

**BUSINESS OF THE PLANNING COMMISSION  
OF THE CITY OF HALF MOON BAY**

**AGENDA REPORT**

For meeting of: **April 26, 2022**

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**TO:** Chair Gorn and Planning Commission

**FROM:** Jill Ekas, Community Development Director  
John Doughty, Public Works Director

**TITLE: COASTAL DEVELOPMENT PERMIT FOR THE DOWNTOWN SIDEWALK AND  
PARKLET ACTIVITIES PROGRAM (PDP-21-072)**

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**RECOMMENDATION:**

By resolution, approve PDP-21-072, an application for a Coastal Development Permit for the Downtown Sidewalk and Parklet Activities Program (“Program”), based upon the Findings and Evidence contained in Exhibit A of the Draft Resolution (Attachment 1), and subject to the Conditions of Approval in Exhibit B (Attachment 1), and pursuant to the Program including guidelines, requirements, and a template license agreement (Attachment 2).

**BACKGROUND:**

In 2020 the COVID-19 virus and related business and travel restrictions created challenges for Half Moon Bay’s local businesses. In response, the City provided options for temporary use regulations and improvements that would allow businesses to use exterior spaces for retail operations and dining throughout the City. For Downtown, these temporary allowances served as a pilot program for use of outdoor spaces, including within the public right-of-way, in Heritage Downtown.

In 2021, as the State of California and San Mateo County Health orders relaxed to allow for increased indoor dining, local businesses expressed their interest in maintaining and improving their temporary outdoor dining areas. Feedback from community members, the Downtown Business Group, and Half Moon Bay-Coastside Chamber of Commerce identified the positive benefits of transitioning the pilot into a long-term program allowing for more permanent improvements with specific regulations and guidelines.

In response to this input, staff worked with the Architectural Advisory Committee (AAC) to determine initial design criteria for such a programmatic approach (see Attachment 3 for AAC meeting notes). From this input, staff prepared a draft Program for Planning Commission input at a Study Session in February 2022. The Commission acknowledged the potential benefits of the Program and provided feedback (see Attachment 4 for Planning Commission minutes). Highlights of the Commission’s input include the following:

- The Program is a great step forward; keep it simple and move it forward quickly.

- The Program should include retail and some activities.
- If projects do not comply with the Program, there should be a means for Planning Commission consideration.
- Public use is preferred.
- Parking is important, consider needs of adjacent businesses.
- Noise must be addressed.
- Address traffic calming.

Following the Planning Commission study session, staff conducted additional community outreach with stakeholders and stakeholder groups. The Planning Commission's input has been incorporated in the Program along with suggestions from community members.

Program implementation requires a Coastal Development Permit (CDP). The purpose of this action is to provide "master" coverage for the Program and its future participants that choose to comply with the Program CDP to establish sidewalk and parklet uses within the Program area. In addition to compliance with the "master" CDP coverage provided by the Program, individual license agreements and building permits would also be required for each installation.

Staff is now seeking the Planning Commission's approval of a CDP for the Program.

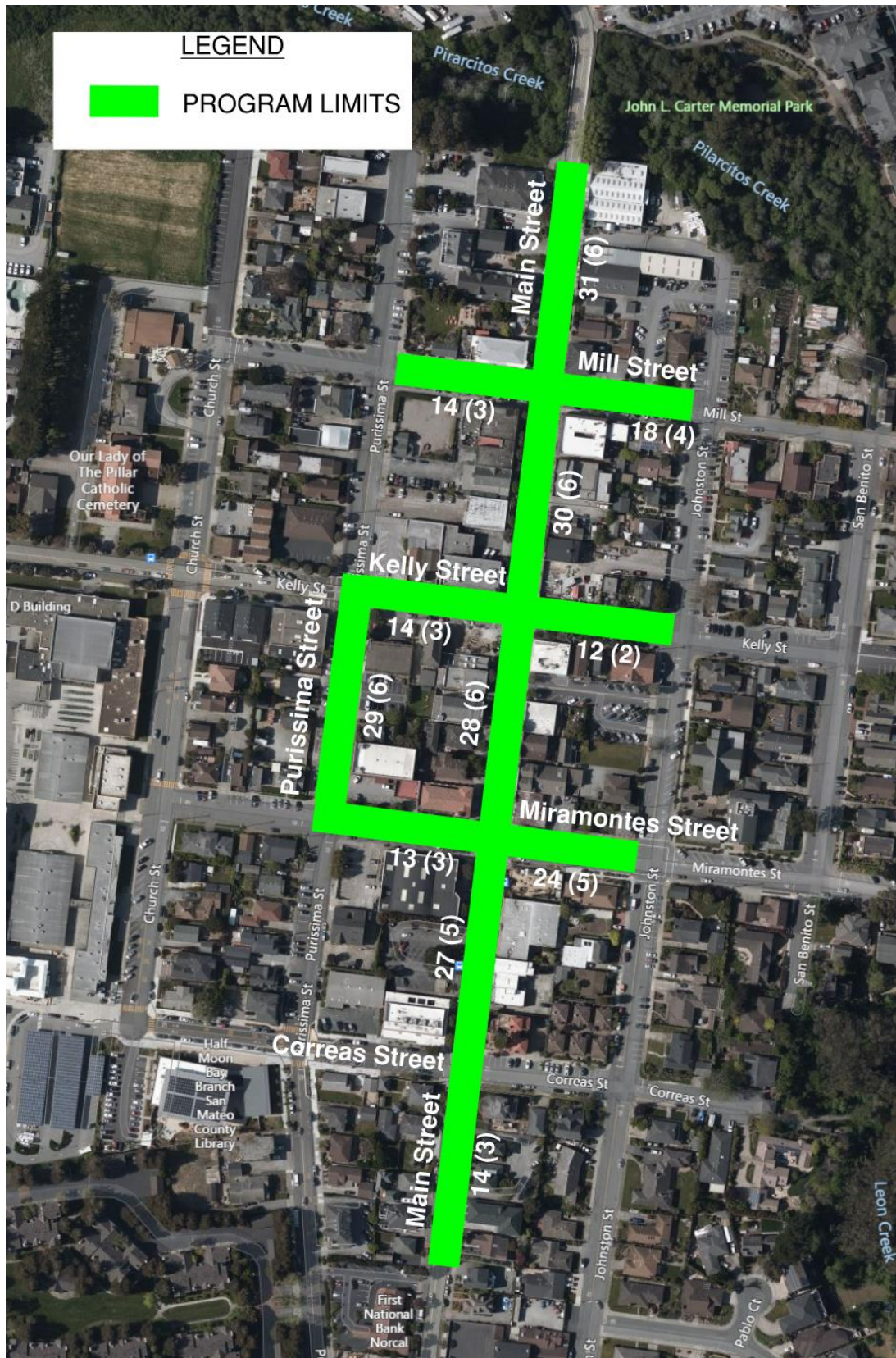
#### **DISCUSSION:**

Outdoor dining and other activities support business and are critical components of a vital pedestrian-focused environment in a Downtown setting. Sidewalks throughout the primary commercial span of Main Street and its cross streets are relatively narrow. This narrowness limits options for outside seating and other activities, especially when coupled with the need to maintain accessible pedestrian access. In many cities with similar conditions, the use of streetside parking spaces (aka "parklets"), in lieu of or in addition to sidewalk café seating, has become a standard approach for supporting these various interests. Thus, this Program includes both sidewalk and parklet activities/spaces.

#### **Project Description:**

The Program includes the following components:

Background: The Background sets up the Program with definitions and establishes the Program Area, shown on the next page and page 2 of the Program. The Program area is predominately within Heritage Downtown, centered on Heritage Main Street (Main Street between the Main Street Bridge and Correas Street) and additional blocks immediately adjacent to this area. The Program area was determined based on feedback received from the AAC and business owners interested in installing parklets. Field study confirmed concentration of existing restaurants within Heritage Downtown, along with the configuration and number of on-street parking spaces. The entire Program Area is within the Commercial-Downtown (C-D) Zoning District.



Program Area Map

Intent and Guidelines: This section establishes the design intent for sidewalk and parklet installations. In response to Planning Commission input in February which requested that the Program also include activities, examples are presented to illustrate those that are appropriate for Half Moon Bay.

Installation Requirements and Allowed Activities: This section is the most detailed part of the Program. Sidewalk installation requirements and allowed activities are covered first, followed by a separate set of requirements for parklets. Special cases, such as combinations of both sidewalk and parklet use and use of City parking lots within Heritage Downtown, are also acknowledged. Simple graphics illustrate various program requirements, such as setbacks from parking spaces, and maintenance of a pedestrian zone.

Based on Planning Commission input, the requirements presented in this section address numerous criteria including hours of operation, public/private use, noise and amplified sound, lighting, deliveries and other service needs, as well as habitat buffers should they be applicable.

Program Administration: The Program will be administered by City staff through a “Compliance Review” process. Responsible staff will include the City Engineer and Community Development Director. The review sequence includes the following steps:

- Pre-application: Over-the-counter review to confirm eligibility.
- Application: Detailed review to ensure compliance with all Program components, includes the Fire District. AAC review will be required for all parklets and for some sidewalk uses.
- License Agreement: A revokable License Agreement is required to set the expiration date and lease rates with each participant to ensure adequate long-term maintenance of these installations. These agreements also address obligations for insurance and other related risk management considerations.
- Building Permits: Building permit review and associated inspections will ensure compliance with approved plans, the Program, and the License Agreement.
- Monitoring: City staff will routinely check on the condition of these installations.

References: At the end of the Program, several reference documents are provided to help applicants and City staff. A Parklet and Parking Inventory table will be updated with the installation and/or removal of each parklet. This is important to track because one of the foundations of the program is to maintain adequate and distributed parking throughout Heritage Downtown. If approved by the Planning Commission, the Conditions of Approval from Exhibit B of the Resolution (Attachment 1) will be added to the Program. This will help applicants prepare complete and conforming applications. A template License Agreement, based on two that were recently approved by City Council for Barterra and Fattoria E Mare on the 300 Block of Main Street, is also provided.

## **ANALYSIS**

The analysis of this project includes review of project conformance with the General Plan/Local Coastal Land Use Plan, conformance with the Zoning Code/LCP Implementation Plan;

consistency with the Downtown Specific Plan and design compatibility with surrounding development; and conformance with the California Environmental Quality Act (CEQA).

### **Conformance with the General Plan/Local Coastal Program Land Use Plan and Implementation Plan**

Land Use: The proposed Program is located primarily within Heritage Downtown as defined in the Local Coastal Land Use Plan (LUP). Program uses for sidewalks and parklet areas – dining, retail display, seating, and various activities associated with a permitted use in the adjacent storefront – are consistent with the range of uses envisioned for Heritage Downtown and Heritage Main Street. In Heritage Downtown, and especially on Main Street, uses that “foster a distinctive, vibrant pedestrian-oriented atmosphere” are encouraged (Policy 2.33 Heritage Main Street Uses). Most of the interest in parklet installation has been along Heritage Main Street (between Pilarcitos Creek and Correas Street). Although the requirements of Heritage Main Street primarily relate to private property fronting Main Street, businesses utilizing future parklets, including cafés and restaurants, would be consistent with active ground-floor dependent uses. The area also coincides with availability of on-street parking spaces both on and near Main Street.

Commercial-Downtown Zoning: All of the uses are also consistent with those permitted in the C-D Zoning District. The C-D Zoning provisions specifically highlight the following excerpts from Municipal Code Chapter 18.07 Commercial Land Use (Commercial-Downtown, Commercial-Residential):

*18.07.025.A. Use Regulations. Commercial Uses. A-11 Commercial Recreation or Entertainment.*

*A-11 b. Outdoor. Small-scale outdoor commercial recreation uses and activities such as bocce courts and seasonal events such as live music may be permitted. Golf courses and driving ranges, outdoor skating rinks and skateboard parks and tennis courts are not permitted in the C-D and C-R districts. A use permit shall be required for any extensive outdoor uses not listed.*

*18.07.025.A. Use Regulations. Commercial Uses. A-27 Retail Sales.*

*A-27 b. Outdoor Retail. Outdoor display of merchandise on a temporary basis shall be subject to approval by the community development director. Permanent outdoor sales operations, such as sidewalk cafes, flower and produce stands, hot dog carts, coffee/pastry stands, T-shirts, outdoor furniture gardens, are permitted on an ongoing basis only if not located on state right-of-way, and only after (1) receiving a determination by the planning commission that the proposed use and operational characteristics are consistent with the underlying zoning designation and development standards, (2) securing approval of a business license in accordance with the provisions of the municipal code, and (3) securing an encroachment permit and/or license agreement with the city if the display area is located on city property or located within a city right-of-way.*

The provisions for outdoor commercial recreation and entertainment provided guidance with respect to the scale of and intensity of such activities. The Program cites a range of low intensity examples such as outdoor reading and game spaces. The Program does not provide

for the more intense uses that could not possibly be accommodated in sidewalk or parklet areas (e.g. sports courts).

Similarly, the provisions for outdoor retail establish that such uses can be approved by the Community Development Director if they are temporary. However, the Program is providing longer-term use, and thus this code section provides guidance that the Planning Commission will need to make a determination about the proposed outdoor uses with respect to operational characteristics as consistent with the underlying C-D Zoning District. A business license and encroachment permit/license agreement are also required. In developing this Program, staff referred to “18.07.025.A.A-27b. Use Regulations. Commercial Uses. A-27 Retail Sales” for outdoor uses and made sure to cover all of the requirements of this section. In order to approve a CDP for this Program, the Planning Commission will need to find that the Program, including its guidelines, requirements, License Agreement terms, and Conditions of Approval, will ensure that all of the outside uses allowed by the Program for sidewalks and parklets are consistent with the C-D Zoning District.

Habitat Conservation: The LUP and Implementation Plan include numerous requirements for coastal resource protections. The Program area is located near Pilarcitos Creek in the 300 block of Main Street and in this one location may require consideration of coastal resource protection standards. This is acknowledged in the Program.

Stormwater Management: Stormwater flows (and, to a lesser extent, sidewalk uses) could potentially be altered by parklet installations. Parklet designs are required to maintain existing flows, which is typically accomplished by establishing the parklet floor with a “bridge” over the gutter and significant cross flow permeability. Concrete and other permanent installations are not allowed for foundations. The Program also includes requirements for setbacks or other access to stormwater inlets.

Coastal Access: The City has conducted peak use parking occupancy surveys and found that parking spaces in and around the Heritage Downtown area remain available during all peak periods (see Attachment 5). Parking is especially ample on side streets and parallel streets within a block of Main Street. The Program includes a 20% cap on the conversion of parking spaces to parklet space. The parking occupancy surveys indicate that there is sufficient parking to accommodate such a reduction, even in the cumulative conditions. Furthermore, the Program distributes the reduction throughout the Program area such that no individual block will be impacted more than another.

Despite these provisions, the parking occupancy surveys indicate that during peak weekend conditions, parking on some blocks of Main Street and Mill Street are heavily used. Thus, the Program requires that employees associated with parklets on these blocks park elsewhere at approved locations on private property and/or on a side street or parallel street. The specific locations would be determined at the time of review based on current parking occupancy data. To further ensure that adequate parking is available within the Program area, a draft condition of approval for the Program’s coastal development permit requires routine updates to the City’s parking occupancy survey to monitor the status of parking occupancy.



The Program also ensures that all accessible parking space will be maintained or replaced with spaces of an equivalent quality and convenience. Access will also be maintained to streetside EV charging stations. A Program requirement for the building permit includes a construction staging plan to ensure pedestrian, bicycle, and vehicular access is maintained during parklet construction.

Noise: The Program is consistent with the City's Noise Ordinance. Sound amplification permits are required for outside performances or other sound amplification. Hours of operation for outside uses allowed between 8:00 AM to 10:00 PM. Ambient sound levels are lower at night, and thus, these uses will need to shut down at that point, perhaps earlier than the participant's business which may continue to operate indoors.

### **Downtown Specific Plan and Design Standards**

Design Specific Plan: The Program area is located within the Downtown Specific Plan planning area. The plan includes several policies about parking supply and management to ensure adequate public parking. Parking is addressed in the Program as discussed above in the coastal access section. Downtown Specific Plan design policies encourage design diversity and eclecticism, preservation of historic buildings and architectural features, and mixed uses featuring restaurants and retail businesses on the first floor. The Program supports all of these policies through design and use enhancements. Landscaping policies require applicants for new development to plant and/or maintain street trees within the plan area. The Program is consistent with this requirement.

Design: Much of the Program area is located within Old Downtown. Standards for Old Downtown are covered in Municipal Code Chapter 18.37, Visual Resource Protection Standards. The standards are predominately relevant to new building construction. However, the intent for compatibility with respect to scale and style are addressed in the Program and will be subject to AAC review for all parklets and some sidewalk improvements. The standards cite landscaping, signs, screening, lighting, parking areas and utilities and matters requiring design review and compliance. All of these development components are addressed in the Program to be consistent with Old Downtown.

### **California Environmental Quality Act**

This Program would allow for a range of small, distributed installations of removable improvements on Downtown sidewalks and/or a limited number of public parking spaces on the street and in a City-owned parking lot. Such improvements are categorically exempt from the California Environmental Quality Act pursuant to California Administrative Code Section 15303 (new construction or conversion of small structures), Section 15304 (minor alterations to land).

### **Next Steps**

Upon approval of a coastal development for this Program, staff will be prepared to start processing applications. Fee for use of the public right-of-way will be added to next update to the Master Fee Schedule for City Council approval. Parklets that have been operating under

short-term COVID response provisions will be encouraged to make applications under the Program so that they can be upgraded and continued.

**ATTACHMENTS:**

1. Draft Resolution with Findings and Evidence, Exhibit A and Conditions of Approval, Exhibit B
2. Draft Downtown Sidewalk and Parklet Activities Program
3. Architectural Advisory Committee Study Session Meeting Notes, October 21, 2021
4. Planning Commission Study Session Minutes, February 22, 2022
5. Parking Occupancy Surveys