocation under the provisions of this chapter shall include a pro rata share of the costs to the city for preparing an annual report. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.050 Timing of building permits issued pursuant to this chapter.**

- A. Except as may be provided in conjunction with an approved development phasing plan pursuant to Section 17.06.055, a complete building permit application shall be submitted to the building department while the residential dwelling unit allocation is valid and within one year of the date the allocation for the new residential dwelling unit is awarded.
- B. All conditions required for a building permit to be issued shall be met within six months of the date that the building permit application is submitted.
- C. One six-month extension of the building permit issuance deadline identified in subsection B of this section may be granted by the building official as provided for in the California Building Code.
- D. Upon the expiration of any six-month extension of the building permit issuance deadline identified in subsection C of this section, an applicant with a valid allocation may request that the city council, as a part of its annual determination of the total allocation for the upcoming year, consider granting an additional period of time for building permit issuance not to exceed one calendar year. Should the city council grant the extension, all required building permit fees will be paid in accordance with the provisions of the California Building Code.
- E. Upon expiration of any one-year extension of the building permit issuance deadline identified in subsection D of this section, or if a building permit has not been issued and construction diligently commenced, the allocation shall become null and void and the formula for the next year's maximum allocation will be adjusted to reflect that the allocation has not been used.
- F. In the event an applicant has received a residential dwelling unit allocation and other approvals are required by the city or other agencies, any time spent in securing the required approvals from any agency shall be added to the time that the residential dwelling unit allocation is valid and a complete building permit application may be submitted; provided, that:

1. Written documentation is submitted by the applicant clearly indicating the date an application or other form of request for approval was submitted to the agency;
2. A detailed description of the reason for any delay in the issuance of approvals by the agency. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.055 Development phasing plans and agreements.**

- A. The development of a residential development project may be phased over a period of time greater than one year; provided, that the specific provisions of the development phasing agreement shall be approved by the city council at a duly noticed public hearing, the form and content of which shall be subject to the review and approval of the city attorney.
- B. A development phasing agreement shall address the effects that a development phasing plan will have on any other reasonably anticipated development proposals and applications for residential dwelling unit allocations under the provisions of this chapter. A development phasing plan may provide for an applicant to receive a number of annual allocations in any category greater than the fifty percent maximum provided for in this chapter upon adoption of specific findings by the city council that by awarding a greater number of allocations to an individual developer, no other developer will be unreasonably precluded from receiving all or part of any allocations that the developer may be reasonably entitled to receive during the term of the development phasing plan.
- C. As a part of any request for consideration of a development phasing agreement, the community development director shall provide the applicant with the names and mailing addresses of any other developer or developers reasonably expected to be affected by such a development phasing agreement so that adequate notice of the proceedings can be provided to those developers. The city council shall consider any written responses or oral testimony from affected developers or other interested party received at any public hearing on the development phasing agreement.
- D. Any future annual allocations awarded in conjunction with the approval of a development phasing agreement shall be deducted from the available allocations of any given year during the expected life of the development phasing agreement. No other applicants for allocations during the life of the development phasing plan and agreement shall compete for points against a development with an approved development phasing plan and agreement. (Ord. C-2015-04 §1(part), 2015; Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.060 Timely performance required.**

Prior to the city council establishing the number of new residential dwelling unit allocations for the following year, the community development director shall review each development that has received an



allocation during the year to determine whether or not satisfactory progress is being made with the processing of the appropriate plans.

A. Should a developer fail to comply with the development schedule submitted with the application, or should the developer fail to initiate the processing of the appropriate plans, or should the development deviate significantly from the description provided for in the application, the community development director shall report such failure or deviation to the city council.

B. At a duly noticed public hearing, after receiving testimony from all interested and affected parties, the city council may rescind all or part of the allocations granted to the applicant on the basis of noncompliance with the approved development phasing agreement or project plans or any other provision of this title.

C. Any residential dwelling unit allocations awarded, but not issued, that are rescinded by the city council for noncompliance with the provisions of this chapter may be awarded to any applicant that has complied with the procedures set forth in this title and received less than the number of allocations requested so long as the maximum number of allocations for that calendar year is not exceeded. (Ord. C-2015-04 §1(part), 2015; Ord. C-8-09 §1(Exh. A(part)), 2009).

#### **17.06.065 Priority established for residential development projects based on proximity.**



Except as otherwise provided for in this title or as a result of city council approval of a development phasing plan and agreement, priority shall be established for projects located within the boundaries of the downtown area designated in Measure D as the Downtown Half Moon Bay redevelopment survey area and adopted by city council Resolution No. C-91-98 November 3, 1998. As provided in Section 17.06.020, the number of residential dwelling unit allocations allowed within the downtown area may be twice the number of allocations outside of the boundaries of the downtown area. (Ord. C-8-09 §1(Exh. A(part)), 2009).

#### **17.06.100 Residential development projects--Defined.**

The procedures specified in this chapter shall apply to any new residential development within any zoning district on a legally existing lot or contiguous lots under single ownership. Residential development projects shall include any detached single-family dwelling unit, any attached single-family dwelling units consisting of duplex or triplex development, any multiple-family development consisting of four or more dwelling units, or any accessory dwelling unit. (Ord. C-2018-04 §2(Att. A)(part), 2018; Ord. C-8-09 §1(Exh. A(part)), 2009).

#### **17.06.105 Application form for residential dwelling unit allocations.**

- A. An application form for residential dwelling unit allocations shall be approved by the city council that incorporates all of the components of this chapter.
- B. In the event that it is necessary to assign points for residential dwelling unit allocations based on the criteria specified in this chapter, the application for a residential dwelling unit allocation shall include a site plan indicating the location of any surrounding development, the location and a detailed description of any infrastructure necessary to serve the site, and a description of the roadway providing access to the site.
- C. The city council shall review the residential dwelling unit allocation application form in conjunction with its annual review of other aspects of the allocation system. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.110 Application period for residential dwelling unit allocations.**

Applications for residential dwelling unit allocations shall be submitted between January 1st and January 31st of each year. If the number of applications for residential dwelling unit allocations received during this initial period is less than the number of allocations available, additional applications may be submitted at any time prior to September 1st, or until applications equaling the maximum number of allocations in this category have been received, whichever is earlier. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.120 Distribution of residential dwelling unit allocations.**

- A. Residential dwelling unit allocations shall be distributed in accordance with Section 17.06.020, with half the number of allocations for distribution within the downtown area and the remaining half for distribution outside of the downtown area up to a maximum equivalent of one percent of the population.
- B. If the number of applications for dwelling unit allocations received between January 1st and January 31st of any year is equal to or greater than the number of total allocations available, allocations necessary to develop no more than five residential dwelling units may be awarded to any individual, corporation or other entity either within or outside the downtown area, except as may be provided in conjunction with an approved development phasing plan pursuant to Section 17.06.055.
- C. If the number of applications for residential dwelling unit allocations received between January 1st and January 31st is less than the total number of allocations available, no more than fifty percent of the allocations available within the boundaries of the downtown area and no more than fifty percent of the allocations available outside the boundaries of the downtown area may be awarded to any individual, corporation, or other entity during this initial period.
- D. In the event there is more than one applicant seeking multiple allocations during the initial period, the community development director shall distribute the available allocations equitably to the applicants, except as otherwise may be provided for in this chapter.

E. If the maximum number of residential dwelling unit allocations has not been applied for by September 1st, any unused allocations may be awarded to any individual, corporation, or other entity, including those that had previously acquired multiple allocations during the initial period.

F. If the maximum number of residential dwelling unit allocations has not been applied for by September 1st, any unused base allocations granted for the downtown area as provided in Section 17.06.020 may be transferred to projects located outside of the downtown area. Additional allocations granted for the downtown area as provided in Section 17.06.020 shall not be transferred to projects located outside the boundaries of the downtown area.

G. If the number of applications received between January 1st and January 31st is greater than the number of allocations available, the community development director shall assign points to each application, assigning no more than the maximum number of points specified in each category to any one proposed project.

H. When it is determined that the number of applications is greater than the number of allocations available, points shall be awarded according to the criteria established in Section 17.06.065.

1. Projects located within the boundaries of the downtown area shall compete with other projects within the boundaries of the downtown area. Such projects shall not be required to compete with projects located outside the boundaries of the downtown area.

2. Projects outside the boundaries of the downtown area shall compete with other projects outside the boundaries of the downtown area.

3. Subdivisions for residential development as defined in Section 17.06.200 shall compete with any other subdivision applications according to the locational criteria provided in subsection (H)(1) of this section, together with the provisions of this section and Sections 17.06.215 through 17.06.270 inclusive.

I. Points shall be allocated according to the community design criteria in this subsection which incorporate the concepts and principles of the "Build It Green" program and will rely on a certified GreenPointRater at the time that points are determined.

1. Infill Sites (maximum of seventy points).

- a. Project is located in a built urban setting with utilities in place for ten years or more: five points;

- b. Project is located within a built urban setting and avoids environmentally sensitive areas: five points;
  - c. For each contiguous side of a building site with existing development (including across any public or private right-of-way): five points;
  - d. For each contiguous side of a building site for which residential dwelling units have been allocated, but development not completed under the provisions of this system (including across any public or private right-of-way): five points;
  - e. Building site is located within one-half mile of a transit stop: five points;
  - f. Where there is an existing all-weather road surface providing vehicular access to the site constructed to city standards or otherwise acceptable to the city engineer: five points;
  - g. Except for below market rate (BMR) housing, those applications for development on a site that meet all of the established development standards for the zoning district and no variance or other discretionary applications are required: five points;
  - h. For those applications for development that provide BMR housing through deed restriction or other legally binding mechanism: thirty-five points.
2. Home Size, Scale and Clustering (maximum thirty points).
- a. Homes are clustered to preserve open space and natural features: five points;
  - b. Resource conservation achieved by increasing density: five points plus one additional point for every five du/ac greater than ten du/ac;
  - c. Home size efficiency: five points;
  - d. Building layout and orientation improve natural cooling and passive solar attributes: five points.
3. Design for Walking and Bicycling (maximum of thirty-seven points).
- a. Pedestrian access is provided to neighborhood services within one-half mile: community center; library; grocery store; school; day care; laundry; medical; entertainment/restaurants; post office; place of worship; bank: one point for each service within one-half mile (up to twelve points);

- b. Development is connected with a dedicated pedestrian pathway to places of recreational interest within one-half mile: five points;
- c. At least two of the following traffic-calming strategies are incorporated into the project:
  - i. Designated bicycle lanes are present on roadways;
  - ii. Vehicle travel lanes are ten feet in width;
  - iii. Street crossings closest to the site are located less than three hundred feet apart;
  - iv. Streets have rumble strips, bulbouts, raised crosswalks or refuge islands.

(Twenty points total.)

- 4. Design for Safety and Social Gathering (maximum of fifteen points).
  - a. All home front entrances have views from the inside to outside callers: five points;
  - b. All home front entrances can be seen from the street and/or from other neighboring front doors: five points;
  - c. Porches (one-hundred-square-foot minimum area) are oriented toward streets and/or public spaces: five points.
- 5. Design for Diverse Households (maximum of twenty points).
  - a. At least one zero-step entrance provided in home: five points;
  - b. All main floor interior doors and passageways have a minimum thirty-two-inch clear passage space: five points;
  - c. At least one half-bath is located on the ground floor with blocking in walls for grab bars: five points;
  - d. Project is or includes an accessory dwelling unit: five points.
- 6. Landscaping (maximum of seventy-four points).
  - a. Resource-efficient landscaping is incorporated into site design that:
    - i. Meets California-Friendly Landscape Program requirements;

- ii. Excludes any invasive plant species listed by the California Invasive Plant Council (Cal-IPC);
  - iii. Excludes plant species that require periodic hedging or shearing;
  - iv. Plant palette consists of at least seventy-five percent California natives, Mediterranean species or other appropriate adaptive species;
  - v. Fencing on-site consists of at least seventy percent of FSC certified, recycled plastic or composite lumber;
  - vi. All turf areas have a water requirement that is rated at less than or equal to tall fescue ( $\leq 0.8$  plant factor);
  - vii. No turf is installed on slopes exceeding ten percent or in areas that are less than eight feet in any dimension;
- (Twenty points total);
- (A) Landscaping includes turf that is one-third or less than ( $\leq$  thirty-three percent) the total landscaped areas on-site (extra two points);
  - (B) Turf is one-tenth or less than ( $\leq$  ten percent) of the total landscaped areas on-site (extra four points);
- viii. Shade trees of an appropriate species are integrated into the landscape: five points;
  - ix. Plantings are arranged and grouped according to common water needs (hydrozoning): five points;
  - x. Irrigation systems include high-efficiency components:
    - (A) System uses only low-flow drip, bubblers, or low-flow sprinklers;
    - (B) System includes smart (weather-based) controllers;
- (Ten points total);
- xi. Nonplant landscape elements consist of at least fifty percent salvaged or recycled-content materials: five points;

xii. Outdoor lighting systems incorporate low-lighting elements, shielded fixtures and direct lighting downward to avoid light pollution and glare: five points;

xiii. At least fifty percent of all nonroof impervious surfaces on-site consist of light-colored, high albedo materials (solar reflectance index  $\leq 0.3$ ) to reduce heat-island effects: five points;

xiv. At least fifty percent of all nonroof surfaces consist of pervious materials: ten points;

xv. Rain water harvesting systems are provided on-site:

(A) Less than three-hundred-fifty-gallon capacity: two points;

(B) Greater than three-hundred-fifty-gallon capacity: five points.

J. Points for all projects shall be determined in accordance with the provisions of Section 17.06.275, Review of points awarded and residential dwelling units allocated. (Ord. C-2018-04 §2(Att. A)(part), 2018; Ord. C-2015-04 §1(part), 2015; Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.200 Subdivisions for residential development.**

The following provisions and criteria shall be thoroughly evaluated prior to any residential dwelling unit allocations associated with a subdivision, as defined by the state Subdivision Map Act, for which such allocations are required. Prior to submitting an application for a subdivision map for new residential development, the applicant shall consult with the following city departments and outside agencies in order to establish the conformance and consistency of any proposed residential development with all applicable plans, programs, policies and ordinances as well as the project's relation to and impact upon local public facilities and services:

- A. City planning department;
- B. City public works department;
- C. City finance department;
- D. City police department;
- E. City parks and recreation department;
- F. Coastside county water district;

- G. Granada sanitary district, if applicable;
- H. Coastside fire protection district;
- I. Caltrans;
- J. Cabrillo Unified School District. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.205 Application form for subdivisions for residential development.**

A. An application form for a subdivision for residential development shall be developed and approved by the city council which incorporates all of the components of the residential dwelling unit allocation system applicable to this category.

B. The application form shall provide adequate space for an applicant to detail those elements of a proposed development that serve as the basis for the awarding of competitive points, and for the appropriate city department or outside agency to comment on the proposal, and shall also include the following:

1. Vicinity map to show the relationship of the proposed development to adjacent development, the surrounding area and the city;
2. Site use layout map showing the extent, location and type of proposed residential use or uses, the nature and extent of open space, and the nature and extent of any other uses proposed;
3. Site development plan, including proposed lot layout to preliminary subdivision map standards, including topography; lot sizes; street alignments, showing coordination with city street system; existing and proposed buildings, where possible; all existing trees ten inches in diameter or greater measured at forty-eight inches above grade; existing trees to remain; landscaped areas; open space; bicycle paths; equestrian trails or pathways; and any other information deemed appropriate by the community development director and/or city engineer;
4. Unless the proposed residential development is to consist of lots for custom homes, preliminary architectural site plans, floor plans and elevations; types and numbers of dwelling units; proposed color of buildings;
5. Preliminary or Rough Grading Plans. A general indication of type, extent and timing of grading, including location and amounts of cuts and fill, haul routes, and, where applicable, borrow and disposal sites;



6. Erosion Control Plans. Any appropriate provisions to address erosion or winterization of the site during rough grading activities or prior to the installation of landscaping to protect the site from possible erosion;
7. Preliminary landscape plans of common areas with sufficient detail for review by the community development director;
8. Housing Marketability and Price Distribution. Expected ranges of rental amounts or sales prices, low and moderate income housing to be provided and the project's consistency with the housing element;
9. School Facilities. Needed schools and/or school sites, permanent or temporary buildings to be provided by the applicant, or other mitigation measures to be provided;
10. Park and Recreation Facilities--Proposed and/or In Lieu Funds to Be Contributed. The location, size and configuration of any public and/or private recreation sites or facilities to be provided, and/or an estimate of the dollar amount of in lieu fees to be offered by the applicant;
11. Circulation plan, including the size and location of any new streets, required and/or proposed improvements to existing streets or state highways, and any on-site or off-site improvements to the pedestrian, equestrian or bicycle trail system;
12. Proposed schedule of development, including development phasing;
13. Any other information as may be required by the community development director. (Ord. C-2019-03 §2(Exh. A)(part), 2019; Ord. C-2015-04 §1(part), 2015; Ord. C-8-09 §1(Exh. A)(part), 2009).

**17.06.210 Application period for subdivisions for residential development.**

- A. Applications for residential dwelling unit allocations may be processed concurrently with the tentative subdivision map or any other required discretionary permit application.
- B. Unless processed concurrently with any other required discretionary applications, initial applications for residential dwelling unit allocations associated with a subdivision shall be submitted between January 1st and January 31st of each year. If the number of applications for allocations in this category received during this initial period is less than the available allocations in this category, applications may be submitted at any time prior to September 1st or until applications equaling the maximum number of available allocations in this category have been received. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.215 Evaluation procedures for subdivisions for residential development based upon design and amenity criteria and contribution to public facilities.**

- A. Each proposed subdivision for residential development shall be examined for its relation to and impact upon local public facilities and services as provided for in this title.
- B. The appropriate city departments or outside public agencies shall provide recommendations to the community development director and the community development director shall evaluate each subdivision for residential development on the extent of contribution to public welfare and amenities and the quality of design.
- C. The community development director shall examine each proposed subdivision for residential development and shall rate the subdivision by the assignment of no more than the maximum number of points allowable in each of the project components as set forth below.
- D. If the number of allocations for subdivisions for residential development in any year is greater than the number of allocations available, the community development director shall award residential dwelling unit allocations to the subdivisions receiving the highest number of points in descending order of points awarded and priority as established in Section 17.06.120 until the total number of allocations for residential development projects has been exhausted. The following criteria for subdivisions are in addition to those established in Section 17.06.120(l)(1) through (6) for residential dwelling unit allocations. (Ord. C-2015-04 §1(part), 2015; Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.220 Water.**

Each subdivision application shall be reviewed by the coastsides county water district and city engineer. The applicant shall provide a written report that addresses:

- A. The applicant's estimate, prepared by a qualified engineer, of the amount of water required for the project to provide adequate potable water for domestic purposes, the amount of water needed to maintain any proposed landscaping in common or public areas, and the amount of water necessary for adequate fire protection;
- B. The ability and capacity of the water system to provide for the needs of the proposed development and that the provision of water to the proposed development by the coastsides county water district will not tax any part of the existing system;
- C. The need for extension of water system and delivery facilities to serve the proposed development;

D. In the event that groundwater is proposed to be used to serve all or a part of the proposed residential development, a report from a qualified hydrogeologist or similar professional licensed by the state of California shall also be submitted that, at a minimum, addresses all of the criteria specified by the city engineer in conjunction with the initial consultation required by Section 17.06.200;

E. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of twenty points are available in this category. Points shall be awarded as follows:

1. Developer funded improvements that upgrade existing water service for domestic uses and fire protection in the general neighborhood beyond that required to meet the immediate needs of the proposed development, as determined by the director of public works and the coastside county water district: ten points;

2. The use of coastside county water district water instead of groundwater: ten points. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.225 Sewer.**

Each subdivision application shall be reviewed by the city engineer and either the sewer authority mid-coastside (SAM) or the Granada sanitary district, whichever is applicable. The applicant shall provide a written report that addresses:

A. The applicant's estimate, prepared by a qualified engineer based upon sewage generation factors established by the city engineer, of the amount of waste anticipated to be generated by the proposed development upon occupancy;

B. The ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste of the proposed development without system extensions or expansions;

C. The nature and extent of any modifications to the existing treatment plant or transmission lines which are necessary to serve the proposed development and which the developer has consented to provide;

D. No points shall be awarded for any development that requires the expansion of the treatment plant or transmission facilities in order to accommodate the proposed development;

E. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the

future residents of a proposed subdivision. A total of twenty points are available in this category. Points shall be awarded as follows:

1. Developer-funded improvements that upgrade existing sewer lines or facilities in the general neighborhood beyond that required to meet the immediate needs of the proposed development, as determined by the director of public works and appropriate sewer authority: ten points;
2. Where contributions to the proposed expansion of the sewage treatment plant are provided as required by any assessment district or similar mechanism, and/or the applicant irrevocably agrees to participate in any future funding mechanism for the treatment plant expansion: ten points. (Ord. C-8-09 §1(Exh. A(part)), 2009).

#### **17.06.230 Drainage.**

The city engineer shall review the drainage plans. The applicant shall supply the necessary information for and the city engineer shall prepare a written report that addresses:

- A. The drainage plan submitted by the applicant prepared by a licensed engineer detailing the ability and capacity of any existing and/or proposed drainage facilities to adequately dispose of the surface runoff of the proposed development;
- B. No points shall be awarded for any improvements to the on-site or off-site drainage facilities necessary to accommodate runoff from the proposed development;
- C. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of fifteen points are available in this category. Points shall be awarded as follows:

1. For developer-funded on-site or off-site improvements designed and constructed to accommodate runoff from adjacent developments or to enhance the drainage facilities not directly related to the proposed development: ten points;
2. Where appropriate, storm drainage from the development is accommodated through on-site open space areas: five points. (Ord. C-8-09 §1(Exh. A(part)), 2009).

#### **17.06.235 Schools.**

If participation in the residential dwelling unit allocation system is desired by the Cabrillo Unified School District, each subdivision application shall be reviewed by Cabrillo Unified School District staff for determination of impact on school classrooms and facilities. As part of the review process, the applicant

shall supply the necessary information for and the Cabrillo Unified School District shall provide a written report addressing the following:

- A. The potential number of children per household anticipated by the proposed development according to the district-wide averages;
- B. The capacity of the appropriate school or schools to absorb the children expected to inhabit a proposed development;
- C. That neither double sessions or unusual scheduling or classroom overcrowding currently exist, nor will the proposed subdivision create double sessions or unusual scheduling or classroom overcrowding upon completion and occupancy of the project;
- D. That double sessions or unusual scheduling or classroom overcrowding exist prior to the subdivision application, and mitigation measures result in fewer students on double sessions or unusual scheduling or classroom overcrowding;
- E. That the proposed subdivision would create double sessions or unusual scheduling or classroom overcrowding;
- F. Double sessions or unusual scheduling or classroom overcrowding exist prior to the subdivision application and mitigation would result in the same or a greater number of students on double sessions or unusual scheduling or classroom overcrowding;
- G. If it is determined that mitigation is necessary to address the identified impacts of a proposed development to the Cabrillo Unified School District, points shall be assigned as specified in this title. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of seventy-eight points are available in this category. The following rating system shall be used:
  - 1. The dedication of sufficient land to provide a site for a new school: twenty-five points;
  - 2. The provision of needed school rooms in the form of permanent or temporary buildings or the provision of other mitigating measures, as attested by agreement with the school district: twenty points;
  - 3. The provision of any school buses needed to serve the children expected to inhabit a proposed development: fifteen points;

4. Based upon written agreement between the applicant and the Cabrillo Unified School District, the providing of any other facilities, equipment, or other appropriate items necessary to mitigate the additional school children from the proposed development: ten points;
5. Provides good school bus access and adequate turnaround areas: two points;
6. Provides and maintains a covered school bus shelter where appropriate: two points;
7. Provides safe pedestrian connections to school sites or is located such that students can access the school site without crossing major streets: two points;
8. Provides an open space buffer zone between the project and existing or designated future school sites: two points. (Ord. C-8-09 §1(Exh. A(part)), 2009).

#### **17.06.240 Fire protection.**

The fire protection district shall review each subdivision application. As a part of the review process, the applicant shall supply the necessary information for and the fire protection district shall provide a written report addressing the following:

- A. The ability of the fire protection district to provide fire protection to the proposed development according to the established response standards;
- B. The necessity of establishing a new station or requiring the addition of major equipment to an existing station to provide fire protection for the proposed development;
- C. The necessity for additional personnel to provide fire protection for the proposed development;
- D. That based upon the proposed design of the subdivision, adequate provisions have been made for fire protection;
- E. That the basic required fire flow as established by the International Fire Code will be provided at the project site prior to the commencement of construction activities;
- F. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of thirty-five points are available in this category. If it is determined by the fire protection district that mitigation is necessary to ensure adequate fire protection for a proposed development, the following rating system shall be used:

1. The provision of a new fire station and/or the dedication of land for a fire station to provide adequate fire protection within the established response times as attested by the fire protection district: twenty points;
2. Participation in an assessment district to fund additional equipment and/or manpower to provide adequate fire protection for the proposed development: ten points;
3. Structures are designed to exceed minimum safety standards for fire hazards, earthquakes and accidents: five points. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.245 Police department services.**

The police department shall review each proposed development. As a part of this review, the applicant shall supply the necessary information for and the chief of police shall provide a written report addressing the following:

- A. The ability of the police department to provide adequate patrols for residential and traffic safety upon the occupancy of the proposed development;
- B. The necessity of acquiring new equipment or personnel to provide adequate patrols for residential and traffic safety upon the occupancy of the proposed development;
- C. That based upon the proposed design of the subdivision, adequate provisions have been made for police protection;
- D. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of fifty-five points are available in this category. If it is determined by the police department that mitigation measures are necessary to ensure adequate police patrols and traffic safety for a proposed development, the following rating system shall be used:

1. The provision of a new police station and/or the dedication of land for a police station to provide improved police protection within the city: twenty points;
2. Developer contribution of major equipment such as patrol cars to assist in the provision of police services to a new development: fifteen points;
3. Developer funding of additional manpower to provide police services beyond the needs of the proposed development: ten points;

4. Development plans use site planning and architecture to enhance security by arranging entries, access paths, building, planting, corridors, indoor and outdoor lighting to allow observation along circulation routes: five points;

5. Structures are designed to exceed minimum safety standards for accidents and intrusions: five points. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.250 Streets, state highways, and pedestrian improvements and amenities.**

The city engineer and, where appropriate, Caltrans or other agency with an interest in transportation issues shall review the traffic and circulation systems and pedestrian amenities of each proposed development, including required and optional or offered on-site and off-site improvements. The applicant shall supply the necessary information for and the city engineer shall provide a written report addressing the following:

- A. The number of average daily vehicle trips to be generated by the proposed development;
- B. The ability and capacity of major streets and/or state highways to provide for the needs of the proposed development without substantially altering the existing street or state highway system;
- C. The need for modifications to the existing city street system and/or state highways to accommodate the average daily vehicle trips to be generated by the proposed development;
- D. The need for constructing new public roadways to provide access to the proposed development;
- E. Any proposal to provide an internal circulation system that consists of any streets that do not conform to standard city design criteria;
- F. Any on-site or off-site improvements to accommodate pedestrians and/or bicyclists;
- G. The need for any proposal to install public improvements related to public transportation;
- H. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. Points shall not necessarily be awarded on the basis of the applicant providing roadway or other circulation system improvements necessary to serve the proposed development, but for improvements and/or cash contributions over and above those required to serve the project. A total of forty-five points are available in this category. Points shall be awarded based upon the following criteria:



1. The provision of needed improvements to the public street or state highway system offered by the applicant that are over and above any requirements to accommodate the proposed development, such as street connectors necessary to create more efficient circulation patterns for all applicable transportation modes: twenty points;
2. The arrangement of the site and configuration of the internal street system for efficiency of circulation, on-site and off-site traffic safety: five points;
3. The on-site circulation system and subdivision design promotes the privacy of residential neighborhoods, and unless a part of a planned street system as shown on the master plan of streets and highways, residential street layouts are designed for use primarily by local residents: five points;
4. For the following design considerations that are included in the final subdivision plans:
  - a. Interior collector streets are designed to discourage fast through traffic;
  - b. Within the subdivision, minor streets enter major streets at right angles, with a minimum of one hundred twenty-five feet of separation between the minor streets;
  - c. Provision of public foot or bicycle paths, equestrian trails or other nonvehicular pathways, either on-site, off-site, or both;
  - d. Provision of private foot or bicycle paths, equestrian trails or other nonvehicular pathways;
  - e. Provides approved street lights installed for residential streets and intersections which are expected to have pedestrian traffic after sunset to the satisfaction of the city engineer and chief of police;
  - f. Encourages the use of public transportation in residential areas through the following:
    - i. Locates bus stops as part of the development, to reduce the distances from residence to bus stop;
    - ii. Provides bus pullout areas and waiting areas for users;
  - g. The location and number of guest parking spaces outside of the vehicular right-of-way are adequate to ensure safe and convenient use;

h. Utilizes adequate off-street parking to reduce on-street congestion, such as through the use of driveways having a depth of at least eighteen feet long, as measured from back of sidewalk: fifteen points. (Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.255 Open space.**

The community development director shall review each proposed development. The applicant shall supply the necessary information for the community development director and the director shall prepare a written report that addresses the following:

- A. The amount of public and/or private usable open space, and, where applicable, greenbelts to be provided;
- B. The location and a detailed description of any perennial or intermittent stream adjacent to or within the boundaries of the proposed development;
- C. The existence of any natural conditions such as wildlife habitats and resources that would be enhanced as a part of a dedicated open space area;
- D. The location and a detailed description of any environmentally sensitive habitat areas, riparian corridors or species, and wildlife habitats adjacent to or within the boundaries of the proposed development as defined in the city general plan and any of its elements, and/or the city's land use plan;
- E. Each development application shall be reviewed to determine compliance with all applicable policies of the general plan, its elements and the land use plan to determine that all minimum requirements are met. Points shall be awarded based upon the direct cost to the applicant to provide open space over and above the minimum requirements of the general plan, its elements, and the local coastal program land use plan. A total of thirty-five points are available in this category. In those cases where proposed development exceeds the minimum standards specified in this title, points shall be awarded as follows:
  - 1. The provision of public usable open space, and, where applicable, greenbelts (except for mandatory buffer zones): ten points;
  - 2. The provision of private usable open space, and, where applicable, greenbelts (except for mandatory buffer zones): five points;
  - 3. The provision of buffer zones, environmentally sensitive habitat areas or riparian species or corridors in excess of minimum requirements: five points;
  - 4. Uses various design and development techniques such as:

- a. Cluster housing and low-density development to protect the open space value of key areas such as ridge lines, creeks, hillsides, and any adjacent agricultural land;
- b. Provides public access to either on-site or off-site public open space areas where appropriate;
- c. Provides open space areas adjacent to school and park sites, where appropriate, by using open space networks and trails to help provide low-maintenance pedestrian access to school sites from residential areas;
- d. Preserves identified ground permeability recharge areas by minimizing large expanses of impervious surfaces;
- e. Private open space and dedicated public open space is maintained by a homeowners' association.

(Fifteen points total). (Ord. C-2019-03 §2(Exh. A)(part), 2019; Ord. C-2015-04 §1(part), 2015; Ord. C-8-09 §1(Exh. A)(part), 2009).

**17.06.260 Park and recreation facilities.**

The community development director and parks and recreation director shall review each development application to evaluate how it addresses the park and recreation needs of future residents of the proposed development. The applicant shall supply the necessary information for and the community development director and parks and recreation director shall prepare a written report that addresses the following:

- A. The minimum amount of usable public park and recreation facilities required by the Half Moon Bay park and recreation element;
- B. In those cases where state law precludes the requirement of dedicating land for public park and recreation facilities, the amount of in lieu fees required;
- C. The amount and location of land to be dedicated for public park and recreation facilities offered by the applicant on the tentative subdivision map;
- D. The nature and extent of any improvements to the land offered for dedication by the applicant for public park and recreation facilities;

- E. The amount and location of land set aside for private park and recreation facilities offered by the applicant;
- F. The nature and extent of any improvements to the land set aside by the applicant for private park and recreation facilities;
- G. The points specified in this title have been established on the basis of the amount of direct cost to the applicant and the benefit to the overall community, not necessarily to the benefit of the applicant or the future residents of a proposed subdivision. A total of forty points are available in this category. Points shall be awarded as follows:
1. Siting and designing of any proposed public park and recreation facilities so as to benefit the community, not solely the new residents of a subdivision: five points;
  2. Construction of public park and recreation facilities in addition to the dedication of the required land for park and recreation facilities: ten points;
  3. Dedication of land for public park and recreation purposes in excess of the minimum required: ten points;
  4. Dedication of easements for public trails for pedestrians, equestrians and/or bicycles within and through a proposed development, in addition to land dedicated for park and recreation purposes: five points;
  5. Construction of public trails for pedestrians, equestrians and/or bicycles within and through a proposed development: five points;
  6. Construction of off-site public bicycle, equestrian or pedestrian paths that will connect with an established network of similar facilities or trails: five points. (Ord. C-2015-04 §1(part), 2015; Ord. C-8-09 §1(Exh. A)(part)), 2009).

**17.06.265 Affordability.**

The community development director shall review each development application to determine whether the development is required to provide below market rate housing as required by Chapter 18.35, Below Market Rate Housing. A maximum of one hundred points is available in this category based upon the following criteria:

- A. For below market rate housing provided within the boundaries of a project (on-site) through deed restriction or other legally binding mechanism: eighty points;

B. For the combination of a portion of required below market rate housing provided within the boundaries of a project (on-site) through deed restriction or other legally binding mechanism and the payment of the balance in in-lieu fees:

1. Two-thirds or more below market rate housing units and one-third or less in-lieu payment: sixty points;
2. One-half below market rate housing units and one-half in-lieu payment: forty points;
3. One-third below market rate housing units and two-thirds in-lieu payment: thirty points;

C. For below market rate housing provided outside of the boundaries of a project (off-site) through deed restriction or other legally binding mechanism: thirty points;

D. For the provision of below market rate housing provided either on or off-site that exceeds the required number of below market rate housing units through deed restriction or other legally binding mechanism: twenty points;

E. For the payment of in-lieu fees equivalent to the number of below market rate housing units required for the project: no points. (Ord. C-2015-04 §1(part), 2015; Ord. C-8-09 §1(Exh. A(part)), 2009).

**17.06.270 Architectural design and landscaping.**

The community development director shall review, and may consider the recommendation of any city council appointed advisory committee or commission, each development application to ensure the highest quality design is maintained throughout the city. The applicant shall provide a written report that addresses:

- A. Architectural design quality, as indicated by the quality of construction and by the architectural elevations of the proposed buildings, judged in terms of architectural style, size and height;
- B. Site design quality, as indicated by lot layout, orientation of the units on the lots and similar site design considerations;
- C. Site design quality in adapting the development to the setting, including the preservation of existing vegetation, trees, natural terrain and other natural and environmental features;
- D. The extent to which the proposed project creates buildings that are responsive to the needs of its users and the environment, while also accomplishing it in an appealing and attractive manner. The

overall project design should be compatible and harmonious with existing adjacent residential neighborhoods and land uses, while still maintaining its own special character;

E. The extent to which the proposed landscaping, trees, shrubs, ground cover, walls and fences, mounding, landscape furniture, paths, lighting, etc., is compatible with the topography and other characteristics of the site, the character and quality of adjacent landscaping, and the architectural features of adjacent structures;

F. The extent to which the proposed development adapts itself to the environment by “blending in” the development to the surroundings;

G. Points shall be awarded in this category on the basis of design excellence, and other criteria specified in this title. A total of twenty points are available in this category, based upon the following objective and subjective criteria:

1. Provides harmonious use of exterior building materials and varying elevations by using an assortment of building materials to finish surfaces;
2. Creates visual interest by the use of quality design, architecture and construction;
3. Uses design and construction that conserve resources, such as active and/or passive solar heating and cooling, and energy-conserving building materials and appliances are incorporated into the construction;
4. Uses materials and construction techniques that exceed current California Building Code standards or requirements;
5. Site design quality as indicated by lot layout, orientation of the units on the lots and similar site design consideration;
6. Variations in lot sizes, configurations and layout take place to accommodate changes in natural terrain or to protect existing trees and vegetation, and encourage a corresponding variation in house designs and orientations;
7. Avoids excessively deep or narrow lots, in order to provide adequate side yards, to avoid crowding and to enhance spatial relationships;
8. Avoids excessive use of sharp-angled lots which waste land and constitute poor building sites;
9. Desirable views and vistas from the site are preserved by proper lot layout;

10. Avoids creating lots which require excessively long driveways for access;
11. Designs lots and buildings for noise control;
12. Varies sidewalk surfaces and dimensions to avoid monotony;
13. Varies building setbacks and angles from minimum zoning standards to create changes in relief along residential streets;
14. Foundation types are designed to minimize grading of the site;
15. Uses common driveways where appropriate to reduce driveway cuts;
16. Clusters dwelling units to restrict the amount of runoff caused by impervious surfaces and the covering of land area suitable for percolation, where applicable;
17. Site and architectural design addresses the uses of landscaping materials to provide privacy and screen trash and storage areas;
18. Uses landscaping to enhance the site, screen adjacent streets, promote sound control, prevent erosion and screen lighting sources from direct view;
19. Uses drought-tolerant native plants and trees;
20. Uses earthen berms to delineate the use of spaces, provide privacy, reduce noise pollution, control winds, mitigate flood hazards, insulate walls, frame views and offer aesthetics;
21. Group parking areas are planted to achieve shading and visual screening of the buildings;
22. Varied landscaping plans are to be made available to the home buyer.

(Twenty points total). (Ord. C-2019-03 §2(Exh. A)(part), 2019; Ord. C-8-09 §1(Exh. A)(part), 2009).

**17.06.275 Review of points awarded and residential dwelling units allocated.**

- A. All initial applications and supporting documents shall be reviewed, points awarded and residential dwelling units allocated by April 1st.
- B. The community development director shall forward to the planning commission the final determination of points and residential dwelling unit allocations, including the points and allocations as determined in Section 17.06.120, at the first scheduled planning commission meeting in April, or as soon thereafter as possible.

C. The planning commission may ratify or modify the final determination of points and residential dwelling unit allocations at this public meeting.

D. In the event of a tie between proposals based upon the criteria specified in Sections 17.06.120(I)(1) through (6), and 17.06.220 through 17.06.270 inclusive, the planning commission shall review the proposed architectural, landscape and site plans of the applications receiving the same number of points.

1. At a minimum, the planning commission shall base its review and award points on the quality of the architecture, provision of affordable housing including housing types that are more affordable to maintain, incorporation of sustainability measures, inclusion of green infrastructure, innovative site design techniques, the diversity of design in relation to the neighborhood, and the provision of other public benefits.

2. The applicant with the highest overall rating based upon objective criteria shall receive the maximum number of points to break the tie (twenty points for projects providing below market rate housing, ten points maximum for market rate housing).

E. All features for which points are awarded shall be completely installed at the time of construction as represented on the site plans and elevations that were submitted with the application for the residential dwelling unit allocation. The applicant receiving the allocation shall provide written assurance that the project will fully comply with the requirement to install all such features and the city shall contract for the services of a certified GreenPointRater to review plans prior to the issuance of building permits and to inspect the site prior to the occupancy of the structures. Failure to comply with these requirements may result in the revocation of the dwelling unit allocation for the project in question. (Ord. C-2019-03 §2(Exh. A)(part), 2019; Ord. C-2015-04 §1(part), 2015; Ord. C-8-09 §1(Exh. A)(part), 2009).

**17.06.280 Appeal of distribution of residential dwelling unit allocations.**

Any person aggrieved by the points awarded and/or building permits allocated to projects in this category may appeal the decision to the city council within ten days of the planning commission's final action by filing an appeal in accordance with the requirements of Chapter 1.25. (Ord. C-8-09 §1(Exh. A(part)), 2009).





## CITY OF HALF MOON BAY

### MEMORANDUM

---

**DATE:** November 9, 2021

**TO:** Half Moon Bay City Council and Planning Commission

**FROM:** Bob Nisbet, City Manager

**SUBJECT:** Analysis of 880 Stone Pine property for Affordable Housing

---

The City Council has requested an affordable housing work session and this meeting is scheduled for November 9, 2021. Staff will provide a comprehensive presentation focusing on many possible affordable housing sites, both private and public. However, Council also requested particular focus be placed on the recently acquired City property at 880 Stone Pine. This memo is high level analysis of that site and makes recommendations for how to proceed should Council elect to pursue an affordable housing project at 880 Stone Pine.

Below is a summary of possible challenges, and actions that must be taken to develop affordable housing on this property:

- 1) Development of the property is severely constrained by wetlands, habitat protection requirements for special status species, and other hazards.
- 2) Primary Ingress and egress to the site are limited to Stone Pine Road.
- 3) There is history of neighbor concerns over development of this property.
- 4) **Residential development adjacent to a Public Works Yard is not always compatible and the impacts can be challenging to mitigate.** Typically, to manage potential impacts of residential use adjacent to an industrial use, setbacks, vegetative buffers, and other control measures need to be employed. Such measures eat up usable land area and/or can be costly to implement and maintain. Also, new residents tend to forget that their ownership came after the Public Works yard.
- 5) **The City made commitments to the Peninsula Open Space Trust (the previous owner of the property (POST)) regarding future use of the**

**property that were key to the City successfully purchasing this property from POST.** For example, in the Purchase Agreement between the City and POST, the City agreed to “consider public uses including, but not limited to, passive open space, nature trails, and uses of the land that recognize and are consistent with the Property’s legacy use as agricultural land” for the portions of the property that are not included in the Corporation Yard boundary. The City also agreed to make an additional payment to POST in excess of the \$2.18 million paid for the property if the City develops a commercial project at 880 Stone Pine. However, the agreement excludes affordable housing from the definition of commercial project.

- 6) **The City procured a tax-exempt loan from the California iBank with very favorable terms to purchase the property and construct the Public Works Corporation Yard.** At no time during the very thorough application review process did the city disclose the possibility of developing housing on the property. These infrastructure loans are specifically for government facilities.
- 7) **The new Local Coastal Land Use Plan (LCLUP) would need to be amended to allow for housing.** The City’s Local Coastal Plan was certified by the Coastal Commission in April 2021 and does not allow housing on this property. Under the LCLUP, the project site is designated as Public Facilities and Institutions. This designation provides for “educational, governmental, agricultural, habitat restoration, and institutional uses, such as public schools, public works and utilities yards and maintenance buildings, community gardens, public hospitals, and quasi-public uses including churches, and healthcare uses such as hospitals, clinics, and assisted living facilities”. Residential development could be permitted in the Public Facilities and Institutions land use designation if the Workforce Housing Overlay designation is applied to the property, and this step would require the LCLUP amendment.
- 8) **To receive tax credits and other outside funding sources specifically for affordable housing projects, the City will need to make significant expenditures to fully entitle a housing project first.** This last challenge is not unique to the Stone Pine property. This is true for any project the City were to pursue on City-owned land. In this case, entitlements would include environmental review under CEQA, a coastal development permit (this permit is appealable to the Coastal Commission), a lot line adjustment or subdivision, and the LCLUP amendment mentioned above. The LCLUP amendment would require Coastal Commission certification.

Despite these challenges, staff has concluded that it is at least *potentially* feasible to develop affordable housing on this property. Further feasibility analysis should be undertaken. To be feasible, a project must be legally feasible, technically feasible, and financially feasible, and there are still many unknowns to ensure an affordable housing project meets all three of these feasibility tests and would ultimately be successful.

This analysis should not be performed in isolation but should be performed in comparison to other alternatives for achieving the same goals. In evaluating

alternatives to determine feasibility of a given project, the following two questions should be asked:

- 1) What alternative has the best chance of success?
- 2) What alternative will deliver the biggest “bang for buck”? (i.e., in this case, which alternative provides the most, and *highest quality* of affordable housing units for the least expenditure of City funds)

If the Council would like to proceed with developing affordable housing on 880 Stone Pine, staff recommends the following initial steps (not necessarily in order):

- ✓ Conduct a neighborhood meeting (or series of meetings) early in the process.
- ✓ Meet with the President and/or Boardmembers from POST to ensure they are supportive of affordable housing on this property.
- ✓ Receive confirmation in writing from the California iBank that developing affordable housing on the property is not in violation of the loan terms.
- ✓ **Conduct a comprehensive feasibility analysis of both 880 Stone Pine and the Glencree property for the development of affordable housing.** The Glencree property is also a City-owned property that will be presented as a possible housing site at the Council work session. This property has the advantage over Stone Pine in that it is already designated and zoned for residential development in the LCLUP. The northeasterly portion of the Glencree property is designated Medium Density Residential. However, like Stone Pine, it has significant challenges to overcome for a successful affordable housing project.

We do not recommend pursuing a project on both sites (at least initially). The questions above are relevant: Which of these two sites has the best chance of success, and which site is the most financially feasible and would deliver the better project for the community?

- ✓ Establish an organizational structure and team of partners to successfully finance, deliver and manage the project during its entire life cycle.

To proceed with this next level of analysis, staff recommends adding the project to the City’s Capital Improvement Plan (CIP) and budgeting sufficient funds from the Housing Fund to proceed with the steps outlined above. We estimate it would cost \$1,000,000+ to move a project on either site through the necessary feasibility studies and permit entitlement process.