

MAR 05 2014

By: [Redacted Signature] DEPUTY CLERK

RESOLUTION NO. C-2014- 12

A RESOLUTION CALLING FOR A MUNICIPAL ELECTION, TO BE CONSOLIDATED WITH THE JUNE 3, 2014 STATEWIDE DIRECT PRIMARY ELECTION, TO SUBMIT TO THE VOTERS A LOCAL BALLOT MEASURE ENTITLED THE "MAIN STREET BRIDGE PRESERVATION ACT" AND AMENDING POLICY 7-8 (VISUAL RESOURCES) OF THE LOCAL COASTAL PROGRAM LAND USE PLAN (LUP) AND SECTION 18.39.045 OF THE IMPLEMENTATION PLAN (Title 18) TO PROHIBIT DEMOLITION OR EXPANSION OF THE MAIN STREET BRIDGE WITHOUT OBTAINING MAJORITY VOTER APPROVAL FOR SUCH DEMOLITION OR EXPANSION AT A SUBSEQUENT ELECTION

WHEREAS, it is the desire of the City Council to place before the voters of the City of Half Moon Bay an ordinance entitled the "Main Street Bridge Preservation Act" that would, if enacted, amend the Half Moon Bay Local Coastal Program Land Use Plan (LUP) and Implementation Plan (Title 18 of the Municipal Code) to prohibit the demolition or enlargement of the Main Street Bridge unless such demolition or physical expansion is approved by the City Council and at least a majority of the City's electors voting at another, subsequent general or special election at which such a measure is submitted; and

WHEREAS, pursuant to Elections Code Section 9222, the City Council may submit to the voters an ordinance to allow the voters to decide if the Ordinance should be enacted; and

WHEREAS, a statewide direct primary election shall be held on Tuesday, June 3, 2014; and

WHEREAS, pursuant to Elections Code Section 14301, the City Council desires that the special election be consolidated with the June 3, 2014 statewide direct primary election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Half Moon Bay as follows:

Section 1. That pursuant to the requirements of the laws of the State of California relating to general law cities the City Council hereby calls an election, to be held on Tuesday, June 3, 2014 at which it shall submit to the qualified voters of the City of Half Moon Bay an ordinance enacting the "Main Street Bridge Preservation Act."

Section 2. That the wording of the question for the Main Street Bridge Safety and Accessibility Act Ballot Measure shall be as follows:

6 6 6 8 6 7 9 4	Shall an ordinance be adopted establishing the Main Street Bridge Preservation Act, amending the Local Coastal Program Land Use Plan and Zoning Regulations of the City to prohibit demolition or enlargement of the Main Street Bridge unless approved by the City Council and a majority of voters in a subsequent ballot measure?	Yes
		No

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Section 3. A majority vote of the voters is required to approve the ordinance.

Section 4. The full text of the measure to be voted upon is set forth in Exhibit A and is hereby incorporated by reference as though fully set forth herein.

Section 5. Arguments in Favor or Against the above ballot measure shall be filed with the City Clerk of the City of Half Moon Bay during regular business hours by March 14, 2014 after which no arguments for or against the City measure may be submitted to the City Clerk.

Section 6. The Mayor or his designee(s) are hereby authorized to prepare a written argument in opposition to the proposed ordinance, not to exceed 300 words, on behalf of the City Council. At the Mayor's discretion, the argument may also be signed by bona fide associations or by individual voters who are eligible to vote.

Section 7. Rebuttal arguments shall be filed with the City Clerk during regular business hours by March 24, 2014 and shall not exceed 250 words in length.

Section 8. The Mayor or his designee(s) are hereby authorized to prepare rebuttal responses to any arguments filed in favor of the ballot measure and the impartial analysis.

Section 9. The City Clerk is hereby directed to transmit a copy of the ordinance set forth in Section 1 above to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure in accordance with Section 9280 of the Elections Code.

Section 10. During the period commencing March 14, 2014 and ending March 24, 2014, the City Clerk shall make available for public inspection the arguments filed For or Against the ballot measure and the impartial analysis.

Section 11. The County Election Department is hereby authorized to canvass the returns of the election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 12. The County Election Department is hereby requested to place this measure after or below any other Half Moon Bay ballot measure in assigning letter designations to such measures, on the ballot, and on any ballot pamphlet or other materials.

Section 13. The Board of Supervisors of the County of San Mateo is hereby requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the election.

Section 14. The "full text" of Ordinance No. C-2014-_____ AN ORDINANCE AMENDING POLICY 7-8 (VISUAL RESOURCES) OF THE LOCAL COASTAL PROGRAM LAND USE PLAN (LUP) AND SECTION 18.39.045 OF THE IMPLEMENTATION PLAN (Title 18) TO PROHIBIT DEMOLITION OR EXPANSION OF THE MAIN STREET BRIDGE WITHOUT OBTAINING MAJORITY

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shall appear in the Voter Information Pamphlet.

Section 15. The City of Half Moon Bay recognizes that costs will be incurred by the County of San Mateo in connection with the election and agrees to reimburse the County for any such costs.

Section 16. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Election Department of the County of San Mateo.

Section 17. This Resolution shall take effect upon its adoption.

I, the undersigned, hereby certify that the forgoing Resolution was duly passed and adopted by the City Council of the City of Half Moon Bay, San Mateo County, California, at a meeting held on the 4th day of March 2014, by the following vote of members thereof:

Ayes, Councilmembers: Alifano, Patridge, Fraser and Muller


Noes, Councilmembers: Kowalczyk

Absent, Councilmembers: _____

Abstain, Councilmembers: _____

ATTEST:


Melissa Thurman, Deputy City Clerk


John Muller, Mayor

full text begins

Exhibit A

Ordinance No. C-2014-____

AN ORDINANCE AMENDING POLICY 7-8 (VISUAL RESOURCES) OF THE LOCAL COASTAL PROGRAM LAND USE PLAN (LUP) AND SECTION 18.39.045 OF THE IMPLEMENTATION PLAN (Title 18) TO PROHIBIT DEMOLITION OR EXPANSION OF THE MAIN STREET BRIDGE WITHOUT OBTAINING MAJORITY VOTER APPROVAL FOR SUCH DEMOLITION OR EXPANSION AT A SUBSEQUENT ELECTION

BE IT ORDAINED, by the People of the City of Half Moon Bay:

SECTION 1. Title.

This measure shall be known and may be cited as the "Main Street Bridge Preservation Act."

SECTION 2. Findings and Declarations.

The People of the City of Half Moon Bay declare their findings and purposes in enacting this Initiative to include the following:

The Main Street Bridge's historical, visual, and physical integrity (including appearance and character) shall be preserved intact, and its demolition or physical expansion prohibited, unless such demolition or physical expansion of the bridge's historical, visual, and physical integrity is authorized by the City Council and at least a majority of the City's electors voting at a general or special election at which such a measure is submitted.

SECTION 3. Definitions.

For the purposes of this Act, "Main Street Bridge" means the Pilarcitos Creek Bridge, also known as the Main Street Bridge, Site Number CA 0035C-25, spanning the Pilarcitos Creek, in Half Moon Bay, California.

SECTION 4. Local Coastal Program Land Use Plan Amendment.

(Amendments are indicated by ~~strikeout~~ and underlining.)

The Local Coastal Program Land Use Plan is amended as follows:

a. Policy 7-8 of Chapter 7 (VISUAL RESOURCES) is amended to read as follows:

"Policy 7-8:

New development, alterations to existing structures, and proposed demolitions in the downtown area, as designated on the Visual Resource Overlay Map, shall be subject to design approval in accordance with the following criteria:

- (a) Scale and style similar to that of the predominant older structures.
- (b) Continuity in building lines maintained along Main Street.
- (c) Existing older buildings which contribute significantly to the character of the area not demolished or altered in a manner which eliminates key architectural features.

Notwithstanding any other provisions of this Chapter, the Main Street Bridge's historical, visual and physical integrity (including appearance and character) shall be preserved intact, and its demolition or physical expansion prohibited, unless such demolition or physical expansion is authorized by the City Council and at least a majority of the City's electors voting at a general or special election at which such a measure is submitted."

SECTION 5. Municipal Code Amendment.

(Amendments are indicated by strikeout and underlining.)

The Half Moon Bay Municipal Code is amended as follows:

a. Section 18.39.045 is amended to read as follows:

"18.39.045 Demolition of any historic resource on the inventory. Prior to authorizing the issuance of a demolition permit to remove any building or object on the historic resources inventory from a site, the procedures set forth in this section shall be followed:

- A. The property owner shall submit evidence from a qualified professional that the building or object is a hazard to public health or safety and repairs or stabilization are not feasible; or
- B. The property owner shall submit a written statement indicating that there is no viable economic use of the building or object in its present configuration or condition, and it is not feasible to derive a reasonable economic return from the building or object in its present configuration or condition; and
- C. The property owner shall submit a written statement indicating that the building or object has been offered as a donation to a responsible organization such as the Spanish Town historical society for relocation to an appropriate receptor site for preservation.
- D. Notwithstanding any other provisions of this Chapter, the Main Street Bridge's historical, visual and physical integrity (including appearance and character) shall be preserved intact, and its demolition or physical expansion prohibited, unless such demolition or physical expansion is authorized by the City Council and at least a majority of the City's electors voting at a general or special election at which such a

measure is submitted.”

SECTION 6. City Government Responsibilities.

a. The City Council of the City of Half Moon Bay is hereby authorized and directed to amend provisions of the General Plan, Local Coastal Program Land Use Plan, Municipal Code, and any other policies, specific plans, maps and ordinances not amended by this Initiative as soon as possible and in the manner and time required by State or Federal law, if such amendments are necessary to ensure consistency between this Initiative and other elements and provisions of the City's General Plan, Local Coastal Program Land Use Plan, Municipal Code, and other City policies, specific plans, maps and ordinances.

b. The City Council shall submit, and process to completion, any amendment(s) to the Local Coastal Program by this Initiative, which require approval, to the California Coastal Commission, not later than 60 days, after the Initiative becomes effective, except as provided in Section 7, in an appropriate manner with necessary supporting documents and information.

c. The City Council and other officials and employees of the City Government are mandated by the People of the City of Half Moon Bay to apply and enforce the provisions of this Initiative, except to the extent that application of any provision is determined by a valid and final order of the California Coastal Commission to violate the California Coastal Act of 1976, or is determined by a valid order of a court to violate the Constitution or law of California or the United States.

SECTION 7. Effective Date.

In accordance with the provisions of California Elections Code section 9217, if a majority of the voters vote in favor of the Initiative, the Initiative shall go into effect 10 days after the vote is declared by the City Council provided, however, that if another ballot measure is placed on the same ballot as this measure and deals with the subject of the Main Street Bridge, and if both measures pass, the voters intend that the measure which obtained more votes will control and the other shall be of no further force or effect.

SECTION 8. Severability.

If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts or portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

SECTION 6. Construction of Initiative.

This Initiative shall be liberally construed to accomplish its purposes. This Initiative is not intended to preempt or conflict with any state or federal law or regulation, and shall be so construed and applied. This Initiative is also intended to be and shall be construed as consistent with each and every element, provision and map, and the whole of the Half Moon Bay General Plan.

SECTION 7. Amendments..

Except as expressly provided herein, this Initiative may be amended or repealed only by the voters of the City of Half Moon Bay.

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