

A. THE COASTAL ACT

1. HISTORY

Historically, land use in the California Coastal Zone has been regulated by local governments under the provisions of State Planning and Zoning Law. This enabling legislation mandates local governments to prepare general plans and zoning to ensure orderly physical growth and development within their jurisdictions as well as the protection of public health, safety and welfare.

Traditional local control over regulation of land use in the Coastal Zone was substantially modified with the passage of the California Coastal Zone Conservation Act (Proposition 20) by the voters of California on November 7, 1972. Under Proposition 20, the California Coastal Zone Conservation Commission and six Regional Coastal Commissions were created and given a dual mandate of preparing a statewide "comprehensive enforceable plan for the orderly, long-range conservation and management of the coast" and regulating development while this plan was being prepared. The California Coastal Plan was submitted to the legislature on December 1, 1975. During the 1976 legislative session, several coastal bills were introduced, all modifying to some extent the Coastal Plan. By the summer of 1976, SB 1277, the California Coastal Act, emerged from both houses as the basis of California's Coastal Zone Management Program. SB 1277 was amended by a trailer bill, AB 2948, which was itself amended by AB 400. On January 1, 1977, the Coastal Act and other legislation came into effect, establishing a permanent coastal management program for California.

2. STATUTORY CONFLICTS, GOALS AND POLICIES

2.1 Statutory Conflicts

The entire City of Half Moon Bay is located within the Coastal Zone. As a result, this Land Use Plan constitutes not only the Coastal Element of the City's General Plan, but also every other element of the City's General Plan with the exception of the Housing Element. Accordingly, in adopting this Land Use Plan the City has been required to consider, weigh and balance not only its obligations and responsibilities under the Coastal Act, but also its planning, social and fiscal obligations and responsibilities as a general law city under the Government Code to its residents, the mid-coast region and the State as a whole. (See Chapter II, Part 4.)

As indicated in Section 2.2 below, the policies of the Coastal Act sometimes conflict with each other, and these conflicts must be resolved by the City through a weighing and balancing process. As indicated in Chapter II, Part 1, and elsewhere in this Land Use Plan, the policies of the Coastal Act sometimes conflict with other statutory requirements to which the City is subject. For example, Article 10.6 of the Government Code requires the City to provide for its fair share of regional housing needs; yet the amount of development necessary to meet these needs might conflict with specific Coastal Act policies, and with the maximum annual population growth of 3% as set forth in Section 9.4 of this Plan. Unlike those local jurisdictions which are not located entirely within the Coastal Zone, Half Moon Bay does not have the luxury of meeting Coastal Act goals and policies by restricting development within the Coastal Zone and meeting Government Code and other statutory obligations and responsibilities by shifting necessary development outside of the Coastal Zone. As a result, the conflicts already inherent in the Coastal Act have been exacerbated for the City of Half Moon Bay because it must meet all of its obligations and responsibilities as a general law city within the Coastal Zone.

## 2.2 Coastal Act Goals, Policies and Conflicts

In enacting the Coastal Act, the Legislature established (30001 of Coastal Act) the following goals for future activity in the Coastal Zone:

- (a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and man-made resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the State.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage State and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Consistent with the basic goals set forth in Section 30001.5 and, in the case of Half Moon Bay, its obligations and responsibilities as a general law city under the Government Code, the policies of Chapter 3 of the Coastal Act, Sections 30200 through 30264, constitute the standards by which the adequacy of local coastal programs is determined. Topics covered by the policies in Chapter 3 include: coastal access and recreational opportunities; the marine environment; environmentally sensitive habitat areas; agriculture; archeological and paleontological resources; and scenic resources.

The policies in some topic areas appear to be absolute. For example, Section 30230 of the Act states that marine resources shall be maintained; Section 30240(a) of the Act states that development within environmentally sensitive habitat areas shall be limited to uses dependent on these areas; and Section 30241 of the Act states that the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of an area's agricultural economy. The policies in other topic areas appear to favor certain types of development. For example, Section 30255 states that coastal-dependent development shall have priority over other developments on or near the shoreline; Section 30220 states that coastal areas suited for water-oriented recreational activities shall be protected for such uses; Section 30221 states that ocean front land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area; and Section 30222 states that the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

It is apparent that at least some coastal act policies will conflict with respect to the use of some lands within the Coastal Zone. In recognition of these inevitable conflicts, the Legislature enacted Section 30007.5 of the Act, which provides in pertinent part that: "The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies." The Legislature also recognized the need for, and the social and economic benefits derived from continued growth and properly located development within the Coastal Zone. Section 30001(d) of the Act states that "existing developed uses, and future developments that are carefully planned and developed consistent with the policies of

this division, are essential to the economic and social well-being of the people of this state." The Act requires a local government to strike a balance between the need to protect essential coastal resources and the need to assure continued economic growth and properly located development in the Coastal Zone. If conflicts arise, they are to be resolved in accordance with Coastal Act Section 30007.5 (Billings v. California Coastal Commission (1980) 103 C.A. 3d 729, 738-39, 745). In resolving conflicts, a local government should consider regional, as opposed to strictly local, resources and social and economic needs (Act Section 30501(b)). In weighing resource concerns against social and economic needs, a local government must determine whether achievement of the specific resource goal is feasible; i.e. "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (See, e.g. Act Sections 30001.5(a), 30108, 30213, 30241, 30242 and 30251). The feasibility requirement is consistent with the Act's recognition that its policies may not be applied so as to infringe upon the constitutionally protected rights of private property owners (e.g. Sections 30001.5(c), 30005.5 and 30010). Finally, the Legislature recognized that the Coastal Act cannot be construed in a vacuum, but must be construed so as not to conflict with other laws. For example, Section 30007 of the Act states that: "Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing, replacement housing, relocation benefits or any other obligation related to housing imposed by existing law or any law hereinafter enacted."

Accordingly, in applying specific Coastal Act resource protection policies, a local government must resolve conflicts among such policies, conflicts between such policies and the other goals, policies and requirements of the Act such as concentration of development and the economic and social needs of the people for orderly growth and development, conflicts between such policies and the constitutionally protected rights of private property owners, and conflicts between such policies and other state laws. As noted in Section 2.1 above, all of these conflicts are exacerbated in the case of Half Moon Bay. Since the entire City is located within the Coastal Zone all of the internal conflicts in the Coastal Act, all of the conflicts between the Coastal Act and other statutory requirements to which the City is subject, and all of the needs of the City's residents and the mid-coast area it serves as an urban center must be resolved and met entirely within the Coastal Zone. The formidable task of resolving these conflicts and meeting these needs accounts in principal part for the lengthy and exhaustive LCP Process summarized in Part B of this Chapter I.

## 3. IMPLEMENTATION

Each of the 15 counties and 53 cities along the California coast is required by the Coastal Act to prepare a Local Coastal Program (LCP). The LCP consists of "a local government's Land Use Plans, zoning ordinances, zoning district maps, and in sensitive coastal resource areas, other implementing actions which, when taken together, meet the requirements of and implement the provisions and policies of (the Coastal Act) at the local level." (30108.6). The land use plan means the "relevant portions of a local government's general plan, or local coastal element, which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions." (30108.5). The zoning ordinances and maps are the legal tools for implementing the Land Use Plan. The Coastal Act also requires each LCP to "contain a specific public access component to assure that maximum access to the coast and public recreation areas is provided." (30500a). In addition, the local Land Use Plans are required to consider uses of more than local importance. (30501b). As noted in the LCP Regulations such uses generally include: (1) State and Federal parks and recreation areas and other recreational facilities of regional or statewide significance; (2) military and national defense installations; (3) major energy facilities; (4) State and Federal highways and other transportation facilities (e.g. railroads and airports) or public works facilities (e.g. water supply or sewer systems) serving larger-than-local needs; (5) general cargo ports and commercial fishing facilities; (6) State colleges and universities; and (7) uses of larger-than-local importance, such as coastal agriculture, fisheries, wildlife habitats, or uses that maximize public access to the coast, such as accessways and visitor-serving developments, as generally referenced in the findings, declarations, and policies of the California Coastal Act of 1976.

The land use plan and zoning ordinance and zoning district map, after receiving local review and approval, must be submitted to the State Coastal Commission. The Commission must make the finding that the Land Use Plan is consistent with the policies of Chapter 3 of the Act. The Commission's review of a land use plan is "limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3;" and, in making this review, the commission may "...require conformance with the policies and requirements of Chapter 3 ... only to the extent necessary to achieve the basic state goals specified in Section 30001.5." (Act, Section 30512.2). The zoning and implementing ordinances are then reviewed to determine conformance with the approved Land Use Plan.

---

LCP Regulations, Section 00041, adopted by the Coastal Commission on May 17, 1977.

After certification of the land use plan and zoning ordinance and maps of the LCP, the review authority for new development within the Coastal Zone, which is now vested in the Coastal Commission, will be returned to local government. The local government, in issuing coastal development permits after certification, must make the finding that the development is in conformity with the approved LCP. Any amendments to a certified LCP will have to be approved by the State Coastal Commission.

After certification of the LCP's, the State Coastal Commission will exercise permit jurisdiction over certain kinds of development (i.e. development in the State Tidelands), and will continue to hear appeals and review amendments to certified LCP's. Only certain kinds of developments can be appealed after a local government's LCP has been certified. These include, pursuant to Section 30603 of the Coastal Act, the following:

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included within paragraph (1) of this subdivision located on tidelands, submerged lands, public trust lands, within 100 feet of a wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Development approved by the local government not included within paragraph (1) or (2) of this subdivision located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program.
- (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).
- (5) Any development which constitutes a major public works project or a major energy facility.

The State Commission is also required to review periodically the progress of local governments in carrying out the Coastal Act. This review is to occur at least once every five years.

---

\*Appeals pursuant to paragraph (1) are limited to the issue specified in Section 30603(b).

1. THE HALF MOON BAY LOCAL COASTAL PROGRAM PROCESS

The entire City of Half Moon Bay lies within the Coastal Zone. Therefore, the LCP is City-wide in scope. The City began the LCP process with preparation of an initial Work Program in the summer of 1978. Subsequently, in March, 1979, a revised Work Program was approved by the Regional Commission, and then by the State Commission in April. During this entire period, the City began to organize a public participation process through existing and new neighborhood organizations and special interest committees representing farmers, business interests, and property owners. These groups met on their own and discussed issues likely to arise in preparing the LCP and their objectives. These organizations, along with representatives from other organizations inside and outside the City, became the base for the public participation program included in the approved LCP Work Program. In accordance with the Work Program, the City's LCP Consultant published a series of Study Papers on specific subject areas covering all major issues involved in the LCP. These study papers, various land use plan hearing drafts, the land use plan adopted March 31, 1981, and this amended Land Use Plan have been published and discussed as follows:

<u>Study Paper Topic and/or Public Hearings</u>	<u>Date of Publication</u>	<u>Meetings For Discussion</u>
Coastal Access	June 1, 1979	May 17, June 14
Recreation & Visitor-Serving Facilities	June 1, 1979	May 17, June 14
Agriculture	July 13, 1979	June 18, August 26
Marine & Water Resources, Hazards & Sensitive Habitats	July 13, 1979	June 28, August 26
Housing	Sept. 7, 1979	Aug. 23, Sept. 20
Scenic Resources	Sept. 7, 1979	Aug. 23, Sept. 20
Unimproved Subdivisions	Sept. 7, 1979	Aug. 23, Sept. 20
Water & Sewer	Oct. 11, 1979	Oct. 11, Nov. 8
Partial Draft LUP & Maps	" "	" "
Public Hearing LUP	" "	Dec. 17, 1979
Public Hearing LUP	" "	Dec. 18, 1979
Public Hearing LUP	" "	Dec. 19, 1979
Public Hearing LUP	" "	Jan. 15, 1980
Public Hearing LUP	" "	Jan. 16, 1980
Public Hearing LUP	" "	Jan. 17, 1980
Study Session LUP	" "	Mar. 31, 1980
Study Session LUP	" "	May 21, 1980
Study Session LUP	" "	June 2, 1980
Study Session LUP	" "	June 19, 1980
Study Session LUP	" "	Aug. 18, 1980
Study Session LUP	" "	Oct. 1, 1980
Study Session LUP	" "	Nov. 15, 1980
Public Hearing LUP	Oct. 15, 1980	Nov. 18, 1980
Public Hearing LUP	" "	Nov. 19, 1980
Study Session LUP	" "	Dec. 10, 1980

Study Session LUP	"	"	Dec. 13, 1980
Adj. CC Meeting LUP	"	"	Dec. 20, 1980
Adj. CC/PC Meeting LUP	"	"	Feb. 7, 1981
Adj. CC/PC Meeting	Oct. 15, 1980		Feb. 18, 1981
Adj. CC/PC Meeting LUP	"	"	Feb. 28, 1981
City Council/Planning Commission Meeting	"	"	March 31, 1981
Regional & State Coastal Commission Meeting	March 31, 1981		June 30, 1981
State Coastal Commission	"	"	Nov. 3, 1981
State Coastal Commission	"	"	Feb. 3, 1982
State Coastal Commission	"	"	May 5, 1982
Study Session LUP (Draft Amendments)	June 21, 1982		July 17, 24, 1982
Study Session LUP (Draft Amendments)	July 1, 1982	"	"
Study Session LUP (Draft Amendments)	July 12, 1982	"	"
Study Session LUP (Draft Amendments)	July 20, 1982	"	"
Public Hearing LUP	Nov. 16, 1982		Jan. 11, 1983
Study Session LUP	"	"	Jan. 29, 1983
Study Session LUP	"	"	Feb. 17, 1983

### C. THE AMENDED LAND USE PLAN

The purpose of the Amended Land Use Plan is to formulate resource protection and development policies that, together with the Land Use Plan Maps, will indicate in sufficient detail the kinds, location, and intensity of land uses in the Coastal Zone, in this case, the entire City of Half Moon Bay. In addition, this Land Use Plan was also amended to include Section 9.4, limiting future residential population growth to a maximum of 3% annually. The Half Moon Bay Local Coastal Program Land Use Plan is intended to be a new General Plan and will apply on a City-wide basis. In accordance with the options available under the Coastal Act, (Section 30511(b) Coastal Act) the City has chosen to submit the Land Use Plan for certification, with submittal of implementing measures for certification after approval of the Amended Land Use Plan is obtained.

#### 1. ORGANIZATION OF REPORT

The Amended Land Use Plan is organized into ten components, or sections, each addressing one or more separate major issue areas. Each section contains resource conservation and development policies. These policies are supplemented by Plan Maps. Because the entire City of Half Moon Bay lies within the designated Coastal Zone, these policies and maps, together with the policies in the

Coastal Act, provide specific direction on use of land and minimization of land use conflicts. The components are:

1. Introductory Provisions
2. Coastal Access and Recreation
3. Environmentally Sensitive Habitat Areas and Water Resources
4. Hazards
5. Housing
6. Archaeological and Paleontological Resources
7. Visual Resources
8. Agriculture
9. Development
10. Public Works
11. Maps

There is no section on coastal-dependent industrial and energy development. No provision is to be made for such uses within the City due to lack of suitable sites. Therefore, no policies are needed on this subject.

The City of Half Moon Bay is developing a Housing Element for review and approval which will be in accordance with the provisions of State law governing such matters.

## 2. LAND USE PLAN/CITY GENERAL PLAN

When adopted by the City, the Land Use Plan becomes the Half Moon Bay General Plan.

## 3. RELATIONSHIP TO THE COUNTY LOCAL COASTAL PLAN

San Mateo County is the jurisdiction responsible for the LCP for the unincorporated area of the County. The County LCP was adopted by the Board of Supervisors on August 5, 1980. The City of Half Moon Bay has utilized the Certified San Mateo County "Sensitive Habitat Component" in responding to the sensitive habitat issues within its Plan.

## D. ESTIMATED MAXIMUM HOUSING AND MAXIMUM POPULATION PROJECTIONS

### 1. CITY LAND USE PLAN PROJECTIONS

An estimate has been made of the maximum number of dwelling units and associated maximum population which would be accommodated under the City's Land Use Plan. Table 1.1 sets forth the population and

dwelling unit counts of the 1990 U.S. Census and the anticipated year of build out, 2020, based upon a maximum annual population growth of 3%:

TABLE 1.1

MAXIMUM HOUSING AND POPULATION  
HALF MOON BAY LAND USE PLAN

	<u>1990</u>	<u>1992</u>	<u>2020</u>
Housing Units	<u>3,402</u>	3,496	7,991-8,071
Population	<u>8,886</u>		20,857-21,065
Persons Per Household	<u>2.61</u>	<u>2.61</u>	<u>2.61</u>

NOTE: Housing units and population figures for 1990 are actual, from the United States Bureau of Census final 1990 census. Housing unit projections are based on provisions for development in the Land Use Plan and estimates of building phasing, discussed in text and as shown on Table 9.3. Population estimates are based on estimates of population per household by ABAG and San Mateo County. All projections for housing units and population for the years 1992 through 2020 assume availability of adequate water, sewer facilities, and road capacities. Population and dwelling unit counts at buildout are based upon the Land Use Plan: the projected year of buildout is based upon a maximum annual population growth of 3%.

## 2. COMBINED CITY AND COUNTY PROJECTIONS

Table 1 of the County LUP provides estimates of existing housing and populations as well as future growth projections, for the urban mid-coastside area outside of the City, and for the City itself. From the previous Table, it is evident that the County's estimates for the City are understated, with an actual existing 1980 final census housing count almost 22% above the County's estimate, and a projected housing count from the City's LUP for the year 2000 approximately 65% above the County's projection.

Combined in the following Table are the housing and population figures for the City, based on actual census data and the City's LUP, and the comparable figures for the unincorporated urban area of the mid-coastside, taken from the County's LUP. The figures for the City have been broken into two categories, to distinguish from the rest of the City the area of joint service jurisdiction north of Frenchmans Creek, where the Granada Sanitary District presently provides sewer service.

TABLE 1.2  
(Page 1 of 3)

HALF MOON BAY  
MAXIMUM PROJECTED HOUSING AND POPULATION  
MID-COASTSIDE URBAN AREAS\*

		EXISTING (1980)	
		<u>Housing</u>	<u>Population</u>
I.	CITY OF HALF MOON BAY (Housing and Population)		
A.	North of Frenchman's Creek (Granada Sanitary District)		
	(1) Housing Units	379	
	(2) Population		1,012
B.	South of Frenchman's Creek (Half Moon Bay Sanitary District)		
	(1) Housing Units	2,347	
	(2) Population		6,270
	TOTAL HOUSING UNITS	2,726	
	TOTAL POPULATION - CITY		7,282
II	SAN MATEO COUNTY MID-COASTSIDE URBAN AREA (North of Half Moon Bay)*		
	(1) Housing Units	2,550	
	(2) Population		7,000
III	TOTAL MID-COASTSIDE URBAN AREA HOUSING AND POPULATION	<u>5,276</u>	<u>14,282</u>

\*Data for County projection taken from San Mateo Coastal  
Plan certified November 5, 1980.

TABLE 1.2  
(Page 2 of 3)

HALF MOON BAY  
MAXIMUM PROJECTED HOUSING AND POPULATION  
MID-COASTSIDE URBAN AREAS\*

		NEW (Over 20 years)
	<u>Housing</u>	<u>Population</u>
I. CITY OF HALF MOON BAY (Housing and Population)		
A. North of Frenchman's Creek (Granada Sanitary District)		
(1) Housing Units	532	
(2) Population		1,420
B. South of Frenchman's Creek (Half Moon Bay Sanitary District)		
(1) Housing Units	4,895-5,041	
(2) Population		13,070-13,459
TOTAL HOUSING UNITS	<u>5,427-5,573</u>	
TOTAL POPULATION - CITY		<u>14,490-14,879</u>
II SAN MATEO COUNTY MID-COASTSIDE URBAN AREA (North of Half Moon Bay)*		
(1) Housing Units	1,850	
(2) Population		5,100
III TOTAL MID-COASTSIDE URBAN AREA HOUSING AND POPULATION	<u>7,277-7,423</u>	<u>19,590-19,979</u>

\*Data for County projection taken from San Mateo Coastal  
Plan certified November 5, 1980.

TABLE 1.2  
(Page 3 of 3)

HALF MOON BAY  
MAXIMUM PROJECTED HOUSING AND POPULATION  
MID-COASTSIDE URBAN AREAS\*

		TOTAL (Year 2000)	
		<u>Housing</u>	<u>Population</u>
I.	CITY OF HALF MOON BAY (Housing and Population)		
A.	North of Frenchman's Creek (Granada Sanitary District)		
	(1) Housing Units	911	
	(2) Population		2,432
B.	South of Frenchman's Creek (Half Moon Bay Sanitary District)		
	(1) Housing Units	7,242-7,388	
	(2) Population		19,340-19,726
	TOTAL HOUSING UNITS	<u>8,153-8,299</u>	
	TOTAL POPULATION - CITY		<u>21,772-22,161**</u>
II	SAN MATEO COUNTY MID-COASTSIDE URBAN AREA (North of Half Moon Bay)*		
	(1) Housing Units	4,400	
	(2) Population		12,100***
III	TOTAL MID-COASTSIDE URBAN AREA HOUSING AND POPULATION	<u>12,553-12,699</u>	<u>33,872-34,261</u>

\*Data for County projection taken from San Mateo Coastal  
Plan certified November 5, 1980.

\*\*2.67 persons per household (1980 Census)

\*\*\*2.75 persons per household