



**CITY COUNCIL AGENDA
REGULAR MEETING
CITY OF HALF MOON BAY**

TUESDAY, DECEMBER 6, 2022

REMOTE PARTICIPATION (SEE NEXT PAGE)

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

7:00 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 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. Please click to join the webinar: <https://us06web.zoom.us/j/99588947925> or join by phone at 669-900-9128, using Webinar ID 995-8894-7925. If joining by phone, use *9 to raise your hand, *6 to mute and unmute.*

CALL TO ORDER / ROLL CALL

APPROVAL OF AGENDA

PUBLIC FORUM

PROCLAMATIONS AND PRESENTATIONS

MAYOR'S ANNOUNCEMENTS OF COMMUNITY ACTIVITIES AND COMMUNITY SERVICE

REPORT OUT FROM RECENT CLOSED SESSION MEETINGS

CITY MANAGER UPDATES TO COUNCIL

REORGANIZATION / STATE OF THE CITY ANNOUNCEMENT

HERITAGE DOWNTOWN UPDATE

GRANTS PROGRAM UPDATE

1. CONSENT CALENDAR

1.A WAIVE READING OF RESOLUTIONS AND ORDINANCES

1.B RE-RATIFICATION OF RESOLUTION TO CONTINUE HOLDING PUBLIC MEETINGS REMOTELY (AB 361)

Staff Recommendation: By motion, in accordance with Assembly Bill 361, re-ratify the findings in Resolution No. 2021-80 to continue conducting the City’s Council, Commission, and Committee meetings remotely due to health and safety concerns to the public due to COVID-19.

[STAFF REPORT](#)

1.C NO BUILD DETERMINATION FOR THE MAIN STREET BRIDGE REHABILITATION PROJECT

Staff Recommendation: Adopt a resolution authorizing the City Manager to recommend approval of the National Environmental Policy Act “No Build Option” for Main Street Bridge Replacement project and direct staff to prepare all necessary documents to implement this recommendation in accordance with Caltrans and Federal Highway Administration procedures.

[STAFF REPORT](#)

[RESOLUTION](#)

[ATTACHMENT 1](#)

[ATTACHMENT 2](#)

[ATTACHMENT 3](#)

[ATTACHMENT 4](#)

1.D AGREEMENT WITH SWCA ENVIRONMENTAL CONSULTANTS, FOR ENVIRONMENTAL SERVICES FOR PILARCITOS CREEK RESTORATION AND REMEDIATION PROJECT

Staff Recommendation: Adopt a resolution authorizing the City Manager to execute a Professional Services Agreement with SWCA Environmental Consultants, in the amount of \$53,328 for environmental and entitlement services associated with the Pilarcitos Creek Restoration and Remediation Project.

[STAFF REPORT](#)

[RESOLUTION](#)

2. ORDINANCES AND PUBLIC HEARINGS

2.A ADOPTION OF THE 2022 EDITIONS OF THE CALIFORNIA BUILDING STANDARDS CODE

Staff Recommendation: Conduct a public hearing, and upon receiving community input:

1. Introduce an ordinance amending Chapter 14.04 of the Half Moon Bay Municipal Code, adopting by reference the 2022 Edition of the California Building Standards Code, with local amendments, and finding the amendments to be exempt from environmental review under the California Environmental Quality Act (CEQA);
and
2. Direct staff to place the ordinance and the attached resolution establishing the “Need for Local Modifications to the California Building Standards Code” and ratifying the Coastside Fire Protection District’s Ordinance No. 2022-03 on the consent calendar for adoption on December 20, 2022.

[STAFF REPORT](#)

[RESOLUTION](#)

[ORDINANCE](#)

2.B DISPOSABLE FOODWARE ORDINANCE UPDATE

Staff Recommendation: Conduct a public hearing and:

- (1) Introduce an ordinance (Attachment 1) amending Chapter 7.30 of the Half Moon Bay Municipal Code entitled “Disposable Foodware” regarding food facilities’ provision of single-use foodware accessories, the removal of language surrounding fluorinated chemicals, and the removal of language surrounding BPI certified compostable plastics, and finding the amendments to be exempt under the California Environmental Quality Act (CEQA); [Option 1] or
- (2) Introduce an ordinance (Attachment 2) amending Chapter 7.30 of the Half Moon Bay Municipal Code entitled “Disposable Foodware” regarding food facilities’ provision of single-use foodware accessories, the removal of language surrounding fluorinated chemicals, the removal of language surrounding BPI certified compostable plastics, and, beginning on June 1, 2023, requiring reusable foodware for On-premises dining, and finding the amendments to be exempt under the California Environmental Quality Act (CEQA) [Option 2].

[STAFF REPORT](#)

[ATTACHMENT 1](#)

[ATTACHMENT 2](#)

3. RESOLUTIONS AND STAFF REPORTS

None.

COMMISSION / COMMITTEE UPDATES

CITY COUNCIL REPORTS

FOR FUTURE DISCUSSION / POSSIBLE AGENDA ITEMS

ADJOURNMENT

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **December 6, 2022**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Jessica Blair, Communications Director / City Clerk

TITLE: **RE-RATIFICATION OF RESOLUTION TO CONTINUE HOLDING PUBLIC MEETINGS REMOTELY (AB 361)**

RECOMMENDATION:

By motion, in accordance with Assembly Bill 361, re-ratify the findings in Resolution No. 2021-80 to continue conducting the City's Council, Commission, and Committee meetings remotely due to health and safety concerns to the public due to COVID-19.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

STRATEGIC ELEMENT:

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

BACKGROUND:

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19.

Thereafter, on March 17, 2020, the City Council adopted Resolution 2020-16 declaring a local emergency due to COVID-19. The same day, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act to allow local legislative bodies to conduct meetings telephonically or by other means. Additionally, the State implemented a shelter-in-place order, requiring all non-essential personnel to work from home.

Staff quickly worked to set up remote meetings via Zoom for all City Council and Planning Commission meetings. The Zoom meetings have allowed the Council, Commissions, and Committees to continue to conduct City business from the safety of members' homes. The City has been utilizing Zoom for the past 18 months to conduct nearly all public meetings. The usage of Zoom for public meetings has allowed the City to ensure the public's continued access to government meetings while also ensuring the public's safety.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which extended the ability of agencies to hold remote meetings through September 30, 2021, after which agencies anticipated transitioning back to public meetings held in full compliance with the Brown Act. In preparation for the return to in-person meetings, staff has been working on acquiring audio and visual upgrades for City facilities to conduct hybrid meetings. Although hybrid meetings would help to keep the public safe by allowing them to continue accessing the meetings from their own home, Councilmembers, Commissioners, Committee members, and staff would need to meet in person.

Since the Governor issued Executive Order N-08-21, the Delta variant has emerged, causing a spike in cases throughout the state. As a result, the San Mateo County Health Department issued a Health Order requiring masks indoors in public places, regardless of vaccination status, starting August 3, 2021.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which allows cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements that are similar but not identical to the rules and procedures established by the previous Executive Orders.

AB 361 authorizes local agencies to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act during a declared state of emergency, when state or local health officials have imposed or recommended measures to promote social distancing during the proclaimed state of emergency, or when there is an imminent risk to the health or safety of attendees.

On October 5, 2021, the City Council adopted Resolution No. 2021-80 under the requirements of AB 361 to continue conducting meetings remotely. AB 361 requires the City Council to make the findings every 30 days, necessitating the need for this item.

On December 15, 2021, a statewide mask mandate went into effect due to a rise in cases across the state.

On January 10, 2022, in response to the surge of COVID-19 cases, Omicron variant, City Hall closed to the public moving services to remote services.

On March 1, 2022, the statewide requirement that unvaccinated individuals mask in indoor public settings moved to a strong recommendation that all persons, regardless of vaccine status, continue indoor masking. The San Mateo Chief Health Officer has likewise recommended the CDC's masking guidance.

It has been announced by the Governor's Office that the State of Emergency will expire on February 28, 2023. Therefore, the City Council will be required to return to in-person meetings starting on March 1, 2023.

DISCUSSION:

AB 361 will allow local legislative bodies to continue to meet remotely after the September 30, 2021 expiration of the Governor's executive orders. A local agency will be allowed to continue to meet remotely when:

- The local agency holds a meeting during a declared state of emergency
- State or local health officials have imposed or recommended measures to promote social distancing
- Legislative bodies declare the need to meet remotely due to present imminent risks to the health or safety of attendees

The City meets the requirements to continue holding meetings remotely to ensure the health and safety of the public due to the following:

- The City is still under a local state of emergency
- County health orders require that all individuals in public spaces maintain social distancing and wear masks
- The City can't maintain social distancing requirements for the public, staff, Councilmembers, Commissioners, and Committee Members in their meeting spaces

The City cannot ensure social distancing requirements are met inside City facilities where the City Council, Planning Commission, Parks and Recreation Commission, Redistricting Advisory Committee, Bicycle and Pedestrian Advisory Committee, and Main Street Bridge Advisory Committee meet.

Councilmembers, Commissioners, Committee Members, and staff sit well within six feet of each other. Moreover, the County's indoor mask order is still in effect, making it difficult to hear what Councilmembers, Commissioners, Committee Members, staff, and public speakers are saying. Furthermore, while speaking through masks may be understandable in person, picking up speech on microphones for those attending remotely and those watching any livestreams would be difficult.

Per AB 361, the City Council would need to declare every 30 days that the City's legislative bodies must continue to meet remotely to ensure the health and safety of the public. Staff recommends that the City Council declare these findings are true so these bodies can continue to meet remotely. Staff will return with this resolution for re-ratification at the Council's 1st Tuesday meeting each month, at which time the Council can reassess as various health orders and COVID-19 parameters change.

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **December 6, 2022**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: John Doughty, Public Works Director
Maz Bozorginia, City Engineer

TITLE: NO BUILD DETERMINATION FOR THE MAIN STREET BRIDGE REHABILITATION PROJECT

RECOMMENDATION:

Adopt a resolution approving the NEPA “No Build” option for the Main Street Bridge Rehabilitation project and direct staff to take all necessary actions to close out the Project in accordance with Caltrans and FHWA procedures.

FISCAL IMPACT:

Selection of the No Build Option and close-out of the Project will result in an immediate savings of approximately \$150,000 related to design and environmental review with an additional savings of approximately \$1.35 million in City matching funds during construction. To date, Caltrans has reimbursed the City approximately \$750,000 in design and environmental costs. Because environmental, right-of-way, and legal issues have arisen during this preliminary engineering phase that make the project not feasible or cost-effective, Caltrans reimbursement of the City’s preliminary engineering costs is authorized under the Caltrans Local Assistance Program Guidelines, Chapter 6 (Highway Bridge Program), and should not be subject to a refund.

STRATEGIC ELEMENT:

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

BACKGROUND:

The Main Street Bridge was constructed in the early 1900’s and serves as the primary access point to downtown Half Moon Bay from State Route 92. The Main Street Bridge is a critical element of the City’s downtown and environmental setting. It is a historic structure and has a critical relationship to the riparian habitat resources of Pilarcitos Creek. The Bridge structure is a concrete arch that is supported on concrete abutments and timber piles. A spandrel wall

projects out from the arch soffit and supports the earthen fill used as the roadbed. Wingwalls extend back from the abutments to support the roadway approaches.

Main Street Bridge Rehabilitation Project

In 2012, the City authorized design of a new Main Street Bridge that would demolish the existing bridge and replace it with a new, wider bridge to address identified structural deficiencies. Staff subsequently applied for a bridge replacement grant from Caltrans and the Federal Highway Administration (FHWA). There was significant community opposition to this bridge replacement project and in 2014 Half Moon Bay voters passed Measure F, the “Main Street Bridge Preservation Act,” which requires the Bridge’s “historical, visual, and physical integrity (including appearance and character)” to be “preserved intact” and prohibits the City from demolishing or physically expanding the Bridge without a prior vote of the people. In addition, the Main Street Bridge (also known as the Pilarcitos Creek Bridge) was listed on the National Register of Historic Places.

In 2015, the City Council commissioned a report from Atkinson Noland & Associates, a Colorado-based structural engineering firm regarding the Main Street Bridge. The report did not evaluate seismic stability, but ultimately concluded that the bridge was structurally adequate and not eminently likely to fail.

In 2016, the City applied for federal grant funding to address seismic retrofit of the Bridge as part of the Highway Bridge Program (HBP). The purpose of this Project was to have a federally funded Main Street Bridge rehabilitation project consistent with Measure F’s requirement to preserve the Bridge’s historical, visual, and physical integrity intact. On February 28, 2018, Caltrans approved a \$1,291,000 budget for Preliminary Engineering, authorizing preparation of plans, specifications, environmental document, permits and project management for the Project.

Right-of-Way Issues Associated with New Barrier Standards and Resulting Design Modifications

While preliminary engineering work was underway, Caltrans adopted new bridge barrier requirements. These standards apply to all State and federally funded bridge construction and rehabilitation projects advertised for construction on or after September 1, 2019, and were not contemplated at the time of the Project grant application or award. Under the new provisions, all barriers must comply with the Manual for Assessing Safety Hardware (MASH) criteria and must be crash-tested.

The new MASH criteria required significant modifications to the initial bridge rehabilitation design, including replacing the existing barriers, widening of the sidewalks to accommodate the new barriers, removal of the pilasters, and providing additional weight support. This new design became the Preferred Design Alternative for review under the National Environmental Policy Act (NEPA), which is required in addition to CEQA for any project that is federally-funded.

Environmental and Legal Issues Associated with the Project Design

Given the design modifications to accommodate the MASH barriers, there is a concern that the Project could result in an adverse effect on historic integrity under Section 106 of the National Historic Preservation Act or significant historical resource impacts under NEPA or CEQA. Caltrans' Architectural Historian has emphasized the importance of maintaining the overall visual appearance of the bridge to pedestrian and vehicle users and has not accepted the bridge design as meeting historic requirements.

There is also a concern that the Project design is not consistent with Measure F. In January 2022, the City received a letter from a resident threatening litigation for alleged violations of Measure F and asking the City to Cease and Desist all work on the Main Street Bridge Rehabilitation Project. This was followed by a May 2022 communication from the Caltrans Structural Group informing the City that Highway Bridge Program managers received FHWA input on the project design and the FHWA considers this a bridge replacement project, not a rehabilitation project. They concluded that "this is essentially a bridge replacement project with the existing arch bridge being rehabilitated for the purposes of aesthetics."

Given this state and federal determination that the Preferred Design Alternative is a bridge replacement project, not a rehabilitation project, it is advisable that the City does not proceed with the project, in light of Measure F. The voters of Half Moon Bay overwhelmingly rejected a bridge replacement project in adopting Measure F, and the surrounding circumstances have not materially changed since that time. In staff's opinion, submitting this bridge Project to the voters would not achieve a different result. This is based on consultations with community members involved in the Measure F election. Further, at a public meeting in March of 2022, the City Council directed staff to suspend all work on the bridge Project due to potential adverse impacts to the historic bridge, project delays, and increased costs. The City did not receive comments before or after that meeting expressing concerns over that action or advocating to move forward with the Project.

Accordingly, it is unlikely that the Project is legally feasible. Further, calling an election would entail considerable expense, as the City would be required to reimburse the County for the costs associated with holding the election.

Cost-Effectiveness, Purpose and Need

The design modifications necessitated by the new MASH barrier standards and associated review delays have resulted in total anticipated bridge costs at least 30-percent higher than anticipated in 2018. Further, Caltrans informed the City in May of 2022 that, given it considered the new design a replacement project, further grant funds for the Project would be limited to the cost of demolition of the existing arch bridge (which would violate Measure F). In other words, federal funds would not be available to construct the Preferred Design Alternative for this Project. As such, the project is no longer cost-effective. Further, this Alternative no longer meets the Project purpose of a federally funded bridge rehabilitation project and the only viable option remains the No Build Alternative.

The “No Build” Alternative

The NEPA alternatives for the Project consist of the Preferred Design Alternative and a No Build Alternative. The No Build Alternative is defined as not moving forward with a federally funded project to rehabilitate the Main Street Bridge. It includes minimum maintenance by the City limited to repainting the barriers, replacing timber decking boards etc. when required, similar to the current maintenance program.

DISCUSSION:

City staff is submitting the attached BCA Project Report for Council’s Consideration and recommending that the City Council approve the NEPA “No Build Alternative” for the Project for the following reasons:

1. There are environmental concerns regarding the project’s impact to a historic resource, the Main Street Bridge, given modifications to bridge necessitated by MASH standards.
2. Caltrans and FHWA determination that this is a “replacement” project as opposed to a “rehabilitation” project and the approved rehabilitation funds could only be used towards demolition of the existing bridge, but Measure F prohibits demolition without voter approval.
3. Legal issues have arisen that make the project not feasible. Submitting this Project to voters is unlikely to achieve an approval by a majority of voters and would be a waste of public funds.

ATTACHMENTS:

1. City’s Measure F
2. Cease and Desist Letter
3. Caltrans Structural Group Determination
4. BCA Project Report, Technical Memorandum re Main Street Bridge Rehabilitation—
Alternatives Analysis and Project Closeout

RESOLUTION NO. C-2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY APPROVING THE NEPA NO BUILD ALTERNATIVE FOR THE MAIN STREET BRIDGE REHABILITATION PROJECT

WHEREAS, the Main Street Bridge, constructed in the early 1900s, serves as the primary access point to downtown Half Moon Bay from State Route 92 and is a critical element of the City's downtown and environmental setting; and

WHEREAS, after significant community opposition to a proposed Main Street Bridge replacement project, in 2014, Half Moon Bay voters passed Measure F, the "Main Street Bridge Preservation Act," which requires the Bridge's "historical, visual, and physical integrity (including appearance and character)" to be "preserved intact" and prohibits the City from demolishing or physically expanding the Bridge without a prior vote of the people, and the Main Street Bridge (also known as the Pilarcitos Creek Bridge) was listed on the National Register of Historic Places; and

WHEREAS, in 2016, the City applied for federal grant funding as part of the Highway Bridge Program (HBP) and was approved for the rehabilitation of the historic Main Street Bridge for a total project cost of \$8,527,000 with a federal share of \$7,549,000 (88.53 percent) and local match of \$978,000 (11.47 percent); and

WHEREAS, on February 28, 2018, Caltrans notified the City that its request for Preliminary Engineering funds has been approved for \$1,291,000 with federal reimbursement at 88.53%; and issued an E-76 form for the Preliminary Engineering authorizing preparation of plans, specifications, environmental document, permits and project management for the project; and

WHEREAS, after that authorization, the City and its consultant team worked closely with Caltrans staff to ensure the design of the historic rehabilitation was in compliance with the City's Measure F provisions (the Main Street Bridge Preservation Act); and

WHEREAS, in 2019, Caltrans adopted new bridge barrier requirements, which apply to all State and federally funded bridge construction and rehabilitation projects advertised for construction on or after September 1, 2019, and require that all barriers must comply with the Manual for Assessing Safety Hardware (MASH) criteria and be crash-tested; and

WHEREAS, the new MASH criteria required significant modifications to the Bridge design including replacing the existing barriers, widening of the sidewalks to accommodate the new barriers, removing the pilasters, and providing additional weight support, and this new design constitutes the Preferred Design Alternative for review under the National Environmental Policy Act (NEPA); and

WHEREAS, in January 2022, the City received a letter from a resident threatening litigation for alleged violations of Measure F and asking the City to Cease and Desist all work on the Main Street Bridge Rehabilitation Project in large part due to design modifications necessitated by the new MASH criteria; and

WHEREAS, on March 12, 2022, the City Council directed staff to send a letter informing Caltrans of the City's intent to suspend all work on the Main Street Bridge Rehabilitation Project and to initiate project closeout in light of potential adverse impacts to the historic Bridge, project delays, and increased costs, and the City did not received concerns from the public before or after that meeting regarding that action; and

WHEREAS, HBP managers have received FHWA input on the Bridge design and they now consider this a bridge replacement project, not a rehabilitation project; and

WHEREAS, given this state and federal determination that the Preferred Design Alternative is a bridge replacement project, not a rehabilitation project, it is advisable that the City not proceed with the project in light of Measure F, and the City Council further believes that a majority of City voters would not approve this Bridge Project and therefore submitting it to the voters would be a waste of public funds; and

WHEREAS, there are environmental concerns regarding the project's impact to a historic resource, the Main Street Bridge, given modifications to bridge necessitated by MASH standards; and

WHEREAS, the design modifications necessitated by the new MASH standards and associated review delays have resulted in total anticipated bridge costs of at least 30-percent higher than anticipated in 2018, and in addition, Caltrans informed the City in May of 2022 that, given it considered the new design a replacement project, further grant funds for the Project would be limited to the cost of demolition of the existing arch bridge (which would violate Measure F); and

WHEREAS, the NEPA No Build Alternative is defined as not moving forward with a federally funded project to rehabilitate the Main Street Bridge and includes minimum maintenance by the City limited to repainting the barriers, replacing timber decking boards etc. when required, similar to the current maintenance program; and

WHEREAS, the Preferred Design Alternative no longer meets the Project purpose of a federally funded bridge rehabilitation project and the only viable option remains the No Build Alternative.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council of the City of Half Moon Bay finds that for the reasons stated herein, including environmental, right-of-way, and legal issues, the Main Street Bridge Rehabilitation Project is not feasible or cost-effective.
2. The City Council of the City of Half Moon Bay hereby approves of the NEPA No Build Alternative for Main Street Bridge Replacement Project and directs staff to take all necessary actions to close out the Project in accordance with Caltrans and FHWA procedures.

I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 6th day of December 6, 2022 by the City Council of Half Moon Bay by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:

APPROVED:

Jessica Blair, City Clerk

Debbie Ruddock, Mayor

City of Half Moon Bay

Compiled by City of Half Moon Bay City Clerk Ms. Siobhan Smith

Measure F

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?

Full Text

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

City of Half Moon Bay

Compiled by City of Half Moon Bay City Clerk Ms. Siobhan Smith

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 9. 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 10. Amendments..

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

Impartial Analysis of Measure F

The City Council of the City of Half Moon Bay has placed Measure F, the "Main Street Bridge Preservation Act" on the June 3, 2014 ballot, along with a competing measure, Measure E, the "Main Street Bridge Safety and Accessibility Act." The measures offer competing visions for the future of the Main Street Bridge.

Measure F is substantively identical to an initiative petition prepared by opponents of the City of Half Moon Bay's proposed project. It seeks to restrict the City of Half Moon Bay from replacing or enlarging the bridge. It would require the City Council to adopt an ordinance amending Half Moon Bay's Local Coastal Program (LCP) and Zoning regulations to prohibit the bridge's demolition or "physical expansion," unless voters approve such an action in another, future ballot measure. It would require the City Council to submit the ordinance to the Coastal Commission for certification, and to abide by its provisions pending such certification. Once certified, any amendment or repeal of the ordinance would also require Coastal Commission certification.

Caltrans has given the bridge a safety rating of 24 on a scale of 1-100 under its bridge rating system. It is considered "functionally deficient" because it is narrow by current highway safety standards, lacks shoulders or bike lanes, and is poorly aligned with Main Street at the north end. It is also considered "structurally deficient," with large cracks, separated concrete and corroded metal support brackets all plainly visible from below. In 2011, the City won a federal Highway Bridge Project (HBP) grant that will cover 88% of the cost of rehabilitation or replacement, but grant guidelines specify that funds be used to address both structural and functional deficiencies, and that the resulting structure achieve a safety rating of 80 or above. Since fixing the bridge's functional issues would involve building wider lanes and walkways and improving the alignment, Measure F would restrict the City from using these grant funds without conducting another ballot measure election. Just repairing the bridge, the approach favored by project opponents, does not meet these grant guidelines.

Measure E, the "Main Street Safety and Accessibility Act," would establish, as official City policy, to address both structural and functional safety deficiencies, and to pursue the option that is most cost-effective for local taxpayers, by minimizing expenditure of general fund revenue and maximizing the use of available grant funds.

Measures E and F both contain provisions specifying that, even if both measures are approved by a simple majority of voters (more than 50%), only the measure receiving the larger number of votes will pass.

If Measure F takes effect, then preserving intact the bridge's current "historical, visual and physical integrity (including appearance and character)" would be established by voters as "official policy" of the City of Half Moon Bay.

The above statement is an impartial analysis of Measure F. If you desire a copy of the ordinance, please call the City Clerk's office at 650-726-8271 and a copy will be mailed at no cost to you.

/s/ **Anthony P. Condotti**
City Attorney, City of Half Moon Bay

March 24, 2014

City of Half Moon Bay

Compiled by City of Half Moon Bay City Clerk Ms. Siobhan Smith

Arguments in support of or in opposition to the proposed laws are the opinions of the authors.

Argument in Favor of Measure F

For three years, one person after another has stood in front of the City Council begging them not to close the bridge, not to cripple our local economy. The Council sat there stone faced and ignored each and every one of us. Instead, they continue to listen to the consultants who will profit from a huge bridge project.

So now, \$500,000 in the hole, they are trying to hijack the people's initiative process.

Our ballot measure is simple. It will require a majority vote of the citizens in a regular election before the bridge can be destroyed or expanded. No loopholes.

The City wants you to believe that Measure F is the same as ours. They even gave it an identical title. But not only has the City left out every single one of our findings, they have also removed the very words that describe the purpose of the measure. There is no reason to exclude that language except to make the measure weaker and more vulnerable in a court of law.

So there are now two "Main Street Bridge Preservation Acts". Why the bait and switch? Because something else happens in November: an election for City Council. After three years of willful disregard for their citizens, Council members running for reelection want the bridge fiasco put to bed and forgotten before their positions are at risk.

Despite the chicanery, the only rational response is to vote NO on E and YES on F, and then vote YES again in November when the identically named measure once again appears on the ballot.

Yes, we know it's confusing. That's why they did this, and it's why you must vote
NO on E and YES on F.

Save Our Bridge, Save Our Budget, Save Our Town
www.hmbbridge.com

/s/ **David Eblovi** March 14, 2014
/s/ **Mark Heath** March 14, 2014
Chiropractor
/s/ **George Gipe** March 14, 2014
/s/ **Luciano Arruda** March 14, 2014
/s/ **John Lynch** March 14, 2014

Rebuttal to Argument in Favor of Measure F

Don't be Fooled!
Vote "NO" on F

The only difference between Measure F and the initiative being circulated by opponents of the Main Street Bridge Project is the highly slanted and divisive "findings" included in their measure. If approved it would have the exact same effect—requiring another time consuming and expensive election before any project can proceed to make the Main Street Bridge safer for cars, bikes and pedestrians. The City Council placed Measures E and F on the ballot to gauge public sentiment now, lot later. Opponents seek to manipulate public opinion with misleading, exaggerated and downright false information. Their obstruction and delay tactics have already added tens of thousands of dollars to the Project. Don't fall for their tactics. Vote "NO" on Measure F, and vote "NO" again if their measure qualifies for the November ballot.

Caltrans rates the Main Street Bridge a 24 on a safety scale of 1-100, because of its failing concrete, narrow width, and unsafe alignment. Project opponents don't want its serious design safety issues corrected. 88% of the current Project cost will come from federal grants. The Band-Aid approach favored by Opponents doesn't meet grant guidelines, will require the bridge's complete closure for substantial periods during construction, and could cost millions, in local tax dollars.

Let's use available grant funds to build a bridge that's safer for our children and loved ones. Don't saddle local taxpayers with opponents' Band-Aid Approach. Vote "NO" on Measure F! Let's fix the Main Street Bridge!

/s/ **John Muller** March 24, 2014
Mayor
/s/ **Albert J Adreveno** March 24, 2014
Former 4 Time Mayor
/s/ **Richard Kirchner** March 24, 2014
ADA Advocate
/s/ **David Lea** March 24, 2014
Farmer
/s/ **Jacque Maxon** March 24, 2014

City of Half Moon Bay

Compiled by City of Half Moon Bay City Clerk Ms. Siobhan Smith
Arguments in support of or in opposition to the proposed laws are the opinions of the authors.

Argument Against Measure F	Rebuttal to Argument Against Measure F
“F” = Failure Vote NO on Measure F! The Main Street Bridge Preservation Act would saddle the residents of Half Moon Bay with the full cost of a band-aid approach that requires complete closure of the bridge for significant periods of time and doesn’t address the bridge’s serious design safety issues. The City Council made the right decision to put this measure on the June ballot. Voters will be making the right decision by voting “no.” Drafted by strident opponents of the City Council’s plan to fix the bridge, it seeks to preserve the existing dimensions and configuration of a bridge built in 1900, when its primary use was for horses, buggies and wagons. Today southbound trucks and buses routinely cross the centerline attempting to avoid the bridge’s narrow rails, which also bear the scars and paint marks of vehicles. Folks adventurous enough to brave the overgrown vegetation of Pilarcitos Creek to catch a glimpse of the bridge’s concrete arch are greeted with a stark view of the bridge’s structural deficiencies, large cracks, separated concrete sections and water seeping from gaps in concrete. A major water pipeline is also at risk should anything happen to the bridge. In 2009, 2011 and again in 2013 Caltrans safety engineers gave the bridge a safety rating of 24 on a scale of 1-100 due to its structural and functional defects. The low score qualified the bridge for federal funds that will cover 88% of the cost of bridge upgrades and new, safe and ADA accessible sidewalks. The band-aid approach proposed by bridge project opponents doesn’t meet funding criteria for these grants. Vote “no” on the Main Street Bridge Preservation Act to ensure enough flexibility to continue the environmental process to find a safe fix for the bridge.	Opponents contend that Measure F “would saddle residents with the full cost” of construction. What nonsense!! Read Measure F for yourself. You’ll see that it simply requires voter approval before a demolition or major expansion of the bridge. That’s it!! Opponents also contend that Measure F requires complete closure and fails to address safety concerns. Where do they come up with this nonsense? Measure F simply requires voter approval before demolition or expansion. Nothing more, nothing less. The City Council has flatly refused to test the bridge. As a result, caring citizens had to hire our own engineering firm to do the work that the City Engineer and his firm should have already done. The City Council has chosen a path that endangers every business on Main Street. One frustrated citizen after another has stood before the council to voice their objections. Long petitions have been presented to the Council, and yet the Council still willfully ignores every one of us. This is why your fellow citizens have lost faith within the City Council on this issue. Everyone wants a safe, convenient and cost-effective solution for the bridge’s issues. And Measure F allows the City to explore all options, up to and including demolition and replacement. What Measure F also does is require the City to listen to us, the voters, before taking dramatic action or spending a ton of money. That’s why they can’t afford to tell the truth. It’s that simple. Please vote YES On Measure F!! www.hmbbridge.com
/s/ Farmer John Muller March 14, 2014 Farmer /s/ Robert Tucker March 14, 2014 Retired - Caltrans /s/ Silvio J. Modena Jr March 14, 2014 Retired /s/ Peter A. Welch March 13, 2014 Owner Arrowhead Framing /s/ Naomi Patridge March 14, 2014 Councilmember	/s/ George Gipe March 24, 2014 /s/ John Lynch March 24, 2014 /s/ David Eblovi March 24, 2014

January 2, 2022

City of Half Moon Bay
via City Attorney Catherine Engberg
501 Main Street
Half Moon Bay, CA 94019

Subject: *Cease and Desist letter regarding the Main Street Bridge Rehabilitation Project*

Dear Catherine,

I am writing you as the author and initial proponent of the Main Street Bridge Preservation Act (MSBPA) to demand that the City immediately halt all work the Main Street Bridge Rehabilitation Project. This project, as currently scoped and budgeted, and as you have already found, is a blatant violation of the MSBPA and the clearly stated will of the people of Half Moon Bay.

Background

The Pilarcitos Creek Bridge (commonly called the Main Street Bridge) was built in 1900 across Pilarcitos Creek in Half Moon Bay. The bridge connected Santa Cruz with San Francisco for the first time and led to a steady state of growth in Half Moon Bay that had not been possible previously. The bridge, the first concrete bridge in San Mateo County, stood for its first 110 years with minimal maintenance, and as would become known, little actual degradation in overall safety or capability.

In 2010, the City Engineer, who was a principal for CSG Consultants, ginned up a replacement project for the bridge that focused on non-existent safety issues he presented as being a threat to human life. Thus began a five-year failed attempt by the City to sell the public on the notion that the bridge was unsafe. The proposed project, which received its final Council approval on September 17th, 2013, was to cost \$8.2 million and would take a year and a half to two years to complete.

The public revolted at this idea, and drafted and then submitted to the ballot a measure known as the Main Street Bridge Preservation Act, which was intended by its authors and the individuals who voted for it to protect the bridge in its current state in perpetuity. Specifically, the act said this:

Notwithstanding any other provisions of this Chapter, the Main Street Bridge's **historic, visual and physical integrity**, (including appearance and character) **shall be preserved intact, and its demolition or physical expansion prohibited**, unless preservation of the bridge and its historic, visual and physical integrity is rejected and 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. (Emphasis added.)

After the Act was approved with a 66 percent majority vote it was passed into law by the City Council later in 2014, thereby ending the replacement project. That project had already spent, to that point in time, nearly \$600,000 on preliminary engineering and \$320,000 on legal fees.

In 2015, bending to the stated will of the people, and with two new Councilmembers replacing old holdouts, the Council moved to hire renowned civil engineering firm Atkinson-Noland & Associates (ANA) from Colorado to do a complete evaluation of the bridge. This work included petrographic analysis of the concrete and ground penetrating radar analysis of the structure. Importantly, ANA was also tasked with giving it a load rating, as well as creating a project scope and budget for the rehabilitation of the bridge. The City paid ANA approximately \$225,000 for their work, which was presented to the public on October 2nd, 2015.

The ANA Report found that the bridge had no serious issues at all, as well that the foundations (using historical photographic evidence and bridge reports) appear to be completely intact. The load-rating for the bridge was an astonishing 2.5x+ over the maximum weight allowed by law on the bridge. The project scope that they described in detail called for \$370,500 of actual repair/mitigation work¹ focusing primarily on epoxy-grouting and doweling the cracked parts of the structure back into a cohesive whole. The proposed project could be completed in one dry season and would result in no traffic interruptions into the downtown area.

In early 2016, the City didn't want to be on the hook for the original \$900k spent on the now dead replacement project, so they convinced Caltrans and the Federal government to roll those already sunk costs over into a "new" Caltrans rehabilitation project, one that would somehow comply with the Act and also paradoxically meet all Federal and State requirements for funding the new project.

At the February 2, 2016 meeting where the motion was passed 3-2, Mayor Ruddock offered that the Caltrans project was "overkill," and that "The engineer's report on this bridge is bulletproof. It survived the Loma Prieta earthquake. I'm not going to support the motion (to attempt to restart a Caltrans-driven project) because I support the fix by ANA." Vice Mayor Penrose concurred in this opinion.

At no time since has it been evident that any Councilmember was aware that the new Caltrans project would require the destruction of a substantial portion of the extant bridge, nor has the public been notified of the magnitude and cost of the proposed destruction and subsequent replacement of all of the load-bearing components of the historic structure. Not only were the Council and public kept in the dark about the true nature of the project, it appears from your June 5, 2018 Memo to Council that you were also unaware of the immensely greater scope that included a literal replacement bridge in lieu of a simple rehabilitation of the old bridge.

¹ The total proposed budget was Design Fees: \$36,000, Estimated Construction Fees: \$370,000 and Environmental Permits and Clearances: \$85,000.

At the Council's August 21, 2018 meeting an item was passed on Consent that authorized the City Manager to enter into contracts totaling \$1.1 million, but the Staff Report contained no details as to the proposed design and the destruction that would take place as a result. Privilege was waived on the City Attorney's June 5, 2018 Memo to the Council on why and how the proposed project would not trigger enforcement under the MSBPA, but this document was not presented to the public at the time.

The next (and last) City Council meeting where the bridge was discussed was on July 16, 2019. The item was rushed through, and no description of the actual scope of the project was provided, nor was it mentioned that the "new" bridge would not even contact the old, with the new slab being suspended a full 6" over the remaining portions of the arch. The only item up for discussion was the design of the crash structures on the new bridge, and at the end of the meeting the Council moved unanimously to approve the proposed structures. There was no discussion of budget, historical implications, or the fact that no sentient being would find that the proposed project complies with the MSBPA in any material way. However, Staff comments during the meeting made it clear that they understood that the "new" bridge has nearly nothing in common with the original, and that the original will be primarily destroyed to build/make room for the new span.

Design drawings were recently presented for review at a Main Street Bridge Advisory Committee meeting for the bridge. These drawings, which have not been made readily available to the public, and which the Council has not seen, show conclusively that the proposed project clearly violates nearly every tenet of the MSBPA.

Additionally, the Advisory Committee was presented with a revised budget for the project which placed the new estimate at \$13.7 million, or nearly double the \$7.2 million the Council originally approved Staff to pursue back in 2016.

Given the foregoing it is thus not surprising that recent informal meetings with Councilmembers have indicated that none of them have any idea what has been approved, why the City is spending in excess of \$60,000 per month, or how the project has ballooned to \$14 million and counting. Finally, none of them are aware that the work currently being done is, by any measure, a replacement project, and by your own definition in direct contradiction to the MSBPA.

Discussion

The Proposed Project Clearly Violates the MSBPA

As already mentioned previously, the MSBPA specifically requires the City ***to preserve the Main Street Bridge***, by ensuring that it's physical, visual, and historic integrity remains fully intact absent approval from the Council and a vote of the people. Further, the Act stipulates that any demolition or physical expansion is also specifically proscribed.

In actuality, your June 5, 2018 City Attorney to Council Memorandum states explicitly why the current project (which, among other things requires permanent removal of both sidewalks) is not compliant with the provisions of the MSBPA:

A. Measure F would likely require a vote of the people prior to the City's removal of the existing eastern pedestrian sidewalk.

*The Bridge features two non-original pedestrian sidewalks that are cantilevered from the east and west spandrel walls. The western and eastern sidewalks were added between 1918 to 1939 and 1986 to 1993, respectively. The second project would have removed the eastern sidewalk. The City's description of this work states that removal of the "late addition eastern sidewalk" will "allow the structure to be returned to its original appearance, restoring the historic integrity of the structure and meeting the requirements of Measure F." Attachment D, p. 5. However, Measure F's emphasis appears to be on preserving the structure as it existed at the time the initiative was passed, not restoring it to a particular former version. **The removal—rather than the repair or replacement—of the eastern pedestrian walkway could be considered akin to a "demolition" of that portion of the Bridge.***

Also, the proposed removal of the pedestrian walkway on the eastern side of the Bridge would likely change the "historical, visual and physical integrity" of the Bridge by changing its appearance and character. As Measure F does not define "historic," it provides little basis for determining which portions of the Bridge might be considered non-historic. (For example, the although the western walkway is approximately one hundred years old, it was not part of the original Bridge either.) Because the two pedestrian walkways are cantilevered to the Bridge's outside walls and run the length of the Bridge, removing one of these walkways would clearly change the Bridge's appearance. This contrasts with City's proposed rehabilitative work, which would make necessary structural repairs with only minimal changes to the Bridge's appearance. (Emphasis added.), (Engberg June 5, 2018 Memo to Council, P6-7)

Thus it can be seen clearly from your Memo that just the removal of a single pedestrian walkway would be triggering pursuant to Measure F, but that is only one of numerous impacts the proposed project will have on the bridge's historic, visual and physical integrity.

If the proposed project to replace the bridge were to continue the following would happen:

Destruction of Physical Integrity

1. Demolition of the entirety of the upper sections of the bridge including walls, sidewalks and the bridge deck.
2. Removal of the pilasters.
3. Removal of all fill.
4. Placement of four large CIDH piles immediately adjacent to the entrados and the 132 redwood piles, likely damaging or destroying them in the process.
5. Removal and destruction of both sidewalks, including the western sidewalk, which predates WWII.
6. (Possible) Removal and destruction of the braided hemp and steel cable reinforcement² sourced from the Golden Gate Cable Car Company.

Destruction of Visual Integrity

² The reinforcement was ineffective, but it remains a historically significant attempt to pre-stress concrete, a technical achievement that would not be realized for another 30 years.

1. Removal of both sidewalks.
2. Removal of the spandrel walls, at least above the current deck level of the bridge.
3. Removal of the pilasters at each end of the bridge.
4. Replacement of the current deck with a 170-foot long and 42-foot wide concrete slab that will *actually be 6" above the old bridge- and not in contact with it in any way.*

Destruction of Historic Integrity

1. The replacement bridge will not contain a single relevant historic part.
2. The replacement bridge span will not even touch the historic bridge, instead being supported by new CIDH piles and then suspended 6" above the old bridge sections.

Prohibited Demolition

The proposed project either will, or will possibly demolish the following items in violation of the MSBPA:

1. The sidewalks.
2. The parapet walls of the bridge.
3. The bridge deck.
4. The pilasters.
5. The braided steel and hemp cables inside the concrete of the bridge.
6. The entire filling of the bridge.
7. The wingwalls.
8. The pile caps.
9. The 132 old-growth redwood trees/poles that form the foundation for the pile caps.

Prohibited Expansion

The proposed project will expand the bridge as follows, in violation of the MSBPA:

1. Width: From 26' wide to 44' wide.
2. Span: From 60' to 170'.

As a result of the foregoing, and with your own previous analysis in mind, it is clear that there is no reasonable argument that can be made to support the idea that the current project is in any way compliant with the restrictive governance provided by the MSBPA.

Work on the Project is in direct violation of the MSBPA even if construction has not begun

The proposed project will destroy everything that the community worked diligently to protect back in 2014, leaving a modern and extremely expensive new structure in its place.

It is inarguable that any qualified engineer would see this project as a bridge replacement in all but name. The proposed project will destroy as much of the old bridge as necessary to allow a new "shell" to be built over it, removing the old bridge from service entirely and not coincidentally, concealing it from view. Additionally, no engineer working for the City in the present or the past has been able to articulate any sound reason for this project other than as an exercise to try to recoup sunk costs from the previous attempt to replace the bridge.

In the attachments filed with your Memo to Council from 2018, it appears that you were not made aware of the magnitude and scope of the “renovations” to the bridge as they have now been presented to the public. The description from Exhibit C (Titled Exhibit 7-B (Field Review Form)) is much more similar to the Atkinson & Noland project than the monstrosity that is now facing us, and it was that description upon which you based your legal analysis, and with which staff has presented the project to the Main Street Bridge Advisory Committee for approval. It is axiomatic that if staff had told the Committee that you had already found that the removal of the sidewalk triggered the vote clause of the MSBPA then they would likely not have approved it.

Asserting to the MSBAC, the Council, and the public that the proposed project is in compliance with the MSBPA was a grave disservice that borders on a fraud to compel support for a project that is clearly unlawful under current municipal code.

In any case, neither the City Council nor the public have been given the opportunity to ***reject the preservation of the bridge*** as of the writing of this letter, and as required by the MSBPA. As the act makes clear- the public must reject the preservation of the bridge before any work can begin on a project that violates the specific protections contained in the MSBPA. Additionally, there is already a project proposal extant that ***does preserve the bridge*** in the form of the ANA report/proposal.³

If the City Council wishes to pursue the current replacement project, an opportunity to place the project in front of the Council and the people for a decision on whether or not they will accept a far more expensive and destructive project in lieu of the ANA solution would be straightforward and could be done at minimal cost.

It seems nearly certain from the work performed to date that either the City, or the contractors working on the project are fully aware of the fact that the proposed project is in direct violation of the MSBPA, and further, that any work being performed on the current project, as a result, must also be in violation of the MSBPA. Consultants who have continued to work on this project and invoice the City have at the very least come very near to the threshold of unethical and possibly illegal behavior, and payments to them should cease immediately. If it is discovered that they were aware of the misrepresentations of fact that were made to support the continuation of this project then efforts should be undertaken to recover the money spent.

Continuing to work on this project would not only be illegal as viewed under the requirements of the MSBPA, it would also be a complete abrogation of the fiscal responsibility and trust that the people of Half Moon Bay have placed in our local government.

Legal Remedy

While I have no desire to enter into litigation with the City regarding this project, I nonetheless have standing as the lead proponent and author of the MSBPA to protect the bridge from harm due to the actions of the City. As a result I have the unquestionable right to pursue any available legal remedy to force the City to comply with the MSBPA, and I intend to do so in fairly short order if the City does not halt the project immediately.

³ Which is ironically very similar to the proposal you used to craft your Jun 5, 2018 opinion.

As this is our first contact on this issue I am not going to provide a deadline for the City to comply with my demand to cease and desist, rather I am going to hope that we will be able to find mutually acceptable accommodation that will preserve the Main Street Bridge as was intended when the MSBPA was enacted by the people.

Conclusion

Your own analysis for the City has already made it completely clear that this project is in violation of the City's Municipal Code, and not only should it be stopped immediately, it never should have gotten this far in the first place.

It is time to learn from our mistakes and thus avoid repeating history, and to that end I believe we all have much better things to do than to spend yet more time litigating the rehabilitation of the historic Main Street Bridge. With that said however, if litigation is the only way to ensure that the MSBPA is followed then I will reluctantly go down that path yet again.

Instead I hope you will join me in bringing an end to this ongoing saga by immediately halting work and spending on this project. Once done the City can move to issue an RFP based on the ANA proposal to rehabilitate the bridge, which would mean the entire project will be finished before we get to 2023, instead of in 2026 or later.

Warm regards,


David C. Eblevi
14 Muirfield Road
Half Moon Bay, CA 94019
650-814-0037

From: [Liu, Shu-Shang@DOT](mailto:Liu,Shu-Shang@DOT)
To: [Anthony Richardson](#); [Ray Razavi](#)
Cc: [Bashar, Mdabul@DOT](mailto:Bashar.Mdabul@DOT)
Subject: HBP Managers" TSR comments/Br#35C-0025, Main Street Bridge BHLS-5357(010)-TSR
Date: Wednesday, May 18, 2022 11:09:32 AM
Attachments: [For Designers-TS Check Lists 2022.pdf](#)

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gentlemen – Please see [CT/HQ/HBP managers' comments](#) in the following. Also, share the updated ["Type Selection Report Check Lists"](#) (dated 4-18-2022) attached above.

HBP managers have reviewed the Type Selection Report dated 8/30/2021 and have the following comments. Please note that Comment 7 and 9 below requests coordination with other Caltrans groups.

1. The project mentions placing AC on the bridge deck. The Caltrans consensus is that AC/HMA should not be placed on concrete decks. Placing pigmented polyester concrete overlay is OK.
2. On page 8 of the report, Figure 8 shows a T-Girder for the new superstructure type. The remainder portion of the report references a slab bridge. Why is it not a consistent structure depth across the width of the bridge? Is the superstructure a slab or a T-Girder?
3. On page 9 of the report, Figure 9 shows that the new slab's structure depth is shrunk down to accommodate the existing arch. Does the reduced structure depth work from a structural design standpoint? The structure depth of CIP/PS slabs are typically controlled by moment (flexure). Moment demands are the highest at midspan for a single span bridge. If the reduced structure depth at midspan works, why is that depth not carried through the entire length of the bridge?
4. Page 9 indicates that the new slab will be isolated from the existing arch so traffic loads will be carried solely by the new bridge. HBP managers have received FHWA input on this subject previously and FHWA considers this a bridge replacement project, not a rehabilitation project. This would be a change in scope for the project from rehabilitation to replacement.
 - a. The arch is becoming an architectural component and will not have any load carrying capacity (except dead load of arch itself). This is essentially a bridge replacement project with the existing arch bridge being rehabilitated for the purposes of aesthetics. HBP participation towards the cost of rehabilitating the existing historic arch bridge will be limited to the cost of demolition of the existing arch bridge.
 - b. Please provide an estimate for demolition of the existing arch bridge.
5. Page 9 of the report calls out torsion demands and potentially needing an exterior girder. This needs more explanation.
6. Page 9 indicates a diaphragm abutment. These are typically not preferred with prestressing as you would be imparting load onto the abutments. CIP/PS slabs are generally supported on seat-type abutments. Is there anything preventing the use of seat-type abutments?
7. Page 10 of the report indicates that the original coating will be replaced with a paint or similar coating. This should be discussed with SM&I for their input on inspections. What is the existing coating?

8. Page 14 of the report indicates a cut-off wall for scour mitigation. This needs further review. Where is this being proposed? It is not shown on the Bridge General Plan.
9. Page 14 of the report indicates 14.5' of contraction scour and 34.6' of local abutment scour. Structure Hydraulics should review the scour calculations as a check. The existing bridge has been standing for a long time so it is surprising to have such high scour values. Please also verify the limits of the proposed RSP.
10. The report indicates using RSP as scour countermeasure. New bridge foundations cannot rely on RSP as scour countermeasure.
11. On page 18 of the report, Stage Construction for Alternative 2.1 shows the permanent bridge rail at the left edge of deck being placed in Stage 4. Why not construct the rail in Stage 2?
12. On page 18 of the report, the typical section shows a raised sidewalk. Why is the sidewalk not at deck level if there is an inboard rail?
13. Page 19 shows Type 842 barriers as being proposed for the vehicular barrier. The outboard rail at the edges of deck do not need to be a MASH compliant rail if there is an inboard rail.
 - a. The HBP will participate in the construction in 1 MASH compliant rail only on each side of the bridge.
 - b. What is the design speed of the facility? An inboard rail may not need required from a roadway design standpoint.
14. With a detour of 1 mile, why not close the road and complete the construction in 1 season? Please provide a cost estimate for an alternative if the road were to be closed and traffic detoured.
15. Structure approach slabs are not HBP eligible on this project.
16. HBP participation on sidewalk is 6'.
17. Please provide the roadway profile sheet.
18. Staging details for Typical Sections should be shown on bridge sheets. That is, there should be a typical section shown for each stage of what is remaining, what is being removed, and what is being constructed, etc.

Stay safe~

Sue / Structures Local Assistance Liaison / Districts 1 & 4

(916) 639-5936

From: Liu, Shu-Shang@DOT

Sent: Tuesday, March 1, 2022 4:34 PM

To: Anthony Richardson <arichardson@biggscardosa.com>

Cc: Ray Razavi <RRazavi@hmbcity.com>; Bashar, Mdabul@DOT <mdabul.bashar@dot.ca.gov>

Subject: FW: Hydraulic review request (1-25-2022) - Br#35C-0025, Main Street Bridge BHLS-5357(010)-TSR

Anthony – Please see attached Hydraulics comments attached above. Share what SLA uses the draft checklist(2nd attachment) for all incoming TSR submittals.

CT/HQ/DLA will share with ALL Districts once it is finalized & concurred internally, then it will be shared with local agencies and design consultants. Thanks

Stay safe~

Sue / Structures Local Assistance Liaison / Districts 1 & 4

(916) 639-5936

From: Gutierrez, Alfredo@DOT <Alfredo.Gutierrez@dot.ca.gov>
Sent: Friday, February 25, 2022 3:07 PM
To: Liu, Shu-Shang@DOT <shu-shang.liu@dot.ca.gov>
Cc: Wang, Ling C@DOT <ling.wang@dot.ca.gov>; Nedwick, Tony M@DOT <tony.nedwick@dot.ca.gov>
Subject: RE: Hydraulic review request (1-25-2022) - Br#35C-0025, Main Street Bridge BHLS-5357(010)-TSR

Hello Sue,

I have reviewed the hydraulic report of the Main Street Over Pilarcitos Creek Bridge Rehabilitation Project.

Please let me know if there are any questions.
Hope you all have a great weekend.

Thanks,
Alfredo



TECHNICAL MEMORANDUM

Date: May 18th, 2022

BCA Job Number: 2013050.2

Subject: Main Street Bridge Rehabilitation – Alternatives Analysis and Project Closeout

History of Bridge Prior to Current Project

The Main Street Bridge over Pilarcitos Creek was originally constructed around 1900 and is recognized as the first concrete bridge built in San Mateo County. The bridge consisted of an unreinforced concrete arch, spandrel walls and wing walls with earth fill. The spandrel walls extended above the unpaved roadway to form barriers. Timber railings extended beyond the barriers.

Between 1920 and 1940, the barriers were modified. This consisted of reducing the height, adding a concrete cap and adding circular concrete end-pilasters.

Before 1941, a timber walkway was added to the west side of the bridge.

Highway 1 was opened in 1955, providing an alternate route for traffic and ending the period of historic significance.

In the 1980's, steel safety railings were installed along the curbs at the ends of the concrete barriers. A timber walkway was added to the east side of the bridge prior to 2000.

In June 2010, based on bridge inspection reports that found the bridge to be structurally deficient and functionally obsolete and the findings of a preliminary engineering report, the City Council decided to proceed with a replacement bridge. A funding request was subsequently submitted and approved to replace the bridge under the Highway Bridge Replacement and Rehabilitation Program (HBRRP).

In November 2011, the City issued an RFP for Design, Environmental & Right-of-Way Services for the bridge replacement project. A contract with the selected team (URS) was executed in February 2012 and work on the design of a replacement structure commenced. A preliminary design for a replacement structure was approved by the Council in September 2013.

In early 2014, the bridge was nominated and added to the National Register of Historic Places (NRHP). In June 2014, Measure F, the Main Street Bridge Preservation Act, was approved by voters. This required further voter approval of demolition or expansion of the bridge and resulted in the bridge replacement project being put on hold.

The Main Street Bridge Advisory Committee was formed in 2015 by the City Council to advise the Council on the design and construction of the project and serves "as a community "sounding board" and assisting the City Council and staff in helping define the public education and outreach program for this project. The members of this committee, appointed by the City Council



(except one member from the Planning Commission, appointed by its members) represent the diversity of perspectives in the community around this issue. This representation includes property owners or business operators located within 1,000 feet of the Main Street Bridge, the community at-large, the Half Moon Bay Chamber of Commerce and Visitor's Bureau, historic preservation interests, environmental interests, architectural, engineering or construction interests, and the Planning Commission.”

In 2015, a load rating study and material testing was completed. The load rating study included measuring deflections of the arch while a loaded test truck drove over the bridge and further finite element analysis, and concluded that load restrictions were not required. The material testing included concrete coring to verify thickness and strength and ground penetrating radar (GPR) survey that confirmed no reinforcement other than six steel cables. Repairs were recommended including replacing deteriorated walkways, repairing cracks in the concrete sections and stabilizing the spandrel walls and wingwalls. Seismic evaluation and recommendations were not included in the scope of this study.

In 2016, the current project team was selected by the City to initially close out the bridge replacement project funding with Caltrans and prepare a Highway Bridge Program (HBP) funding application for a new Bridge Rehabilitation Project.

In 2018, the funding application was approved and the current project team was selected by the City to complete the PE phase of the rehabilitation project.

Rehabilitation Project Initial Scope and Assumptions

Prior to developing the project design alternatives, the following scope items were identified:

1. Seismic retrofit of the existing bridge structure, including new pile foundations and pile cap at the base of the arch. Potentially reduce or distribute loads to the arch by installing a concrete slab below the roadway or installation of lightweight fill
2. Stabilize and repair spandrel walls, potentially repairing the attachment to the arch and adding tie-rods beneath the roadway
3. Scour protection
4. Repair or replacement of the concrete barriers
5. Rehabilitation of the sidewalks and ADA upgrades, including replacement of some components and rehabilitation of others.
6. Realignment of the north approach to improve roadway geometry



Bridge Barriers and Historic Impacts

The existing concrete barriers and end-pilasters are a clearly visible and distinctive feature of the bridge that has been essentially unchanged for at least 80 years. The barriers have been regularly maintained through that time with minor concrete repairs and re-painting.

During the preliminary design phase of this project, the new Manual for Assessing Safety Hardware (MASH) requirements for bridge barriers were implemented by FHWA and Caltrans. This implementation by Caltrans required that all HBP-funded bridge projects advertised for construction after October 31, 2019 include bridge barriers and barrier end treatments that met the new requirements. As part of the implementation process, almost all of the previously approved standard bridge barriers were considered obsolete and some were redesigned, crash-tested and approved for use. Previous provisions to allow for design of barriers by calculation were also withdrawn.

As with other bridge projects in design at the time, the implementation of MASH requirements had a significant impact on this project. While repair or replacement of the barriers was anticipated, it was assumed that the barrier shape and layout would not be significantly modified. As the preliminary design was developed it became clear that significant modifications would be required to meet the new standards. Many barrier and railing configuration layouts were developed and reviewed with City and Caltrans staff to explore how the new requirements could be applied to this project while minimizing changes to the appearance of the bridge. The feasibility of completing crash-testing of the existing barrier shape was considered. A number of the barrier types that were approved or currently in development by Caltrans were considered along with various configurations of the barrier located at the curb, back of sidewalk and combinations of the two. Minor modifications to the standard barrier shapes were also proposed for review by Caltrans staff. Once suitable concepts had been approved by Caltrans staff, visualizations of several alternatives selected by City staff were prepared for review by the Main Street Bridge Advisory Committee.

Since the existing end-pilasters extend above the concrete barrier and could not be designed to meet the new MASH requirements, alternatives included installing similar features behind the new barriers or installing barriers with no pilaster or cap to more closely represent the original barrier as constructed in 1900. New barrier end treatments (crash-cushions or similar devices) at both ends of each barrier were also required to conform with the MASH requirements. There are a number of similar proprietary crash-cushion systems that have been approved by Caltrans and were included in the visual simulations for review. While neither of these alternatives were universally supported, the no-pilaster alternative was preferred.

The images below show the existing view of the bridge and the proposed view with the barrier configuration that has been selected by the Advisory Committee and approved by the Council in 2020.



Figure 1 – Existing View of Bridge Looking North



Figure 2 – Proposed View of Bridge Looking North



Figure 3 – Existing View of Bridge Looking South



Figure 4 – Proposed View of Bridge Looking South

The smallest approved crash-cushion tapers from 28-inches to 38-inches wide, significantly wider than the existing 16-inches wide concrete barrier. To maintain the existing 24-feet 4-inches wide clear roadway width between barriers and provide a minimum 5-foot wide ADA-compliant sidewalk around the crash-cushions, the overall width between face of railings is proposed to be increased by approximately 4-feet. This results in the cantilevered walkways on both sides of the bridge increasing in width. With the exterior railing proposed to be a MASH-compliant steel railing replacing the existing timber railing, the larger posts result in the overall bridge width increasing by approximately 6-feet. The typical section below is at the mid-span of the bridge through the typical concrete barrier and does not represent the minimum width sidewalk at the crash-cushion.

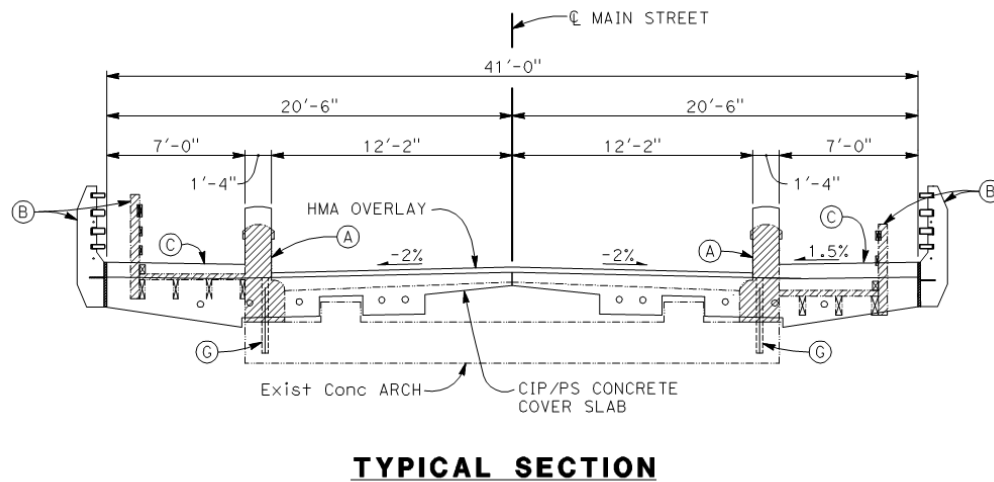


Figure 6 – Proposed Typical Section at Mid-Span of Bridge

While the bridge had previously been added to the Register of Historic Places, the nomination did not clearly define the character defining features. During the preliminary design phase of this project, the project architectural historian analyzed the application and historical records to identify character defining features and features that are historic fabric. The following features were identified in the Historical Resources Evaluation Report:

Character-defining Features

- Board-form concrete filled arch with concrete wingwalls and spandrel walls
- Braided steel and hemp cables extending along the base of the arch

Historic Fabric

- Threaded steel rods placed crosswise above the arch and held in place with steel gusset plates
- Timber piles underneath each abutment
- Smooth concrete barriers
- Rounded caps and bollards applied to the concrete barriers
- Rounded concrete curbs along the interior face of the barriers
- Western wood walkway with wood railing and steel bracket supports

While Caltrans staff concurred with the above list, during a field meeting, the importance of maintaining the overall visual appearance of the bridge to pedestrian and vehicle users was emphasized, in particular the flatness of the roadway and bridge barriers.

The seismic retrofit design was developed to minimize impacts to the above features, especially those identified as character defining and the flatness of the roadway and barriers. A number of retrofit concepts were identified as not preferred. For example, some similar bridges have been strengthened or retrofitted by installing a new reinforced concrete arch directly against the existing concrete arch. For this project, this would not be preferred as it would result in a change in the function of the arch from a load bearing structural component to a non-structural façade,

would require numerous steel attachments to be drilled into the arch and would result in many of the existing timber piles being partially removed and damaged for the new piles.

The preferred seismic retrofit design consists primarily of a new reinforced concrete cover slab installed directly below the roadway surface. This design is preferred as it results in less impact to the character defining features and historic fabric of the bridge. While the cover slab would support all traffic loads, the existing concrete arch and spandrel walls would continue to support significant soil and concrete loads. Except for repairs to the cracks and removing graffiti, the existing arch and spandrels would remain in a condition similar to the original construction.

Early design concepts for the cover slab included a simple flat slab approximately 100-feet in length. However, the minimum thickness of this slab resulted in the roadway surface being raised by approximately 2-feet. After initial review, Caltrans staff indicated this would not be acceptable. The design was further developed to minimize the mid-span depth of the structure and hence the impact on the roadway elevation. The revised design included a significant “back-span” at each end of the cover slab. While this reduced the increase in roadway elevation to 6-inches, the length of the bridge increased from 100-feet to approximately 168-feet and increase in typical slab thickness from 3-feet to 5-feet.

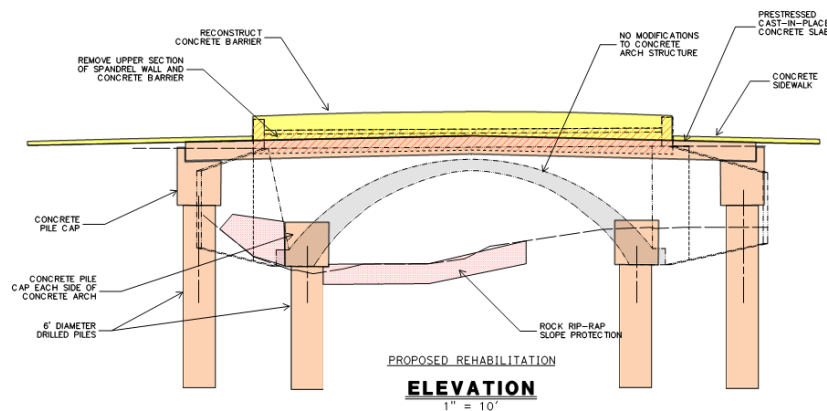


Figure 7 – Preliminary Cover Slab Design

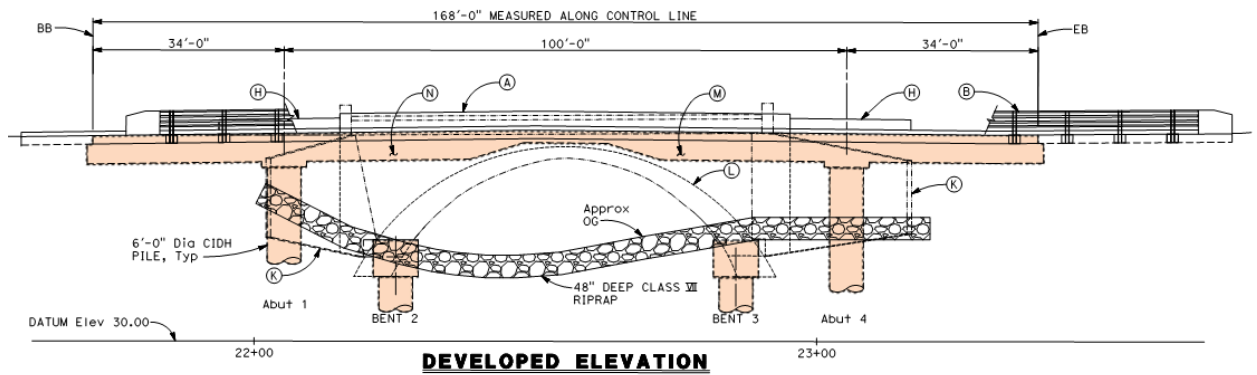


Figure 8 – Revised Cover Slab Design with Reduced Roadway Elevation Change

Scour Mitigation

The earliest available Caltrans bridge inspection reports is dated 1941 and it states that at that time, one of the wingwalls had collapsed due to undermining and that large rock riprap had been placed as mitigation. The 1953 Caltrans report includes photos of scour at the north abutment and noted the scour depth appeared to be approaching the bottom of the footing. Additional rock riprap was recommended at this time. No rock riprap is currently visible.

Hydraulic and scour analysis has been completed and shows the bridge is a channel constriction and has the potential for significant scour. As a result, scour mitigation is recommended as part of the project. While rock riprap was proposed in the Type Selection Report, alternatives would be further considered as the project develops.

Environmental Review and Alternatives Analysis

The above-described development of a design for the bridge rehabilitation included consideration of environmental constraints, most notably features that would not result in an adverse effect on historic integrity under Section 106 of the National Historic Preservation Act or significant effects under NEPA and/or CEQA. Accordingly, review under NEPA and CEQA has been underway, including preparation of environmental technical studies. The alternatives consist of a Preferred Design Alternative and a No Build Alternative. The No Build Alternative is defined as not moving forward with a federally funded project to rehabilitate the Main Street Bridge. It includes minimum maintenance by the City limited to repainting the barriers, replacing timber decking boards, etc when required, similar to the current maintenance program. The preferred design alternative was developed and presented in the Type Selection Report. It incorporates mandated design requirements including bridge barriers, railings and crash-cushions meeting MASH criteria as well as ADA standards, while minimizing the impact to character defining features and historic fabric of the structure. The estimated construction costs for the preferred design alternative was \$12.5M.

The City reviewed the preferred design alternative and determined that the no build alternative would be preferable in light of potential adverse impacts to the historic bridge and increased



project time and costs. In a March 2022 Resolution, the City Council removed the Project from the Capital Improvement Program and Capital Budget.

In May, 2022, the City received notice from Caltrans that preferred design alternative does not qualify as a bridge rehabilitation project. It therefore does not meet the purpose and need for a federally funded Main Street Bridge rehabilitation.

1511428.1

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **December 6, 2022**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Julissa Acosta, Management Analyst
Todd Seeley, Public Works Superintendent

TITLE: **AGREEMENT WITH SWCA ENVIRONMENTAL CONSULTANTS FOR ENVIRONMENTAL SERVICES FOR PILARCITOS CREEK RESTORATION AND REMEDIATION PROJECT**

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to execute a Professional Services Agreement with SWCA Environmental Consultants, in the amount of \$53,328 for environmental and entitlement services associated with the Pilarcitos Creek Restoration and Remediation Project.

FISCAL IMPACT:

The consultant services costs are included in the Capital Improvement Program and allocated in the FY 2022-23 Capital Budget.

STRATEGIC ELEMENT:

This action supports the *Infrastructure and Environment, Fiscal Sustainability and Healthy Communities and Public Safety* Elements of the Strategic Plan.

BACKGROUND:

Pilarcitos Creek is a 13.5-mile-long coastal stream of which approximately 11,000 linear feet is located within the City limits of Half Moon Bay. The creek is an area of significant ecological diversity which includes endangered and threatened species of flora and fauna. The watershed is considered an Environmentally Sensitive Habitat Area (ESHA) under the City's Local Coastal Program. The creek and the abutting riparian habitat are subject to potential oversight and consultation of various State and Federal regulatory agencies.

In recent years, the creek and abutting areas near the Strawflower Village Shopping Center have been the site of habitation by unhoused individuals. This habitation, including the accumulation of trash and debris is likely contributing to impacts to the water quality of the Pilarcitos Creek which negatively impact the natural functioning of the watershed and habitat for wildlife. In May of 2018, the City implemented Phase 1 of the Pilarcitos Creek Restoration

Project, which included the collaborative and compassionate removal of more than 40 unhoused individuals and their property from within the riparian corridor, removal of debris, and installation of temporary fencing along the border of the Shopping Center and the riparian area of Pilarcitos Creek.

At the time of the original work, staff had envisioned replacing the temporary fencing with permanent fencing. Due to financial and staffing impacts related to the COVID-19 pandemic, this phase of the project was never implemented. Today, the area is once again seeing an influx of unhoused individuals, which, albeit on a smaller scale, are resulting in many of the same deleterious impacts to the Pilarcitos Creek and watershed.

Staff is currently working on details of design for the fencing project. As envisioned, a fence would be constructed in the rear area of the Safeway Market (adjacent to the existing parking lot) and extend easterly along the edge of the existing sidewalk to near the pedestrian bridge. The City is working in collaboration with the owner of the Strawflower Shopping Center and will further develop the plans and specifications in consultation with the environmental consultant and City planning staff.

DISCUSSION:

This phase of the Project proposes the installation of permanent fencing along the border of the riparian corridor with the Strawflower Shopping Center. The fence will serve to protect the critical watershed and habitat along Pilarcitos Creek from all human activity including that associated with encampments. The fencing portion of the project will be subject to a public hearing and ultimately issuance of a Coastal Development Permit (CDP) by the Planning Commission.

The City requested an initial proposal and has met and negotiated with SWCA Environmental Consultants to negotiate the scope and cost proposal. Funding for this work is included in the Capital Budget and has been allocated in the FY 2022-23 Capital Budget.

The final phase of this project (future) will complete the necessary restoration of the riparian habitat and remove non-native plant species. All planned restoration activities will occur outside the active creek channel in accordance with U.S. Army Corps of Engineer (USACE) requirements and under direct biological and cultural monitoring under separate/future professional services agreement.

Staff is requesting approval of a professional services agreement (PSA) with SWCA Environmental Consultants. SWCA is currently working with the City on major support for the Corporation Yard project and other smaller projects and has been an excellent partner. The proposed scope includes project management, entitlement assistance, preparation of a Biological Resources Evaluation (BRE), agency consultation, preparation of California Environmental Quality Act (CEQA) documents, Preparation of a Coastal Development Permit, and biological monitoring for the project. The BRE will be subject to required 45-day review by the California Coastal Commission and resource agencies prior to consideration of any CDP.

ATTACHMENTS:

1. Resolution

RESOLUTION NO. C-2022-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY
AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT
WITH SWCA, INC IN THE AMOUNT OF \$53,328 FOR ENVIRONMENTAL, BIOLOGICAL AND
CULTURAL MONITORING DURING THE PILARCITOS CREEK RESTORATION AND REMEDIATION
PROJECT (CIP PROJECT NO. 9022)**

WHEREAS, In May 2018 the City implemented Phase 1 of the Pilarcitos Creek Restoration and Remediation Project (CIP Project No. 9022); and

WHEREAS, previous work on this project included the removal and cleanup of large encampments along the creek; and

WHEREAS, the City is initiating work on the next phase of the project which includes the construction of new fencing to protect the Pilarcitos Creek and watershed from human encroachments near the Strawflower Shopping Center.

WHEREAS, staff is requesting approval of a professional services agreement with SWCA Environmental Consultants to support the City in completing the fencing phase of the Pilarcitos Creek Restoration and Remediation Project; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Half Moon Bay hereby authorizes the City Manager to execute the professional services agreement with SWCA, Inc. for environmental, biological, and cultural support during the Pilarcitos Creek Restoration and Remediation Project in the amount of \$53,328.

I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 6th day of December 2022 by the City Council of Half Moon Bay by the following vote:

Ayes, Councilmembers: _____

Noes, Councilmembers: _____

Absent, Councilmembers: _____

Abstain, Councilmembers: _____

ATTEST:

APPROVED:

Jessica Blair, City Clerk

Debbie Ruddock, Mayor

BUSINESS OF THE CITY OF HALF MOON BAY CITY COUNCIL

AGENDA REPORT

For meeting of: **December 6, 2022**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Jill Ekas, Community Development Director
Benjamin Corrales, Permit Technician
Veronika Vostinak, Public Works Program Manager

TITLE: **ADOPTION OF THE 2022 EDITIONS OF THE CALIFORNIA BUILDING STANDARDS CODE**

RECOMMENDATION:

Conduct a public hearing, and upon receiving community input:

1. Introduce an ordinance amending Chapter 14.04 of the Half Moon Bay Municipal Code, adopting by reference the 2022 Edition of the California Building Standards Code, with local amendments, and finding the amendments to be exempt from environmental review under the California Environmental Quality Act (CEQA); and
2. Direct staff to place the ordinance and the attached resolution establishing the “Need for Local Modifications to the California Building Standards Code” and ratifying the Coastside Fire Protection District’s Ordinance No. 2022-03 on the consent calendar for adoption on December 20, 2022.

FISCAL IMPACT:

There is no direct fiscal impact associated with this action. Building Division staff have attended training sessions to prepare for implementation of the updated building standards. The training expenses are covered by the Community Development and Public Works Departments’ budgets.

STRATEGIC ELEMENT:

The proposed ordinance supports all Elements of the Strategic Plan: *Infrastructure and Environment, Healthy Communities and Public Safety, Fiscal Sustainability, and Inclusive Governance.*

BACKGROUND:

The State’s Health and Safety Code (Section 17958) mandates that the California Building Standards Commission adopt and publish the California Building Standards Code (CBSC), Title 24 of the California Code of Regulations, every three years. Each City and County is required to adopt the new codes and is authorized by Health and Safety Code Sections 17958.5 and 18941.5 to adopt local modifications to the codes if reasonably necessary due to local climatic, geological, or topographical conditions.

In late 2019, the City adopted the 2019 CBSC with local modifications, which became effective in January 2020. The adoption included local modifications pertaining to grading regulations and undergrounding certain utilities in conjunction with development. The City also adopted the Coastside Fire Protection District's modifications to the 2019 state Fire Code. The CBSC has been updated in 2022, and these updates will take effect January 1, 2023. The City intends to readopt its existing local modifications to the 2022 CBSC, along with the Coastside Fire Protection District's modifications to the 2022 Fire Code.

Additionally, the City adopted an Electric Vehicle and Photovoltaic System (EV/PV) reach code on December 21, 2021 as a local modification to the 2019 CBSC. In light of updates to the 2022 CBSC, Staff recommends that the City again adopt by Peninsula Clean Energy's recommended modifications to the 2022 CBSC pertaining to Electric Vehicle charging infrastructure. However, staff does not recommend readopting local modifications related to photovoltaic requirements, as the 2022 CBSC is more stringent than those provisions. These recommended modifications are discussed in more detail below.

DISCUSSION:

The list below identifies the model codes upon which the update is based:

2022 California Building Code / 2021 International Building Code (ICC)
2022 California Residential Code / 2021 International Residential Code (ICC)
2022 California Green Building Standards Code
2022 California Fire Code / 2021 International Fire Code (ICC)
2022 California Plumbing Code / 2021 Uniform Plumbing Code (IAPMO)
2022 California Mechanical Code / 2021 Uniform Mechanical Code (IAPMO)
2022 California Electrical Code / 2020 National Electrical Code (NFPA)

The building codes to be adopted by reference include the following:

2022 California Building Code, Volumes 1 and 2 (Title 24 Part 2)
2022 California Residential Code (Title 24, Part 2.5)
2022 California Green Building Standards Code (Title 24, Part 11)
2022 California Fire Code (Title 24, Part 9)
2022 California Plumbing Code (Title 24, Part 5 and all appendices)
2022 California Mechanical Code (Title 24, Part 4 and all appendices)
2022 California Electrical Code (Title 24, Part 3)
2022 California Energy Code (Title 24, Part 6)
2022 California Administrative Code (Title 24, Part 1)
2022 California Referenced Standards Code (Title 24, Part 12)
1997 Uniform Code for the Abatement of Dangerous Buildings

Code Updates

Updates from the 2019 to the 2022 CBSC include numerous technical revisions as is standard in the triennial update of these complex volumes of standards. Examples of updates include the following:

- **Permit Expiration:** This update increases the efficacy of issued building permits by increasing the expiration period from 180 days to 12 months. This revised provision stipulates that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance.
- **Definition of Child Care:** The definition was updated to conform to the California Code of Regulations (CCR) Title 22. For approximately 10 years, the Department of Social Services has been transitioning from the term “day care” to “child care” responsive to the evolution of the profession toward providing more inclusive care, including early learning and child development.
- **Energy Storage Systems:** This code section was updated to clarify that energy storage systems shall not be installed in any habitable portions of dwelling units to address concerns about locations such as hallways that were not covered by previous restrictions.

Local Amendments

State law requires that all local amendments to the CBSC be filed with the California Building Standards Commission. When filed, the amendments must be accompanied by local findings identifying the local climatic, geological, topographical or environmental conditions necessitating the changes. Both the City and Coastside Fire Protection District have adopted local amendments in the past and will continue to do so to address specific safety requirements that are especially influenced by the City’s coastal setting.

The City’s findings of local necessity for changes to the 2022 CBSC are in the accompanying Resolution.

City Amendments: For the 2022 CBSC code update, previously adopted local provisions will be retained to address local conditions, as enumerated in the accompanying Resolution. These conditions necessitate the adoption of more stringent building standards than those found in the CBSC.

Previously adopted modifications, which the City will be retaining as modifications to the 2022 CBSC, include grading requirements and requirements to underground electrical service.

In addition, staff recommends that the City retain certain modifications related to its Electric Vehicle and Photovoltaic System (EV/PV) reach code. On December 21, 2021, the City Council adopted the EV/PV reach code as a local modification to the 2019 CBSC.¹ These modifications were approved by the State on July 13, 2022. These local modifications expand requirements for three areas:

- **PV systems:** Requires PV systems on non-residential and hotel/motel buildings, in addition to those required by the 2019 CBSC for residential buildings.

¹ The City adopted the Building Electrification Ordinance on February 15, 2022 as an amendment to the Chapter 14.06 of the Municipal Code which is separate from the Building Standards code, Chapter 14.04 of the Municipal Code. Therefore, the Building Electrification Ordinance does not need to be readopted with the 2022 CBSC or any future CBSC code updates.

- Battery storage systems: Requires pre-wiring for battery storage for residential buildings.
- EV charging infrastructure: Requires EV charging infrastructure for residential buildings.

These modifications were adopted to help curb GHG emissions generated within the City, work toward a cleaner environment, and assist the State in reaching SB32 goals.

The 2022 CBSC code update includes requirements for PV and battery storage systems on residential, non-residential and hotel/motel buildings. Because the new 2022 CBSC provisions exceed the requirements of the EV/PV reach code with respect to PV and battery storage, no local amendments for these categories are being recommended.

However, staff continues to recommend local modifications to the CBSC for EV charging infrastructure for residential buildings. Staff recommends that the City Council adopt Peninsula Clean Energy's (PCE) recommendations for local amendments to the California Green Building Standards Code (CALGreen), Part 11 of Title 24, for EV charging infrastructure for residential buildings to remain consistent with other municipalities in the region and throughout San Mateo County. The City Council adopted PCE's EV charging infrastructure recommendations for residential buildings in the EV/PV reach code and PCE's recommended changes for the 2022 CBSC exceed the EV charging infrastructure requirements in the City Council adopted EV/PV reach code. Staff does not recommend that Half Moon Bay adopt the PCE recommendation for non-residential buildings, however, due to the unique needs and space challenges of non-residential buildings in Half Moon Bay, particularly in the Downtown area.

PCE's recommended changes to CALGreen intend to reach beyond the EV charging infrastructure requirements in the 2022 CALGreen. These changes are also consistent with City Council's previous action in adopting the EV/PV reach code. The recommended requirements for EV infrastructure in PCE's recommended changes are:

- Single Family Dwellings:
 - One dedicated EV ready Level 2 circuit
 - One dedicated EV ready Level 1 circuit if there is a second parking space
- Multi-Unit Dwellings:
 - 15% of units with parking spaces, Level 2 EV Charging Stations
 - 85% of units with parking spaces, Low Power Level 2 EV Ready

Conclusion

Staff recommends that City Council introduce an ordinance to adopt the 2022 CBSC with the local amendments described herein. The second reading will be brought back to Council at its next meeting on December 20, 2022, along with the attached Resolution determining the "Need for Local Modifications to the California Building Standards Code" and ratifying the Coastside Fire Protection District's Ordinance No. 2022-03. The new State codes will take effect on January 1, 2023, and the local modifications will be in place on January 19, 2023. Staff will submit the Ordinance and Resolution making findings of local necessity to the California Building Standards Commission before the Ordinance goes into effect, as required by Health and Safety Code section 17958.7.

ATTACHMENTS:

1. Resolution determining the “Need for Local Modifications to the California Building Standards Code” and ratifying the Coastside Fire Protection District’s Ordinance No. 2022-03
 - Exhibit A – Matrix of Reasons
 - Exhibit B – Coastside Fire Protection District Ordinance
2. Ordinance amending Chapter 14.04 of the Half Moon Bay Municipal Code
 - Attachment A – Building Standards

Resolution No. C-2022-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY
DETERMINING THE NEED FOR LOCAL MODIFICATIONS TO THE CALIFORNIA BUILDING
STANDARDS CODE AND RATIFYING THE COASTSIDE FIRE PROTECTION DISTRICT'S ORDINANCE
NO. 2022-03**

WHEREAS, The State of California has adopted the 2022 edition of Title 24 of the California Code of Regulations, also known as the California Building Standards Code (CBSC), containing construction standards applicable to local jurisdictions throughout the State including the City of Half Moon Bay ("City"); and

WHEREAS, on December 6, 2022, the City Council of Half Moon Bay introduced an ordinance amending Chapter 14.04 of the Half Moon Bay Municipal Code, adopting by reference the 2022 Edition of the California Building Standards Code; and

WHEREAS, at least 15 days prior to the December 20, 2022 public hearing, at least one true copy of the CBSC was filed with the City Clerk for public inspection, pursuant to California Government Code Section 50022.6; and

WHEREAS, notice was published prior to the December 6, 2022 public hearing pursuant to California Government Code Sections 50022.3 and 6066; and

WHEREAS, the City is adopting the 2022 triennial CBSC code update to become effective on January 1, 2023; and

WHEREAS, when reasonably necessary due to local climatic, geological, or topographical conditions, Health and Safety Code Sections 17958.5 and 18941.5 authorize local jurisdictions to establish more restrictive building standards than those set forth in the CBSC; and

WHEREAS, before making local modifications to the CBSC, Health and Safety Code Sections 17958.5 and 18941.5 require the local jurisdiction to make express findings that such changes are reasonably necessary due to local climatic, geological or topographical conditions; and

WHEREAS, the City Council has determined that there is a need to establish building standards that are more restrictive than those adopted by the State of California in the 2022 CBSC to address the problems, concerns and future direction by which the City can establish and maintain an environment which will afford an appropriate level of fire and life safety to all who live and work within its boundary; and

WHEREAS, in making this determination, the City Council finds that modifications to the CBSC are reasonably necessary due to local climatic, geological, and topographical conditions as set forth below, and as summarized in the chart attached hereto as Exhibit A:

Climatic: The City is located on a coastal plain and as such is affected greatly by ocean changes. High winds are a factor in design considerations with expected three second gusts in excess of 90 miles per hour. Conditions are such as to require additional structural provisions for wind loading as well as provisions for electrical utility undergrounding. The City has an average annual rainfall of 27 inches and all storm water flows to the ocean. It is therefore necessary that the City provide special provisions to protect the environment and comply with the regional storm water permit.

The City is situated along the Pacific Coastline and the potential impacts of sea level rise are anticipated to increase the City's exposure to shoreline hazards. Human activities releasing greenhouse gas into the atmosphere cause increases in rising sea levels are likely to affect the amount of area in the City at risk of coastal flooding, the rate of erosion along the shoreline and bluffs, the area of the City's tsunami inundation zone, and potential seawater intrusion into riparian systems and groundwater supplies. Loss of shoreline due to rising waters may also threaten the stability of coastal habitats, recreation areas, public access, and infrastructure.

Vehicular traffic through Half Moon Bay is significant and continues to increase as Half Moon Bay is a tourism destination as well as the location of residential projects. The observed increase in plug-in electric vehicle adoption reduces the climate impact of vehicular greenhouse gas emissions.

Topographical: The City has many areas that are in the Tsunami Inundation Area, and it is also bordered by wildland areas. These conditions require the City to take the necessary precautions to protect the public from likely events of floods or wildland urban interface fires. In addition, the area has a highly expansive clay type soil that requires modifications to foundation and drainage design. Some areas of the City have a high water table and necessitate special drainage considerations to protect facilities from flooding and to provide for storm water runoff to the ocean.

Geological: The City is located in seismic zone D. The San Andreas Fault, as well as faults that are not fully charted, affect the seismicity risks of the City. In the event of a major earthquake, the City would in all likelihood be cut off from the rest of the Peninsula Cities. It is deemed reasonable that provisions be made to assure that the most conservative measures are designed into structures to protect the facilities, both residential and commercial, to provide time for emergency personnel and equipment to reach the coast and provide assistance.

AND WHEREAS, the City lies within the geographical boundaries of the Coastside Fire Protection District; and

WHEREAS, the Coastside Fire Protection District has responsibility for fire protection within said geographical boundaries; and

WHEREAS, on October 26, 2022, the Coastside Fire Protection District adopted Ordinance No. 2022-03, adopting the 2022 California Fire Code with certain amendments to reflect local conditions; and

WHEREAS, pursuant to Section 13869.7(c) of the California Health & Safety Code, such ordinances containing such modifications are not effective within the jurisdictional boundaries of the City until ratified by the City Council;

AND WHEREAS, the City Council finds that the changes to the provisions in the California Fire Code set forth in the Coastside Fire Protection District's Ordinance No. 2022-03, attached hereto as Exhibit B, are reasonably necessary because of the following local climatic, geological, or topographical conditions, consistent with findings made by the Coastside Fire Protection District on October 26, 2022 when the District adopted local modifications to the 2022 CBSC:

Climatic: The Coastside Fire Protection District is located within a coastal region. The District is subject to extensive periods of dense coastal fog as well as an average rainfall of twenty-five (25) inches per year. These adverse weather conditions create severe hazardous road conditions as well as mud and rockslides along the main access roads within as well as into the District from the surrounding area. Due to the periods of heavy fog and rainfall, along with repeated flooding conditions and road closures, the ability of the Fire Protection District to provide immediate emergency response is often delayed. These same adverse climatic conditions often result in a large number of vehicular accidents that place extreme restraints on the availability of emergency response to perform emergency rescue, first aid, hazardous materials control and firefighting. The climatic conditions often result in a substantial or total lack of ability of the Fire Protection District to respond immediately to the other types of emergency situations that occur. Examples of these emergency conditions may be a structure fire, brush fire, hazardous material incident or medical call. The mutual aid agreements established with adjoining fire protection agencies, might not be possible due to adverse climatic conditions having restricted or totally blocked access into the District.

Geological: The Coastside Fire Protection District is located within a high activity seismic Zone 4. The San Andreas Fault, as well as faults that are not fully charted, are within immediate boundaries of the District. The seismic geological conditions present a very severe potential for multiple fires, major breakage of water mains, major breakage of natural gas mains, multiple electrical power failures, multiple collapsed structures, large number of calls for emergency medical aid, all of which may occur simultaneously during a seismic event. Most of the structures within the hilly terrain have water pumping systems used for fire suppression water delivery as well as water storage tanks. Most of the pumping systems are dependent on electrical power for operation. Such electrical power may not be available during a seismic event. Water storage in the Point Montara zone of the District is deficient in volume. Water storage tanks used for the storage of required fire suppression water may also collapse in such an event forcing the additional needs to transport water via additional pieces of fire apparatus which will place a significant restraint on the ability of the District to provide the required emergency services.

Topographical: The District is composed of areas that are considered by the State Fire Hazard Severity Zone mapping system to be of High and Very High fire hazard. Much of the District is hilly terrain covered with highly combustible natural vegetation including the presence of many groves of eucalyptus trees. The structures within the areas of hilly terrain have very limited fire access due to narrow roadways with steep grades and poor road surface conditions such as gravel. The presence of many existing structures within the high and very high fire hazard and wildland areas provides for a severe potential of a structure fire spreading into a wildland fire condition.

AND WHEREAS, once adopted the City is required to file its local amendments and findings with the California Building Standards Commission in accordance with Health and Safety Code Section 17958.7.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Half Moon Bay is adopting the 2022 CBSC to take effect on January 1, 2023, with local amendments; and

BE IT FURTHER RESOLVED that the City Council has directed that a copy of this Resolution and the Ordinance amending Chapter 14.04 of the Half Moon Bay Municipal Code, adopting by reference the 2022 Edition of the California Building Standards Code be filed with the California Building Standards Commission in accordance with Health and Safety Code Section 17958.7; and

BE IT FURTHER RESOLVED that the City Council does hereby ratify the Coastside Fire Protection District Ordinance No. 2022-03 to be effective in the City of Half Moon Bay; and

BE IT FURTHER RESOLVED that the City Council does hereby adopt Coastside Fire Protection Districts Findings of Fact supporting the modifications to the Fire Code in Coastside Fire Protection District Ordinance 22-03 as reasonably necessary because of local climatic, geological, or topographical conditions; and

BE IT FURTHER RESOLVED that a copy of this Resolution, including Coastside Fire Protection District Ordinance 22-03 and the Coastside Fire Protection District Findings of Fact, shall be filed with the California Building Standards Commission in accordance with Health & Safety Code Section 17958.7(a) and with the California Department of Housing and Community Development in accordance with Health & Safety Code Section 13869.7(c); and

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Resolution is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that

the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action would have no or only a de minimis effect on the environment. The Resolution is also exempt from CEQA under CEQA Guidelines section 15308, because it is a regulatory action for the protection of the environment. The foregoing determination is made by the City Council in its independent judgment.

I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 20th day of December 2022 by the City Council of Half Moon Bay by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:

APPROVED:

Jessica Blair, City Clerk

Deborah Ruddock, Mayor

EXHIBIT A

Matrix of Justifications for Local Amendments to 2019 California Building Code (Title 24, Part 2)						
Half Moon Bay Municipal Code Section(s)	State Code Section(s)	Title	Add	Deleted	Amended	Justification (see below)
14.04.020	Appendix J Grading, Section J103.1	Permits Required			x	ii, iii
14.04.020	Appendix J Grading, Section J103.1.2	Engineered Grading Requirements	x			ii, iii
14.04.020	Appendix J Grading, Section J104.1	Submittal Requirements			x	ii, iii
14.04.020	Appendix J Grading, Section J107.6	Grading and Filling of Flood Plain Areas	x			ii, iii

Matrix of Justifications for Local Amendments to 2019 California Electrical Code (Title 24, Part 3)						
Half Moon Bay Municipal Code Section(s)	State Code Section(s)	Title	Add	Deleted	Amended	Justification (see below)
14.04.070	Article 100	Definitions			x	ii, iii

Matrix of Justifications for Local Amendments to 2019 California Fire Code (Title 24, Part 9)						
Half Moon Bay Municipal Code Section(s)	State Code Section(s)	Title	Add	Deleted	Amended	Justification (see below)
14.04.110		A. Establishment of the Bureau of Fire Prevention	x			iv, v, vi
14.04.110		B. Definitions	x			iv, v, vi

Half Moon Bay Municipal Code Section(s)	State Code Section(s)	Title	Add	Deleted	Amended	Justification (see below)
14.04.110		C. Establishment of Limits within the Coastsides Fire Protection District in Which Storage and Use of Explosives and Blasting Agents is to Be Prohibited.	x			iv, v, vi
14.04.110		D. Establishment of Limits within the Coastsides Fire Protection District in Which Storage of Flammable/ Combustible Liquids in Outside Above-Ground Tanks is to Be Prohibited.	x			iv, v, vi
14.04.110		E. Establishment of Limits within the Coastsides Fire Protection District in which Storage of Liquefied Petroleum Gases is to Be Prohibited.	x			iv, v, vi
14.04.110		F. Establishment of Limits within the Coastsides Fire Protection District in Which the Storage of Compressed Natural Gas Is to Be Prohibited.	x			iv, v, vi
14.04.110		G. Establishment of minimum roofing classification for all new buildings constructed or re-roofed within the Coastsides Fire Protection District.	x			iv, v, vi
14.04.110	101.1	Title			x	iv, v, vi
14.04.110	101.2.1	Appendix Chapters			x	iv, v, vi
14.04.110	104.1.1	Fire Department Personnel and Peace Officer			x	iv, v, vi
14.04.110	105.6.2.1	Special Events	x			iv, v, vi
14.04.110	108.1	Authority to Inspect	x			iv, v, vi

Half Moon Bay Municipal Code Section(s)	State Code Section(s)	Title	Add	Deleted	Amended	Justification (see below)
14.04.110	111	Board of Appeals Established	x			iv, v, vi
14.04.110	111.2	Limitations on Authority			x	iv, v, vi
14.04.110	111.3	Qualifications			x	iv, v, vi
14.04.110	112.4	Violation Penalties			x	iv, v, vi
14.04.110	113.4	Failure to Comply			x	iv, v, vi
14.04.110	200		x			iv, v, vi
14.04.110	303.3.1	Fuel Cylinders for Asphalt Roofing Kettles	x			iv, v, vi
14.04.110	304.1.2.1	Clearance of Brush, Vegetative Growth and Combustible Material from Lots.	x			iv, v, vi
14.04.110	304.1.2.2	Clearance of Brush, Vegetative Growth from Structure Area.	x			iv, v, vi
14.04.110	304.1.2.3	Fire Breaks	x			iv, v, vi
14.04.110	304.1.2.4	Weed Abatement	x			iv, v, vi
14.04.110	304.1.2.5	Declaration of Hazardous Fire Areas	x			iv, v, vi
14.04.110	503.1.2.1	Fire Department Access	x			iv, v, vi
14.04.110	503.2.3.1	All Weather Surface	x			iv, v, vi
14.04.110	503.2.4.1	Turning Radius	x			iv, v, vi
14.04.110	503.2.6	Bridges and elevated surfaces			x	iv, v, vi
14.04.110	503.3.1	Fire Access Lane Markings	x			iv, v, vi
14.04.110	503.4.1	Traffic Calming Devices			x	iv, v, vi
14.04.110	503.4.2	Prohibited Parking	x			iv, v, vi
14.04.110	503.4.3	Roadway Spikes	x			iv, v, vi
14.04.110	505.1.1	Premises Identification	x			iv, v, vi
14.04.110	505.1.2	Multiple Tenant Structures	x			iv, v, vi
14.04.110	505.1.3	Commercial/Industrial Size and Stroke of Numbers	x			iv, v, vi
14.04.110	505.1.4	Rear Addressing	x			iv, v, vi

Half Moon Bay Municipal Code Section(s)	State Code Section(s)	Title	Add	Deleted	Amended	Justification (see below)
14.04.110	505.1.5	Suite/Unit Identification	x			iv, v, vi
14.04.110	505.1.6	Directories	x			iv, v, vi
14.04.110	505.2.1	Construction Site	x			iv, v, vi
14.04.110	506.1.3	Key Box	x			iv, v, vi
14.04.110	507.1.1	Fire Department Water Supply	x			iv, v, vi
14.04.110	507.2.2.1	Suburban and Urban Rural Water Supplies	x			iv, v, vi
14.04.110	507.2.2.2	Storage of Suburban and Urban Rural Water Supplies	x			iv, v, vi
14.04.110	903.1.2	All Occupancies and Facilities			x	iv, v, vi
14.04.110	903.2.1	Existing buildings or structures	x			iv, v, vi
14.04.110	903.6.1	Where required	x			iv, v, vi
14.04.110	903.6.2	N/A	x			iv, v, vi
14.04.110	903.2.1.1	Group A-1			x	iv, v, vi
14.04.110	903.2.1.2	Group A-2			x	iv, v, vi
14.04.110	903.2.1.3	Group A-3			x	iv, v, vi
14.04.110	903.2.1.4	Group A-4			x	iv, v, vi
14.04.110	903.2.3	Group E			x	iv, v, vi
14.04.110	903.2.4	Group F			x	iv, v, vi
14.04.110	903.2.7	Group M			x	iv, v, vi
14.04.110	903.2.9	Group S-1			x	iv, v, vi
14.04.110	903.2.10	N/A			x	iv, v, vi
14.04.110	903.2.8.1.1	N/A				iv, v, vi
14.04.110	903.3.3.8.6	Partial Systems	x			iv, v, vi
14.04.110	905.5.3	Class II System 1 1/2-inch hose			x	iv, v, vi
14.04.110	907.8.5.2	Making False Report	x			iv, v, vi
14.04.110	907.10.1	Alarm Panel Clearance	x			iv, v, vi
14.04.110	907.2.11.2.4-5	Smoke Detection for Existing Group R Division 3 Occupancies	x			iv, v, vi

Half Moon Bay Municipal Code Section(s)	State Code Section(s)	Title	Add	Deleted	Amended	Justification (see below)
14.04.110	907.8.5.1	Fire Department Response to False Alarms	x			iv, v, vi
14.04.110	912.2.1.1	Painting of Fire Protection Equipment and Hydrants	x			iv, v, vi
14.04.110	912.5.1	Identification	x			iv, v, vi
14.04.110	1003.4.1	Seismic Restraint for Storage Shelving	x			iv, v, vi
14.04.110	5601.1.6	Fireworks	x			iv, v, vi
14.04.110	5608.1.2	Permits	x			iv, v, vi
14.04.110	6101.3	Construction Documents			x	iv, v, vi
14.04.110	D102.2	Fire Apparatus Roads	x			iv, v, vi
14.04.110	D103.4.1	N/A	x			iv, v, vi
14.04.110	D103.6.4	Maintenance and Installation of Fire Access Sigs	x			iv, v, vi
14.04.110	D103.7	Traffic Signal Control Devices	x			iv, v, vi
14.04.110	Appendix O				x	iv, v, vi

Matrix of Justifications for Local Amendments to 2019 Green Building Standards Code (Title 24, Part 11)						
Half Moon Bay Municipal Code Section(s)	State Code Section(s)	Title	Add	Deleted	Amended	Justification (see below)
14.04.120	Chapter 2	Definitions			x	i
14.04.120	301.1.1	Additions and alterations			x	i
14.04.120	4.106.4	Electric vehicle (EV) charging			x	i
14.04.120	4.106.4.1	One- and two family dwellings, town- houses with private garages.			x	i
14.04.120	4.106.4.1.1	New Construction			x	i

14.04.120	4.106.4.1.2	Existing Building			x	i
14.04.120	4.106.4.2	Multifamily dwellings with residential parking			x	i
14.04.120	4.106.4.2.1	New Construction			x	i
14.04.120	4.106.4.2.2	Existing Buildings			x	i
14.04.120	4.106.4.3	Electric vehicle charging station (EVCS)			x	i
14.04.120	4.106.4.3.1	Location			x	i
14.04.120	4.106.4.3.2	Dimensions			x	i
14.04.120	4.106.4.4	Direct current fast charging stations			x	i

Half Moon Bay Local Conditions:

i. *Climatic:* The City is located on a coastal plain and as such is affected greatly by ocean changes. High winds are a factor in design considerations with expected three second gusts in excess of 90 miles per hour. Conditions are such as to require additional structural provisions for wind loading as well as provisions for electrical utility undergrounding. The City has an average annual rainfall of 27 inches and all storm water flows to the ocean. It is therefore necessary that the City provide special provisions to protect the environment and comply with the regional storm water permit.

The City is situated along the Pacific Coastline and the potential impacts of sea level rise are anticipated to increase the City's exposure to shoreline hazards. Human activities releasing greenhouse gas into the atmosphere cause increases in rising sea levels are likely to affect the amount of area in the City at risk of coastal flooding, the rate of erosion along the shoreline and bluffs, the area of the City's tsunami inundation zone, and potential seawater intrusion into riparian systems and groundwater supplies. Loss of shoreline due to rising waters may also threaten the stability of coastal habitats, recreation areas, public access, and infrastructure.

Vehicular traffic through Half Moon Bay is significant and continues to increase as Half Moon Bay is a tourism destination as well as the location of residential projects. The observed increase in plug-in electric vehicle adoption reduces the climate impact of vehicular greenhouse gas emissions.

ii. *Topographical:* The City has many areas that are in the Tsunami Inundation Area, and it is also bordered by wildland areas. These conditions require the City to take the necessary precautions to protect the public from likely events of floods or wildland urban interface fires. In addition, the area has a highly expansive clay type soil that requires modifications to foundation and drainage design.

Some areas of the City have a high water table and necessitate special drainage considerations to protect facilities from flooding and to provide for storm water runoff to the ocean.

iii. *Geological*: The City is located in seismic zone D. The San Andreas Fault, as well as faults that are not fully charted, affect the seismicity risks of the City. In the event of a major earthquake, the City would in all likelihood be cut off from the rest of the Peninsula Cities. It is deemed reasonable that provisions be made to assure that the most conservative measures are designed into structures to protect the facilities, both residential and commercial, to provide time for emergency personnel and equipment to reach the coast and provide assistance.

Coastside Fire Protection District Local Conditions:

iv. *Climatic*: The Coastside Fire Protection District is located within a coastal region. The District is subject to extensive periods of dense coastal fog as well as an average rainfall of twenty-five (25) inches per year. These adverse weather conditions create severe hazardous road conditions as well as mud and rockslides along the main access roads within as well as into the District from the surrounding area. Due to the periods of heavy fog and rainfall, along with repeated flooding conditions and road closures, the ability of the Fire Protection District to provide immediate emergency response is often delayed. These same adverse climatic conditions often result in a large number of vehicular accidents that place extreme restraints on the availability of emergency response to perform emergency rescue, first aid, hazardous materials control and firefighting. The climatic conditions often result in a substantial or total lack of ability of the Fire Protection District to respond immediately to the other types of emergency situations that occur. Examples of these emergency conditions may be a structure fire, brush fire, hazardous material incident or medical call. The mutual aid agreements established with adjoining fire protection agencies, might not be possible due to adverse climatic conditions having restricted or totally blocked access into the District.

v. *Geological*: The Coastside Fire Protection District is located within a high activity seismic Zone 4. The San Andreas Fault, as well as faults that are not fully charted, are within immediate boundaries of the District. The seismic geological conditions present a very severe potential for multiple fires, major breakage of water mains, major breakage of natural gas mains, multiple electrical power failures, multiple collapsed structures, large number of calls for emergency medical aid, all of which may occur simultaneously during a seismic event. Most of the structures within the hilly terrain have water pumping systems used for fire suppression water delivery as well as water storage tanks. Most of the pumping systems are dependent on electrical power for operation. Such electrical power may not be available during a seismic event. Water storage in the Point Montara zone of the District is deficient in volume. Water storage tanks used for the storage of required fire suppression water may also collapse in such an event forcing the additional needs to transport water via additional pieces of fire apparatus which will place a significant restraint on the ability of the District to provide the required emergency services.

vi. *Topographical*: The District is composed of areas that are considered by the State Fire Hazard Severity Zone mapping system to be of High and Very High fire hazard. Much of the District is hilly terrain covered with highly combustible natural vegetation including the presence of many groves of eucalyptus trees. The structures within the areas of hilly terrain have very limited fire access due to narrow roadways with steep grades and poor road surface conditions such as gravel. The presence of many existing structures within the high and very high fire hazard and wildland areas provides for a severe potential of a structure fire spreading into a wildland fire condition.



Coastside Fire Protection District

STAFF REPORT

TO: Honorable Board of Directors

FROM: Jonathan Cox, Deputy Fire Chief

DATE: October 26, 2022

SUBJECT: 2022 FIRE CODE ADOPTION

Staff Recommendation

Introduce an Ordinance adopting the 2022 California Fire Code with local amendments.

Background

Every 3 years, the California Building Standards Commission updates and adopts the newest California Building Standards Code. This code automatically becomes effective on January 1, 2023. As part of that State level adoption, State law automatically rescinds local amendments, so local jurisdictions need to adopt new modifications to their codes.

The Coastside Fire Board of Directors last adopted the 2019 California Fire Codes with local amendments on October 23, 2019. On July 1, 2022, the State Building Standards Commission adopted the 2022 California Building Standards Code, which becomes effective on January 1, 2023, making it necessary for the Coastside Fire District to adopt a new ordinance.

Research and Findings

Staff is providing the Board with the proposed changes to the code to stay in line with State law and maintain the amendments currently in place from the last adopted ordinances.

Fiscal Impact

None

Attachment

1. Ordinance

ORDINANCE NO. 2022-03

COASTSIDE FIRE PROTECTION DISTRICT
COUNTY OF SAN MATEO, STATE OF CALIFORNIA

AN ORDINANCE ADOPTING THE CALIFORNIA FIRE CODE
EDITION AND PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE,
PROPERTY AND THE ENVIRONMENT FROM FIRE, PANIC, EXPLOSION, HAZARDOUS
MATERIALS AND HAZARDOUS USES AND ESTABLISHING A BUREAU OF FIRE PREVENTION
AND PROVIDING OFFICERS THEREFOR

The Board of Directors of the Coastsides Fire Protection District does hereby ordain as follows:

Section I. Findings of Fact.

A. **General.** After due consideration, the Board of Directors of the Coastsides Fire Protection District, hereby finds that the unique local climate, geological and topographical conditions existing within the boundaries of the District make it reasonably necessary for the District to impose more stringent requirements than set forth in the California Fire Code and pursuant to California Health and Safety Code sections 13869.7 and 17958.7, the District desires to make express findings to that effect and to adopt the modifications and changes contained in this adoptive Ordinance of the 2022 California Fire Code. Such changes are deemed to be reasonably necessary to provide adequate and effective protection of life, property, and the environment.

The District is within the air path approach to the San Francisco and San Jose International airports. The commercial air traffic as well as the presence of a large amount of private small aircraft presents a high potential for rescue and firefighting demands on the District.

The District has numerous festival events that occur yearly as well as a significant amount of tourism due to the presence of several miles of Pacific coastline and beaches. Such events and tourism can present significant increases of vehicular traffic and population within the District. The District covers areas of the "Devils Slide" portion of Hwy #1, the Pillar Point Harbor and many miles of isolated coastline. These increased conditions result in a high demand for providing emergency services.

The Coastsides Fire Protection District provides the fire protection services for the City of Half Moon Bay and the Communities of Montara, Moss Beach, Princeton, El Granada and Miramar in addition to the surrounding unincorporated areas with a total District size of 50 square miles. The District has established three fire stations to provide the emergency services. Fire Station 40 is located within the downtown area of the City of Half Moon Bay and Fire Station 41 is located within the unincorporated area of El Granada. El Granada is located four miles to the north of the City of Half Moon Bay. Fire Station 44 is located within the Moss Beach Area of the District. The District has thirty-five paid and twenty volunteer fire fighter positions, along with four management and two administrative support positions.

- B. **Climatic.** The Coastside Fire Protection District is located within a coastal region. The District is subject to extensive periods of dense coastal fog as well as an average rainfall of twenty-five (25) inches per year. These adverse weather conditions create severe hazardous road conditions as well as mud and rockslides along the main access roads within as well as into the District from the surrounding area. Due to the periods of heavy fog and rainfall, along with repeated flooding conditions and road closures, the ability of the Fire Protection District to provide immediate emergency response is often delayed. These same adverse climatic conditions often result in a large number of vehicular accidents that place extreme restraints on the availability of emergency response to perform emergency rescue, first aid, hazardous materials control and firefighting. The climatic conditions often result in a substantial or total lack of ability of the Fire Protection District to respond immediately to the other types of emergency situations that occur. Examples of these emergency conditions may be a structure fire, brush fire, hazardous material incident or medical call. The mutual aid agreements established with adjoining fire protection agencies, might not be possible due to adverse climatic conditions having restricted or totally blocked access into the District.
- C. **Geological.** The Coastside Fire Protection District is located within a high activity seismic Zone 4. The San Andreas Fault, as well as faults that are not fully charted, are within immediate boundaries of the District. The seismic geological conditions present a very severe potential for multiple fires, major breakage of water mains, major breakage of natural gas mains, multiple electrical power failures, multiple collapsed structures, large number of calls for emergency medical aid, all of which may occur simultaneously during a seismic event. Most of the structures within the hilly terrain have water pumping systems used for fire suppression water delivery as well as water storage tanks. Most of the pumping systems are dependent on electrical power for operation. Such electrical power may not be available during a seismic event. Water storage in the Point Montara zone of the District is deficient in volume. Water storage tanks used for the storage of required fire suppression water may also collapse in such an event forcing the additional needs to transport water via additional pieces of fire apparatus which will place a significant restraint on the ability of the District to provide the required emergency services.
- D. **Topographical.** The District is composed of areas that are considered by the State Fire Hazard Severity Zone mapping system to be of High and Very High fire hazard. Much of the District is hilly terrain covered with highly combustible natural vegetation including the presence of many groves of eucalyptus trees. The structures within the areas of hilly terrain have very limited fire access due to narrow roadways with steep grades and poor road surface conditions such as gravel. The presence of many existing structures within the high and very high fire hazard and wildland areas provides for a severe potential of a structure fire spreading into a wildland fire condition.

Section II. Adoption of California Fire Code.

Ordinance Number **2019-03** related to providing a Fire Prevention Code for the Coastside Fire Protection District is hereby repealed. Furthermore there is hereby adopted by the Board of Directors of the Coastside Fire Protection District, for the purpose of prescribing regulations governing conditions hazardous to life, property and the environment from fire, or explosion, hazardous materials, and hazardous uses, that certain code known as the **2022** California Fire Code, California Code of Regulations, Title 24 Part 9, including Appendix Chapter 4, Appendix B, Appendix C,

Appendix D, Appendix I, Appendix N, and Appendix O which has been adopted in part by the California Building Standards Commission with necessary amendments. The **2022** California Fire Code utilizes the **2021** International Fire Code, published by International Code Council, as the base document. State Fire Marshal amendments that are considered Building Standards are included to form the California Fire Code. The California Fire Code is published and printed by the International Code Council, being particularly the **2022** edition thereof, and whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section IX of this ordinance, of which three (3) copies have been and now are filed in the Office of the Clerk of the Coastsides Fire Protection District, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect the provisions thereof shall be controlling within the limits of the Coastsides Fire Protection District.

Section III. Establishment of the Bureau of Fire Prevention.

The Bureau of Fire Prevention is hereby established and shall operate under the supervision of the Chief of the Coastsides Fire Protection District, or the person or persons authorized by the Chief of the Coastsides Fire Protection District.

Section IV. Definitions.

1. Wherever the words "authority having jurisdiction or jurisdiction" are used, it shall be held to mean the Coastsides Fire Protection District.
2. Wherever the words "fire department" are used, it shall be held to mean the Coastsides Fire Protection District.
3. Wherever the words "Chief or Chief of the Bureau of Fire Prevention" are used, they shall be held to mean the Chief of the Coastsides Fire Protection District, or the person or persons authorized by the Chief of the Coastsides Fire Protection District.
4. Wherever the word "Administrator" is used, it shall be held to mean the Board of Directors of the Coastsides Fire Protection District.
5. Wherever the term "District Counsel" is used in the Fire Code, it shall be held to mean the Attorney for the Coastsides Fire Protection District.

Section V.

Establishment of Limits within the Coastsides Fire Protection District in Which Storage and Use of Explosives and Blasting Agents is to Be Prohibited. The storage and use of explosives and blasting agents are prohibited within the boundaries of the Coastsides Fire Protection District.

Exception: The Chief of the Coastsides Fire Protection District or the person or persons authorized by the Chief of the Coastsides Fire Protection District, may issue a permit to store or use explosives and blasting agents after due consideration has been given to the potential hazards to life, and property and compliance to the requirements established by the California State Fire Marshal for the Storage and Use of Explosives.

Section VI.

Establishment of Limits within the Coastside Fire Protection District in Which Storage of Flammable/Combustible Liquids in Outside Above-Ground Tanks is to Be Prohibited.

The Chief shall have the authority to permit or deny each site-specific design and/or installation of above ground flammable/combustible liquids tanks within the established boundaries of the Coastside Fire Protection District.

Section VII.

Establishment of Limits within the Coastside Fire Protection District in which Storage of Liquefied Petroleum Gases is to Be Prohibited.

The Chief shall have the authority to permit or deny each site-specific design and/or installation for the storage of Liquefied Petroleum Gases within the established boundaries of the Coastside Fire Protection District.

Section VIII.

Establishment of Limits within the Coastside Fire Protection District in Which the Storage of Compressed Natural Gas Is to Be Prohibited.

The Chief shall have the authority to permit or deny each site-specific design and/or installation for the storage of Compressed Natural Gas within the established boundaries of the Coastside Fire Protection District.

Section IX.

Establishment of minimum roofing classification for all new buildings constructed or re-roofed within the Coastside Fire Protection District.

All roof installations regulated by California Building Code Chapter 15 and Appendix Chapter 15 shall comply with CBC Section 1505, **but in no case shall be listed as less than a minimum of a Class B roofing assembly.**

The Chief shall have the authority to inspect all such roofing systems during construction and/or require certification from the installer that the roof system does meet these requirements.

Section X.

Amendments and Deletions to the California Fire Code as Published by and Printed by the International Code Council. The California Fire Code is amended and changed as follows:

Section 101 [adopted in its entirety]

Section 101.1 Title. [amended] These regulations shall be known as the Fire Code of the Coastside Fire Protection District, hereafter referred to as “this code”

Section 101.2.1 Appendix Chapters. [amended] Appendix chapters, which are not specifically adopted, may be used in whole or in part by the Coastside Fire Protection District as guides toward enforcement of the provisions of this ordinance.

Section 104.1 [adopted in its entirety]

Section 104.1.1 Fire Department Personnel and Peace Officer. [amended] Chief and members of the fire prevention bureau and other designated representatives as designated by the Chief shall have the powers of a public officer in performing their duties under this code and shall have the power to issue notices of violation or citations for violation of this code and any other ordinances of the Coastside Fire Protection District. Individuals designated as “peace officers” shall assume those duties upon successful completion of a PC 832 course of instruction.

Division II, Section 104.3 [adopted in its entirety]

Division II, Section 104.3.1 [adopted in its entirety]

Division II, Section 104.5 [adopted in its entirety]

Division II, Section 104.9 [adopted in its entirety]

Division II, Section-104.10.1 [adopted in its entirety]

Division II, Section 104.10.2 [adopted in its entirety]

Division II, Section 104.10.11 [adopted in its entirety]

Division II, Section 104.11.1 [adopted in its entirety]

Division II, Section 104.12 [adopted in its entirety]

Division II, Section 104.12.1 [adopted in its entirety]

Division II, Section 104.12.2 [adopted in its entirety]

Division II, Section 104.12.3 [adopted in its entirety]

Section 105.6.2.1 Special Events. [added] An operational permit is required to conduct a special event either inside or outside of a structure. Special events include but are not limited to the following types of activity: crafts faire, festivals, historical celebrations, etc.

Section 108.1 Authority to Inspect. [added] The Chief or other designated representatives shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any

violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.

Section 111 Board of Appeals Established. [added and amended] In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals.

Any person who is aggrieved within the meaning of this paragraph by an action of an authorized representative of the District may appeal the action to the Fire District's Board of Directors. The appeal must be in writing, must fully describe the action sought to be appealed and must be filed with the Clerk of the District Board within 30 days of the date of the action appealed. The Board of Directors shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official. The decision rendered by the Board of Directors of the Coastsides Fire District is final.

Section 111.2 Limitations on Authority. [amended] A person shall be deemed to be aggrieved within the meaning of this Section if the person is the applicant or the permittee or is otherwise directly affected by the action in question. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The action in question may also involve the approval or disapproval of a permit application submitted to the District, the grant or denial of a permit, or a decision concerning the interpretation, construction, operation, or enforcement of the District's Fire Prevention Code. The Board shall have no authority to waive requirements of this code.

Section 111.3 Qualifications. [amended] The Board of Appeals shall consist of the Fire District Board of Directors. The Fire Chief shall be an ex officio member of said Board but shall have no vote on any matter before the Board.

Section 112.4 Violation Penalties [amended] Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not less than \$250 dollars or more than \$2,500 or imprisonment for not less than 180 days or both in accordance with Section 19 of the California Penal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Notwithstanding any other provision of this code, whenever violation of any section contained in this code is punishable as a misdemeanor, the prosecuting attorney having jurisdiction to prosecute said misdemeanor, may specify that the offense is an infraction and proceed with prosecution as an infraction, unless the defendant, at the time of his arraignment or plea, objects to the offense being made an infraction, in which event the complaint shall be amended to charge a misdemeanor and the case shall proceed on a misdemeanor complaint.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

- (1) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- (2) Due to the potential danger of the hazardous materials regulated under the International/California Fire Code, any person, firm, or corporation who violates any of the provisions of the International/California Fire Code, shall be liable for civil penalties not exceeding \$250 dollars per day for the first ten days; and \$2,500 dollars per day for the next 20 days; and \$5,000 dollars for each day after twenty. This shall apply to each violation.
- (3) In addition to the penalties set out in this Code, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be summarily abated as such, and each day such condition continues shall be regarded as a new separate offense. The Coastside Fire Protection District shall also be permitted the right of recovering those funds, used to mitigate continuous, unabated hazards, which present a clear and present danger. The cost recovery fee shall be based on the actual hourly rate for the Coastside Fire Protection District staff and the cost of using a private contractor and equipment, used in gaining compliance for those in violation.
- (4) Fines and cost recovery fees will be accessed to the property owners tax rolls after thirty (30) days of the violations notice, or after completion of the appeal process.

Section 113.4 Failure to Comply. [amended] Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250 dollars or more than \$2,500.

Section 200 [added]

Air Reactive is any liquid, solid or gas, which, when combined with air, a reaction occurs that forms a hazardous condition. (See also, "pyrophoric")

ALL WEATHER SURFACE shall be a minimum of 6 inches of compacted Class II base rock and 2 inches of asphalt or concrete for grades up to 15%. From 15% to 20% an engineered surface such as rough grooved concrete is required. In no circumstances shall the grade exceed 20%.

AUTHORIZED REPRESENTATIVES shall be those persons determined by the Chief of the Coastside Fire Protection District to act as the Chiefs' agent.

BRIDGE A bridge shall be defined as a structure designed to carry a roadway over a depression or obstacle

BUILDING CODE is the California Building Code, 2022 edition

ELECTRICAL CODE is California Electrical Code, 2022 edition.

EXECUTIVE BODY is the Board of Directors for the Coastside Fire Protection District.

FIRE DEPARTMENT is the Coastside Fire Protection District.

JURISDICTION is the Coastside Fire Protection District.

JURISDICTIONAL AREA is the boundaries established for the Coastside Fire Protection District including the City of Half Moon Bay and unincorporated areas of San Mateo County including Miramar, El Granada, Princeton, Moss Beach and Montara.

LIQUID TIGHT is the ability of a material to retain a liquid being contained and prevent the passage of such liquid.

MECHANICAL CODE is the California Mechanical Code, 2022 edition.

PLUMBING CODE is the California Plumbing Code, 2022 edition.

STAGE A space within a building utilized for entertainment or presentations, which includes overhead hanging curtains, drops, scenery or stage effects other than lighting and sound.

STREET is any thoroughfare or public way not less than 20 feet in width which has been dedicated or deeded to the public for public use and required as a means of fire department access.

TRAFFIC CALMING DEVICES are design elements of fire apparatus access roads such as street alignment, installation of barriers, and other physical measures intended to reduce traffic and cut-through volumes, and slow vehicle speeds.

WASTE OIL is a Class III-B waste liquid resulting from the use of Class III-B combustible liquids such as motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids.

Section 303 [adopted in its entirety]

Section 303.3.1 Fuel Cylinders for Asphalt Roofing Kettles. [added] All fuel cylinders, used in conjunction with asphalt roofing kettles or related equipment, shall be adequately secured to prevent overturning.

Section 304.1.2.1 Clearance of Brush, Vegetative Growth and Combustible Material from Lots. [added] All lots shall be cleared of brush, vegetative growth, and combustible material upon written notification by the Coastside Fire Protection District.

Section 304.1.2.2 Clearance of Brush, Vegetative Growth from Structure Area. [added] Any person owning, leasing, controlling, operating, or maintaining any building or structure in, upon or adjoining any hazardous fire area or any such area within the jurisdictional boundary of the Coastside Fire Protection District, shall upon written notification remove and clear such brush, vegetative growth from the area of the building or structure, as prescribed within the written notice.

Section 304.1.2.3 Fire Breaks. [added] The Coastside Fire Protection District may require the installation of “fire breaks” around or within parcels of property where combustible weeds, crops, brush, or other combustible materials are present. The specific width and length of the “fire breaks” will be determined by the Coastside Fire Protection District. The following conditions will be included as part of the determining factors regarding the width and length of the “fire breaks”:

1. Height and width of combustible material present
2. Prevailing weather conditions
3. Topography of site
4. Available fire apparatus access
5. Fire protection systems available on-site
6. Relationship of structures within the given parcel to the combustible material or adjacent parcels where structures would become exposed to the presence of the combustible material

Specifications and guidelines for compliance with applicable sections of the ordinance shall be found in the Coastside Fire District **“Fire Prevention Bureau Standards” titled “Weed and Rubbish Abatement Program”**.

Section 304.1.2.4 Weed Abatement. [added] Due to heavy growth of fuels, unmaintained lots are a hazard to the surrounding properties. Coastside Fire Protection District staff shall carry out weed abatement program activities throughout the Coastside Fire Protection District.

Section 304.1.2.5 Declaration of Hazardous Fire Areas. [added] The State of California through the California Department of Forestry and Fire Protection has identified and released for action VERY HIGH FIRE HAZARD SEVERITY ZONES in Local Response Areas. The Board of Directors of the Coastside Fire Protection District hereby declares these zones as HAZARDOUS FIRE AREAS which shall require compliance with Section 4291 of the California Public Resources Code as updated by Section 4251 of the California Public Resources Code and Sections 304.1.2.1, 304.1.2.2, 304.1.2.3 and 304.1.2.4 of the Coastside Fire Protection District Ordinance No. 2022-03.

Chapter 3, Section 305 [adopted in its entirety]

Chapter 3, Section 307 [adopted in its entirety]

Chapter 3, Section 308 [adopted in its entirety]**Chapter 3, Section 310 [adopted in its entirety]****Chapter 3, Section 311 [adopted in its entirety]****Chapter 5, Section 503 [adopted in its entirety]****Section 503.1.2.1. Fire Department Access. [added]**

1. Fire Department Access shall be required when one or more additions, alterations, or repairs, or combination thereof, in a two-year period, exceed more than 50% of the valuation of the facility or building.

Exceptions:

1. Any exemption otherwise allowable under the Fire Code as determined by the Fire Code Official
2. Exterior improvements and work not requiring permits as provided in the Building Code
3. Detached Group U occupancies or detached carports less than 1000 square feet.
4. Work requiring only a mechanical, electrical, plumbing, and/or demolition permit.

Section 503.2.3.1 All Weather Surface. [added] Shall be a minimum of 6 inches of compacted Class II base rock and 2 inches of asphalt or concrete for grades up to 15%. From 15% to 20% an engineered surface such as a rough grooved concrete is required. In no circumstances shall the grade exceed 20%.

Section 503.2.4.1 Turning Radius. [added] Inside and outside turning radius for fire access roads will be based upon the capability of the fire apparatus used by the Coastside Fire Protection District. Turning radius design approval must be obtained from the Coastside Fire Protection District.

Section 503.2.6 Bridges and elevated surfaces. [amended] Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO **HS-20**. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs, or both shall be installed and maintained.

Section 503.3.1 Fire Access Lane Markings. [added] The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE",

which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE".

Section 503.4.1 Traffic Calming Devices. [amended] Traffic calming devices are prohibited unless approved by the fire code official. Traffic calming devices shall not be installed on designated fire apparatus response routes. When approved, traffic calming devices shall be installed in accordance with the Coastside Fire District's "Traffic Calming Devices" Standard Detail and Specification.

Section 503.4.2 Prohibited Parking. [added] If in the judgment of the Coastside Fire Protection District it is necessary to prohibit vehicular parking, or other materials or articles, along private fire access lanes in order to prevent obstruction of the required width of the fire access lane, signs shall be posted, as appropriate or as indicated in Section D103.6 with the addition of the following lettering near the bottom of the sign: (C.V.C.22500.1)

Section 503.4.3 Roadway Spikes. [added] The installation of roadway traffic control spikes is prohibited within fire access lanes unless prior approval is given by the Coastside Fire Protection District.

Section 505.1.1 Premises Identification. [added] New residential buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public way fronting the building. Residential address numbers shall be at least six feet above the finished surface of the driveway. Where buildings are located remotely to the public roadway, additional signage at the driveway/roadway entrance leading to the building and/or on each individual building shall be required by the Coastside Fire Protection District. This remote signage shall consist of a 6 inch by 18-inch green reflective metal sign with 3-inch reflective Numbers/ Letters similar to Hy-Ko 911 or equivalent.

Section 505.1.2 Multiple Tenant Structures. [added] Multiple tenant buildings, using the same street address numbers, shall have suite or unit identification posted as required by the Coastside Fire Protection District.

Section 505.1.3 Commercial/Industrial Size and Stroke of Numbers. [added] Building address numbers shall be either internally or externally illuminated and contrasting with the background so as to be seen from the public way fronting the building.

Building address number heights shall be sized in accordance with the table noted below. The number stroke shall be 1/2-inch or larger.

<u>Distance from Road</u>	<u>Address No. Size</u>
0-50 feet	6-inch
50-100 feet	8-inch
100-150 feet	10-inch
150 + feet	12-inch
with a corresponding increase in stroke width.	

Section 505.1.4 Rear Addressing. [added] When required by the Chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be

plainly visible and legible from the fire apparatus road at the back of the property. Number stroke and size will comply with Section 505.1 for residential buildings and 505.1.3 for commercial buildings.

Section 505.1.5 Suite/Unit Identification. [added] Buildings containing separate suite and/or unit identification shall have the suite or unit identification clearly posted with assigned letters or numbers having a minimum height of four inches and a minimum stroke of 1/2 inch. Assigned letters or numbers shall be of contrasting color to the background and located between 5 feet and 6 feet off the finished floor. Directional address numbers or letters shall be provided.

Section 505.1.6 Directories. [added] Complexes with multiple buildings may be required by the Coastside Fire Protection District to provide one or more of the following: a directory, a premise map or directional signage. Location, size, and color of such elements will be determined by the Coastside Fire Protection District on a site-specific basis.

Section 505.2.1 Construction Site. [added] Approved street or road signs and address numbers of the construction site shall be installed prior to combustible construction materials being placed on the site.

Section 506 [adopted in its entirety]

Section 506.1.3 Key Box. [added] When required by the Coastside Fire Protection District, a Knox Box of the size and type designated shall be mounted on the building near the main entrance and shall be located a minimum of 60 inches and not higher than 72 inches above the finished floor, in a location approved by the fire code official. Additional Knox Boxes may be required at rear entrances to buildings. Knox padlocks or Knox Gate Switches may be required at any access as specified by the fire code official.

Section 507.1.1 Fire Department Water Supply. [added]

1. Fire Department Water Supply shall be required when one or more additions, alterations, or repairs, or combination thereof, in a two-year period, exceed more than 50% of the valuation of the facility or building.

Exceptions:

1. Any exemption otherwise allowable under the Fire Code as determined by the Fire Code Official
2. Exterior improvements and work not requiring permits as provided in the Building Code
3. Detached Group U occupancies or detached carports less than 1000 square feet.
4. Work requiring only a mechanical, electrical, plumbing, and/or demolition permit.

Section 507.2.2.1 Suburban and Rural Water Supplies. [added] In areas where public and/or private fire mains are not available for the provision of the required fire flow, the Chief may develop a standard which requires a water supply for firefighting be provided. In

developing this standard, the Chief may be guided by NFPA Standards and Appendix B and C - California Fire Code 2022 edition.

Section 507.2.2.2 Storage of Suburban and Rural Water Supplies. [added] In calculating the water supply available to meet the minimum fire flow required in Section 507.1, swimming pools, ponds and underground cisterns shall not be considered as a primary water source.

Section 903.1.2 All Occupancies and Facilities. [amended] The following requirements shall apply to all new buildings or structures which require a building permit issued by the City of Half Moon Bay or the County of San Mateo:

1. Except as otherwise provided by this Section, or as provided under Section 903.3 of the latest adopted edition of the California Fire Code, automatic fire sprinkler systems shall be installed and maintained in every new building or structure of any type, use, occupancy, or size which requires a building permit issued by the City of Half Moon Bay or the County of San Mateo.
2. The term “automatic fire sprinkler system” as used in this Section means an integrated system of underground and overhead piping, including a water supply such as a gravity tank, fire pump, reservoir, pressure tank or connection by underground piping to a fire main, which system complies in all respects with the requirements for such systems contained in standards issued by the National Fire Protection Association based upon the occupancy classification or other standards approved by the California State Fire Marshals’ office and approved by the Chief on a case-by-case basis.

The following structures are exempt from the requirements of this Section:

1. Agricultural Buildings. For the purposes of this Section, an “Agricultural building” is defined as a non-residential structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. “Agricultural building” includes a place of employment where agricultural products are processed, treated, or packaged. Office uses within “agricultural buildings” shall not exceed ten percent (10%) of the total floor area of the building unless such buildings are provided with an automatic fire sprinkler system throughout. “Agricultural buildings” shall include greenhouses.
2. Non-Residential Structures not exceeding 1,000 square feet in area.
3. Mausoleums of Type 1 construction, as defined by the California Building Code, which do not contain offices, chapels, or other places where the public assembles on a regular basis.
4. Car wash structures where no offices or waiting rooms are attached.

The requirements of this Section are intended to represent minimum standards for new construction. Further, any requirements of the California Building Code, the California Fire Code or the State Building Standards Code, which is more restrictive, specifies higher standards or mandate’s specific locations within a structure for automatic sprinkler systems shall be applicable.

Section 903.2.1 Existing buildings or structures. [added] An Automatic sprinkler system shall be provided in existing buildings and structures where required in Chapter 11 of the California Fire Code or when improvements are conducted in accordance with this section.

Section 903.6.1 Where required. [added] All existing buildings and structures, except for Group R-3 One and Two-Family Dwellings, shall be provided with an automatic fire sprinkler system when any of the following conditions occur:

- (A) The renovation of any structure and/or when combined with any additions to the structure, affects a *gross floor area* which exceeds fifty percent (50%) of the existing floor area of the structure. For the purpose of this Section, when determining the *affected gross floor area* of an existing structure, whenever more than 50% of the wall or ceiling coverings (e.g., wallboard, plaster, etc.) have been removed from within a room or space bounded by three or more walls within the structure, the entire *gross floor area* of the room or space shall be counted towards the total affected *gross floor area* of the existing structure.

Exception:

1. When in the opinion of the Chief, the change of occupancy classification did not result in a significant increase in the level of life safety or fire safety of the occupancy, the Chief may waive the requirement for automatic fire sprinkler system installation.

- (B) When a change in occupancy classification, as defined within the Building Code, results in an increased fire hazard or risk due to business operation and/or number of occupants permitted in the building.

Section 903.6.2 [added] All existing one- and two-family dwellings, buildings and/or structures shall be provided with an automatic fire sprinkler system when any of the following conditions occur

1. Automatic sprinklers shall be installed in any one and two-family garage, carport or breezeway attached to any structure for which an automatic sprinkler system is required. A detached one and two-family garage, not containing any habitable space, 1,000 square feet or more shall require the installation of an NFPA-13D automatic fire sprinkler system.
2. Additions, alterations, or modifications to any existing structure containing automatic fire sprinklers shall require the extension or modification of the fire sprinkler system throughout the added, altered, or modified, areas. Plans for the installation, extension or modification of an automatic fire sprinkler system shall be submitted to the Planning and Building Department of San Mateo County or the City of Half Moon Bay for review and approval by the appropriate fire agency. Additions, alterations, and/or remodels to an existing dwelling previously equipped with automatic fire sprinklers shall be submitted to the planning and building department of San Mateo County or the City of Half Moon Bay. Components of the existing system shall be Submitted for review in order to determine compliance with the applicable standards.
3. All automatic fire sprinkler systems shall comply with the currently enforced edition of NFPA-13, NFPA-13D, NFPA-13R and any additional County specifications, or modifications imposed by supplemental rules and regulations adopted by the County of San Mateo or the City of Half Moon Bay.
4. The installation of an automatic fire sprinkler system may be required by the Building Official when an alteration, addition or change in use or occupancy of a building or portion of a building thereof increases the hazard of fire or threat to life and safety.

5. Where required by the local Fire District.

The following sections are [amended] by changing California Fire Code requirements to 1,000 square feet for fire sprinkler installation, as follows:

- 903.2.1.1** Group A-1. Change 12,000 square feet to 1,000 square feet.
- 903.2.1.2** Group A-2. Change 5,000 square feet to 1,000 square feet.
- 903.2.1.3** Group A-3. Change 12,000 square feet to 1,000 square feet.
- 903.2.1.4** Group A-4. Change 12,000 square feet to 1,000 square feet.
- 903.2.3** Group E. Change 12,000 square feet to 1,000 square feet.
- 903.2.4** Group F. Change all Group F-1 occupancies to 1,000 square feet.
- 903.2.7** Group M. Change all Group M occupancies to 1,000 square feet.
- 903.2.9** Group S-1. Change all Group S-1 occupancies to 1,000 square feet.
- 903.2.10** Change all Group S-2 occupancies to 1,000 square feet.

Section–903.2.8.1.1 Automatic sprinkler systems installed in Group R-3, occupancies [added] shall conform to the following standards in addition to NFPA Standard 13D, currently adopted edition:

1. Automatic sprinkler system coverage shall be provided throughout the residence to include all bathrooms, attached garages, and any interior rooms used for storage.
2. An exterior bell shall be mounted in a location to be audible from the street upon activation of the required flow switch.
3. An interior horn shall be mounted in a central location audible from the master bedroom upon activation of the required flow switch.
4. A sprinkler head shall be mounted on a metal sprig above any attic access openings and where required by the AHJ.
5. An inspector's test valve shall be mounted to flow from the most remote area of the system in an accessible location.
6. All group R, Division 3 occupancies shall require an automatic sprinkler system regardless of square footage, -0- Square feet.
7. Accessory Dwelling Units shall conform to the most recent California State Fire Marshal's Information Bulletin

Section-903.3.3.8.6 Partial Systems. [added] Unless approved in writing by the fire code official, automatic fire sprinkler systems that only protect a portion of the building shall not be allowed.

Section 905.5.3 Class II System 1 1/2-inch hose. [amended] A minimum *1 ½ inch (37.5 mm)* hose shall be allowed to be used for hose stations in light-hazard occupancies where investigated and listed for this service and where approved by the fire code official.

Section 907.8.5.2 Making False Report. [added] It shall be unlawful for a person to give, signal or transmit a false alarm. A false report may include signals from a fire alarm system, including signals caused during fire alarm maintenance without prior Fire District notification. Making a false report shall be liable to a fine as set forth in the Fire District Fee Schedule.

Section 907.10.1 Alarm Panel Clearance. [added] A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of fire protection equipment including, but not limited to: fire sprinkler control valves, fire department connections, hose connections, risers, hood system manual pull stations, fire alarm control panels, fire pumps and specialized fire protection storage tanks (dry chemical, foam, CO2, clean agent). Where the fire protection equipment is wider than 30 inches, (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space. Direct access to the working space shall be provided from aisles or access roadways. Modifications to working space dimensions shall be approved by the fire code official.

Section-907.2.11.2.4-5. Smoke Detection for Existing Group R Division 3 Occupancies.

[added] All existing Group R Division 3 Occupancies shall be provided with an approved smoke detection system meeting the requirements of 907.2.11.2 throughout the structure when any of the following occurs:

1. When property is occupied by other than the property owner and rental or lease income is derived.
2. When existing property is sold an inspection of the installed smoke detection system for compliance with the Fire Code shall be completed by the Coastside Fire Protection District prior to close of escrow.

Section 907.8.5.1 Fire Department Response to False Alarms. [added] Any building owner or owner's agent who fails to properly maintain and service any smoke detector or fire alarm system, water flow detection alarm or fire sprinkler tamper alarm, after being notified that service or maintenance is required, will be subject to the payment of costs related to any false alarm response by the fire department.

Section 912.2.1.1 Painting of Fire Protection Equipment and Hydrants. [added] When required by the Chief, fire-protection equipment and fire hydrants shall be painted a color specified by the Coastside Fire Protection District.

Section 912.5.1 Identification. [added] Fire department connections to sprinkler systems and/or standpipe systems shall clearly identify the building served as required by the Coastside Fire Protection District.

Section 1003.3.4.1 Seismic Restraint for Storage Shelving. [added] All storage shelving shall be provided with adequate seismic restraint as required by Chapter 16 of the California Building Code. Storage shelving not required to have seismic restraint by the Building Code

may be required to be secured to prevent obstruction of the means of egress as determined by the Coastside Fire Protection District.

Section 5601.1.6 Fireworks. [added] All fireworks, including but not limited to, those listed by the California State Fire Marshal as “Safe and Sane”, are prohibited within the jurisdictional boundaries of the San Mateo County Fire Department on a year around basis. An exception is allowed for professional fireworks displays and theatrical use as permitted by the Fire Code Official.

Section 5608.1.2 Permits. [added] Permits shall be required as set forth in the California Fire Code.

Section 6101.3 Construction Documents. [amended] Where a single LP-gas container is 500 gallons (1893 L) or more in water capacity or the aggregate water capacity of LP-gas containers are more than 2,000 gallons (7570 L), the installer shall submit construction documents for such installation.

Appendix D [adopted as amended]

Section D102.2 Fire Apparatus Roads. [added]

Fire Apparatus Roads shall comply with Sections D102.2.1 through D102.2.2.

D102.2.1 Parking

Roads 32 feet or greater in width shall allow parking on both sides

D102.2.2 Turnouts

Roads exceeding 800 feet in length shall provide turnouts no more than 400 feet apart

Section D103.4.1 [added] The fire department reserves the right to use all or portions of City/County right of way for access and or turnarounds.

Section-D103.6.4 Maintenance and Installation of Fire Access Signs. [added] It shall be unlawful for the owner, lessee, or person in charge of private property to fail to install and maintain required fire access lane signs and/or markings after having been given notice by the Coastside Fire Protection District.

Section D103.7 Traffic Signal Control Devices. [added] When a government agency requires an Encroachment Permit at any intersection and new or existing traffic signals are involved, the traffic signals shall be provided with a traffic signal control device that is operated from the fire apparatus.

Appendix I [adopted in its entirety]

Appendix N [adopted in its entirety]

Appendix O [adopted and amended] Temporary and/or permanent Haunted Houses, Ghost Walks and similar amusement uses

Coastside Fire Protection District Fire Prevention Bureau Standards are adopted as listed below:

Number / Title

CFR-001 Traffic Calming Devices

CFR-002 Street Signs Addressing

CFR-003 Bollard Guard Post

CFR-004 Fire Watch Requirements

CFR-005 False Alarm Response Policy

Section XI. Severability:

If any Section, subsection, provision or other portion of this ordinance, or its application to any person or circumstance, is held invalid or unenforceable, all other parts of this ordinance shall remain in full force and effect, and the Board declares that it would have adopted each section, subsection and provision independently, and that each provision is severable.

Section XII. Effective Date

This ordinance shall be in full force and effect after it is ratified by the City of Half Moon Bay and The County of San Mateo, but in any event no sooner than thirty (30) days after its adoption by the District. Within fifteen (15) days after the ordinance is adopted, a summary of this ordinance and a tally of how each Board member voted shall be published once in a newspaper of general circulation, and posted at the District office.

INTRODUCED at a regular meeting of the Board of Directors of the Coastsid Fire Protection District on October 26, 2022.

AYES:

NOES:

ABSENT:

President, Board of Directors
Coastside Fire Protection District

ATTEST:

Secretary of the District

ORDINANCE NO. C-2022-XX

AN ORDINANCE OF THE CITY OF HALF MOON BAY REPEALING AND REPLACING THE EXISTING CHAPTER 14.04, BUILDING STANDARDS, OF THE HALF MOON BAY MUNICIPAL CODE, TO ADOPT BY REFERENCE: 2022 CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2, TITLE 24 PART 2; 2022 CALIFORNIA RESIDENTIAL CODE, TITLE 24 PART 2.5; 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, TITLE 24 PART 11; 2019 2022 CALIFORNIA FIRE CODE TITLE 24 PART 9; 2022 CALIFORNIA PLUMBING CODE, TITLE 24 PART 5; 2022 CALIFORNIA MECHANICAL CODE, TITLE 24 PART 4; 2022 CALIFORNIA ELECTRICAL CODE, TITLE 24 PART 3; 2022 CALIFORNIA ENERGY CODE, TITLE 24 PART 6; 2022 CALIFORNIA ADMINISTRATIVE CODE, TITLE 24 PART 1; 2022 CALIFORNIA REFERENCED STANDARDS CODE TITLE 24 PART 12; AND THE 1997 UNIFORM ABATEMENT OF DANGEROUS BUILDINGS CODE, WITH MODIFICATIONS FOR LOCAL CONDITIONS.

The City Council of the City of Half Moon Bay does ordain as follows:

Section 1: Findings. The City Council of the City of Half Moon Bay finds and declares as follows:

(a) Health and Safety Code Section 18941.5, with reference to Section 17958.7, allows for more restrictive local amendments to the current California Building Standards Code (“Building Codes”) that are reasonably necessary because of local climatic, geological, or topographical conditions.

(b) The Half Moon Bay City Council expressly declares that these proposed amendments to the Building Codes are reasonably necessary because of local climatic, topographical, and geological conditions pursuant to Government Code Sections 18941.5 and 17958.5, and the City Council hereby adopts the findings of reasonable necessity as set forth in the Resolution accompanying this ordinance.

(c) Express findings that these modifications to the Building Codes are reasonably necessary are hereby made and will be filed with the California Building Standards Commission in accordance with California Health and Safety Code Section 17958.7 before this ordinance takes effect.

Section 2: Municipal Code Amendments. Chapter 14.04, Building Standards, of the Half Moon Bay Municipal Code is hereby repealed and replaced with a new Chapter 14.04 entitled “Building Standards,” as shown in Attachment A.

Section 3: Severability. If any words, phrases, provisions or sections of this Chapter are either determined by a Court of competent jurisdiction to be void, invalid, unenforceable,

or preempted by state or federal law, then such words, phrases, provisions, or sections shall be severed from this Chapter, and all the remaining words, phrases, provisions, and sections of this Chapter shall remain in full force and effect; provided however, that the severing of such words, phrases, provisions, and sections does not frustrate the purposes of any of the remaining sections of the chapter.

Section 4: California Environmental Quality Act. The City Council finds that this Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action would have no or only a de minimis effect on the environment. The Ordinance is also exempt from CEQA under CEQA Guidelines section 15308, because it is a regulatory action for the protection of the environment. The foregoing determination is made by the City Council in its independent judgment

Section 5: Effective Date. Pursuant to Section 36937 of the Government Code of the State of California, this ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

Section 6: Publication. The City Clerk shall cause this ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 6th day of December, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Jessica Blair, City Clerk

Deborah Ruddock, Mayor

ATTACHMENT A

14.04 Building Standards

14.04.010 Intent and Purpose

It is the intent of the City to adopt by reference the 2022 California Building Standards Code for the purpose of establishing minimum standards to safeguard and protect the health, safety and welfare of the public by regulating the design, construction, quality of materials, use, occupancy, and location of all builds and structures within the City.

14.04.020 Building Code

Those certain Codes and Standards known as the 2022 California Building Code, Part 2 of Title 24 of the California Code of Regulations, Volumes 1 and 2, published by the California Building Standards Commission, and by reference the 2021 International Building Code published by the International Code Council, and Appendix Chapters C (Group U Agricultural Buildings), G (Flood Resistant Construction), H (Signs), I (Patio Covers), and J (Grading) are hereby adopted by reference with the following amendments:

Appendix J Grading, is amended as follows:

- a. Section J103.1, Permits Required, is amended to read as follows:

Except as exempted in Section J103.2, grading shall not be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.

Notwithstanding the provisions of Section J103.2 Exemptions, a grading permit shall be required for all excavation and grading involving more than 50 cubic yards of material; grading and excavating will exceed an area greater than 5000 square feet; or grading or excavating has a potential to obstruct a natural or manmade drainage course.

- b. Section J103.1.2, Engineered Grading Requirements, is added to read as follows:
 - A. If more than 50 yards of material are to be removed from the site, the following information must be included in the application materials submitted to the City:
 - 1. The names, addresses and telephone numbers of all persons owning property where the materials is to be deposited

2. The specific locations of the deposit site
3. The haul route or routes to be followed
4. The estimated times and dates the materials are to be transported.

B. If more than 50 yards of material are to be transported to the site, the following information must be included in the application submitted to the City:

1. A statement as to the source and type of materials to be transported to the site
2. The haul route or routes to be followed
3. The estimated times and dates the materials are to be transported
4. The name, address and phone number of the person to have effective control of the work, including a telephone number for contact in the event of an emergency.

c. Section J104.1 Submittal Requirements, is amended to read as follows:

In addition to the provisions of Sections 105.3 *and 1.8.4, as applicable*, the applicant shall state the estimated quantities of excavation and fill.

A. If more than 50 yards of material are to be removed from the site, the following information must be included in the application materials submitted to the City:

1. The names, addresses and telephone numbers of all persons owning property where the material is to be deposited
2. The specific locations of the deposit site
3. The haul route or routes to be followed
4. The estimated times and dates the materials are to be transported.

B. If more than 50 yards of material are to be transported to the site, the following information must be included in the application submitted to the City:

1. A statement as to the source and type of materials to be transported to the site
2. The haul route or routes to be followed
3. The estimated times and dates the materials are to be transported
4. The name, address and phone number of the person to have effective control of the work, including a telephone number for contact in the event of an emergency.

d. Section J107.6, Grading and Filling of Flood Plain Areas, is added to read as follows:

No grading shall occur and no fill material shall be placed within 100 feet of the edge of the low flow channel in a flood plain area. Minor grading or filling may be allowed in a flood plain area for agricultural purposes if in the opinion of the City Engineer the grading or fill material will not adversely affect the drainage in the flood plain area.

14.04.030 Mechanical Code

Those certain Codes and Standards known as the 2022 California Mechanical Code, Part 4 of Title 24 of the California Code of Regulations, published by the California Building Standards Commission, and by reference the 2021 Uniform Mechanical Code published by the International Code Council, and all appendices thereto, are hereby adopted by reference without amendment.

14.04.040 Energy Code

Those certain Codes and Standards known as the 2022 California Energy Code, Part 6 of Title 24 of the California Code of Regulations, published by the California Building Standards Commission, is hereby adopted by reference without amendment.

14.04.050 Referenced Standards Code

Those certain Codes and Standards known as the 2022 California Referenced Standards Code, Part 12 of Title 24 of the California Code of Regulations, published by the California Building Standards Commission, is hereby adopted by reference without amendment.

14.04.060 Plumbing Code

Those certain Codes and Standards known as the 2022 California Plumbing Code, Part 5 of Title 24 of the California Code of Regulations, published by the California Building Standards

Commission, and by reference the 2012 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials, and all appendices thereto, are hereby adopted by reference without amendment.

14.04.070 Electrical Code

Those certain Codes and Standards known as the 2022 California Electrical Code, Part 3 of Title 24 of the California Code of Regulations, published by the California Building Standards Commission, is hereby adopted by reference with the following amendments:

Article 100, Definitions, is amended to add the following definition:

Electrical Service. Underground electrical service shall be provided in all new construction, additions of more than 25 percent of the existing floor area, and remodels where the estimated cost of construction is 50 percent or more of the assessed valuation of the building. Underground service shall be installed in accordance with the most recent addition of the Pacific Gas and Electric Company Electric and Gas Service Requirement Section 5 Electric Service Underground.

14.04.080 Administrative Code

Those certain Codes and Standards known as the 2022 California Administrative Code, Part 1 of Title 24 of the California Code of Regulations, published by the California Building Standards Commission is hereby adopted without amendment.

14.04.090 Existing Buildings Code

Those certain Codes and Standards known as the 2022 California Existing Building Code, Part 10 of Title 24 of the California Code of Regulations, published by the California Building Standards Commission, and by reference the 2021 International Existing Building Code published by the International Code Council, is hereby adopted without amendment.

14.04.100 Historical Building Code

Those certain Codes and Standards known as the 2022 California Historical Building Code, Part 8 of Title 24 of the California Code of Regulations, published by the California Building Standards Commission is hereby adopted without amendment.

14.04.110 Fire Code

Those certain Codes and Standards known as the 2022 California Fire Code, Part 9, and by reference the 2021 International Fire Code published by the International Code Council, and all appendices thereto, are hereby adopted by reference with the following amendments:

A. Establishment of the Bureau of Fire Prevention. The Bureau of Fire Prevention is hereby established and shall operate under the supervision of the Chief of the Coastside Fire Protection District, or the person or persons authorized by the Chief of the Coastside Fire Protection District.

B. Definitions.

1. Wherever the words “authority having jurisdiction or jurisdiction” are used, it shall be held to mean the Coastside Fire Protection District.
2. Wherever the words “fire department” are used, it shall be held to mean the Coastside Fire Protection District.
3. Wherever the words “Chief or Chief of the Bureau of Fire Prevention” are used, they shall be held to mean the Chief of the Coastside Fire Protection District, or the person or persons authorized by the Chief of the Coastside Fire Protection District.
4. Wherever the word “Administrator” is used, it shall be held to mean the Board of Directors of the Coastside Fire Protection District.
5. Wherever the term “District Counsel” is used in the Fire Code, it shall be held to mean the Attorney for the Coastside Fire Protection District.

C. Establishment of Limits within the Coastside Fire Protection District in Which Storage and Use of Explosives and Blasting Agents is to Be Prohibited. The storage and use of explosives and blasting agents are prohibited within the boundaries of the Coastside Fire Protection District.

Exception: The Chief of the Coastside Fire Protection District or the person or persons authorized by the Chief of the Coastside Fire Protection District, may issue a permit to store or use explosives and blasting agents after due consideration has been given to the potential hazards to life, and property and compliance to the requirements established by the California State Fire Marshal for the Storage and Use of Explosives.

D. Establishment of Limits within the Coastside Fire Protection District in Which Storage of Flammable/Combustible Liquids in Outside Above-Ground Tanks is to Be Prohibited. The Chief shall have the authority to permit or deny each site-specific design and/or installation of above

ground flammable/combustible liquids tanks within the established boundaries of the Coastsides Fire Protection District.

E. Establishment of Limits within the Coastsides Fire Protection District in which Storage of Liquefied Petroleum Gases is to Be Prohibited. The Chief shall have the authority to permit or deny each site-specific design and/or installation for the storage of Liquefied Petroleum Gases within the established boundaries of the Coastsides Fire Protection District.

F. Establishment of Limits within the Coastsides Fire Protection District in Which the Storage of Compressed Natural Gas Is to Be Prohibited. The Chief shall have the authority to permit or deny each site-specific design and/or installation for the storage of Compressed Natural Gas within the established boundaries of the Coastsides Fire Protection District.

G. Establishment of minimum roofing classification for all new buildings constructed or re-roofed within the Coastsides Fire Protection District. All roof installations regulated by California Building Code Chapter 15 and Appendix Chapter 15 shall comply with CBC Section 1505, but in no case shall be listed as less than a minimum of a Class B roofing assembly.

The Chief shall have the authority to inspect all such roofing systems during construction and/or require certification from the installer that the roof system does meet these requirements.

H. Amendments and Deletions to the California Fire Code as Published by and Printed by the International Code Council. The California Fire Code is amended and changed as follows:

Section 101 [adopted in its entirety]

Section 101.1 Title. [amended] These regulations shall be known as the Fire Code of the Coastsides Fire Protection District, hereafter referred to as “this code”

Section 101.2.1 Appendix Chapters. [amended] Appendix chapters, which are not specifically adopted, may be used in whole or in part by the Coastsides Fire Protection District as guides toward enforcement of the provisions of this ordinance.

Section 104.1 [adopted in its entirety]

Section 104.1.1 Fire Department Personnel and Peace Officer. [amended] Chief and members of the fire prevention bureau and other designated representatives as designated by the Chief shall have the powers of a public officer in performing their duties under this code and shall have the power to issue notices of violation or citations for violation of this code and any other ordinances of the Coastside Fire Protection District. Individuals designated as “peace officers” shall assume those duties upon successful completion of a PC 832 course of instruction.

Division II, Section 104.3 [adopted in its entirety]

Division II, Section 104.3.1 [adopted in its entirety]

Division II, Section 104.5 [adopted in its entirety]

Division II, Section 104.9 [adopted in its entirety]

Division II, Section 104.10.1 [adopted in its entirety]

Division II, Section 104.10.2 [adopted in its entirety]

Division II, Section 104.10.11 [adopted in its entirety]

Division II, Section 104.11.1 [adopted in its entirety]

Division II, Section 104.12 [adopted in its entirety]

Division II, Section 104.12.1 [adopted in its entirety]

Division II, Section 104.12.2 [adopted in its entirety]

Division II, Section 104.12.3 [adopted in its entirety]

Section 105.6.2.1 Special Events. [added] An operational permit is required to conduct a special event either inside or outside of a structure. Special events include but are not limited to the following types of activity: crafts faire, festivals, historical celebrations, etc.

Section 108.1 Authority to Inspect. [added] The Chief or other designated representatives shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.

Section 111 Board of Appeals Established. [added and amended] In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the

application and interpretation of this code, there shall be and is hereby created a Board of Appeals.

Any person who is aggrieved within the meaning of this paragraph by an action of an authorized representative of the District may appeal the action to the Fire District's Board of Directors. The appeal must be in writing, must fully describe the action sought to be appealed and must be filed with the Clerk of the District Board within 30 days of the date of the action appealed. The Board of Directors shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official. The decision rendered by the Board of Directors of the Coastsides Fire District is final.

Section 111.2 Limitations on Authority. [amended] A person shall be deemed to be aggrieved within the meaning of this Section if the person is the applicant or the permittee or is otherwise directly affected by the action in question. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The action in question may also involve the approval or disapproval of a permit application submitted to the District, the grant or denial of a permit, or a decision concerning the interpretation, construction, operation, or enforcement of the District's Fire Prevention Code. The Board shall have no authority to waive requirements of this code.

Section 111.3 Qualifications. [amended] The Board of Appeals shall consist of the Fire District Board of Directors. The Fire Chief shall be an ex officio member of said Board but shall have no vote on any matter before the Board.

Section 112.4 Violation Penalties [amended] Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not less than \$250 dollars or more than \$2,500 or imprisonment for not less than 180 days or both in accordance with Section 19 of the California Penal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Notwithstanding any other provision of this code, whenever violation of any section contained in this code is punishable as a misdemeanor, the prosecuting attorney having jurisdiction to prosecute said misdemeanor, may specify that the offense is an infraction and proceed with prosecution as an infraction, unless the defendant, at the time of his arraignment or plea, objects to the offense being made an infraction, in which event the complaint shall be amended to charge a misdemeanor and the case shall proceed on a misdemeanor complaint.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(1) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(2) Due to the potential danger of the hazardous materials regulated under the International/California Fire Code, any person, firm, or corporation who violates any of the provisions of the International/California Fire Code, shall be liable for civil penalties not exceeding \$250 dollars per day for the first ten days; and \$2,500 dollars per day for the next 20 days; and \$5,000 dollars for each day after twenty. This shall apply to each violation.

(3) In addition to the penalties set out in this Code, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be summarily abated as such, and each day such condition continues shall be regarded as a new separate offense. The Coastside Fire Protection District shall also be permitted the right of recovering those funds, used to mitigate continuous, unabated hazards, which present a clear and present danger. The cost recovery fee shall be based on the actual hourly rate for the Coastside Fire Protection District staff and the cost of using a private contractor and equipment, used in gaining compliance for those in violation.

(4) Fines and cost recovery fees will be accessed to the property owners tax rolls after thirty (30) days of the violations notice, or after completion of the appeal process.

Section 113.4 Failure to Comply. [amended] Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250 dollars or more than \$2,500.

Section 200 [added]

Air Reactive is any liquid, solid or gas, which, when combined with air, a reaction occurs that forms a hazardous condition. (See also, "pyrophoric")

ALL WEATHER SURFACE shall be a minimum of 6 inches of compacted Class II base rock and 2 inches of asphalt or concrete for grades up to 15%. From 15% to 20% an engineered

surface such as rough grooved concrete is required. In no circumstances shall the grade exceed 20%.

AUTHORIZED REPRESENTATIVES shall be those persons determined by the Chief of the Coastside Fire Protection District to act as the Chiefs' agent.

BRIDGE A bridge shall be defined as a structure designed to carry a roadway over a depression or obstacle

BUILDING CODE is the California Building Code, 2022 edition

ELECTRICAL CODE is California Electrical Code, 2022 edition.

EXECUTIVE BODY is the Board of Directors for the Coastside Fire Protection District.

FIRE DEPARTMENT is the Coastside Fire Protection District.

JURISDICTION is the Coastside Fire Protection District.

JURISDICTIONAL AREA is the boundaries established for the Coastside Fire Protection District including the City of Half Moon Bay and unincorporated areas of San Mateo County including Miramar, El Granada, Princeton, Moss Beach and Montara.

LIQUID TIGHT is the ability of a material to retain a liquid being contained and prevent the passage of such liquid.

MECHANICAL CODE is the California Mechanical Code, 2022 edition.

PLUMBING CODE is the California Plumbing Code, 2022 edition.

STAGE A space within a building utilized for entertainment or presentations, which includes overhead hanging curtains, drops, scenery or stage effects other than lighting and sound.

STREET is any thoroughfare or public way not less than 20 feet in width which has been dedicated or deeded to the public for public use and required as a means of fire department access.

TRAFFIC CALMING DEVICES are design elements of fire apparatus access roads such as street alignment, installation of barriers, and other physical measures intended to reduce traffic and cut-through volumes, and slow vehicle speeds.

WASTE OIL is a Class III-B waste liquid resulting from the use of Class III-B combustible liquids such as motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids.

Section 303 [adopted in its entirety]

Section 303.3.1 Fuel Cylinders for Asphalt Roofing Kettles. [added] All fuel cylinders, used in conjunction with asphalt roofing kettles or related equipment, shall be adequately secured to prevent overturning.

Section 304.1.2.1 Clearance of Brush, Vegetative Growth and Combustible Material from Lots. [added] All lots shall be cleared of brush, vegetative growth, and combustible material upon written notification by the Coastside Fire Protection District.

Section 304.1.2.2 Clearance of Brush, Vegetative Growth from Structure Area. [added] Any person owning, leasing, controlling, operating, or maintaining any building or structure in, upon or adjoining any hazardous fire area or any such area within the jurisdictional boundary of the Coastside Fire Protection District, shall upon written notification remove and clear such brush, vegetative growth from the area of the building or structure, as prescribed within the written notice.

Section 304.1.2.3 Fire Breaks. [added] The Coastside Fire Protection District may require the installation of “fire breaks” around or within parcels of property where combustible weeds, crops, brush, or other combustible materials are present. The specific width and length of the “fire breaks” will be determined by the Coastside Fire Protection District. The following conditions will be included as part of the determining factors regarding the width and length of the “fire breaks”:

1. Height and width of combustible material present
2. Prevailing weather conditions
3. Topography of site
4. Available fire apparatus access
5. Fire protection systems available on-site
6. Relationship of structures within the given parcel to the combustible material or adjacent parcels where structures would become exposed to the presence of the combustible material

Specifications and guidelines for compliance with applicable sections of the ordinance shall be found in the Coastside Fire District “Fire Prevention Bureau Standards” titled “Weed and Rubbish Abatement Program”.

Section 304.1.2.4 Weed Abatement. [added] Due to heavy growth of fuels, unmaintained lots are a hazard to the surrounding properties. Coastside Fire Protection District staff shall carry out weed abatement program activities throughout the Coastside Fire Protection District.

Section 304.1.2.5 Declaration of Hazardous Fire Areas. [added] The State of California through the California Department of Forestry and Fire Protection has identified and released for action VERY HIGH FIRE HAZARD SEVERITY ZONES in Local Response Areas. The Board of Directors of the Coastside Fire Protection District hereby declares these zones as HAZARDOUS FIRE AREAS which shall require compliance with Section 4291 of the California Public Resources Code as updated by Section 4251 of the California Public Resources Code and Sections 304.1.2.1, 304.1.2.2, 304.1.2.3 and 304.1.2.4 of the Coastside Fire Protection District Ordinance No. 2022-03.

Chapter 3, Section 305 [adopted in its entirety]

Chapter 3, Section 307 [adopted in its entirety]

Chapter 3, Section 308 [adopted in its entirety]

Chapter 3, Section 310 [adopted in its entirety]

Chapter 3, Section 311 [adopted in its entirety]

Chapter 5, Section 503 [adopted in its entirety]

Section 503.1.2.1. Fire Department Access. [added]

1. Fire Department Access shall be required when one or more additions, alterations, or repairs, or combination thereof, in a two-year period, exceed more than 50% of the valuation of the facility or building.

Exceptions:

1. Any exemption otherwise allowable under the Fire Code as determined by the Fire Code Official
2. Exterior improvements and work not requiring permits as provided in the Building Code
3. Detached Group U occupancies or detached carports less than 1000 square feet.
4. Work requiring only a mechanical, electrical, plumbing, and/or demolition permit.

Section 503.2.3.1 All Weather Surface. [added] Shall be a minimum of 6 inches of compacted Class II base rock and 2 inches of asphalt or concrete for grades up to 15%. From 15% to 20% an

engineered surface such as a rough grooved concrete is required. In no circumstances shall the grade exceed 20%.

Section 503.2.4.1 Turning Radius. [added] Inside and outside turning radius for fire access roads will be based upon the capability of the fire apparatus used by the Coastside Fire Protection District. Turning radius design approval must be obtained from the Coastside Fire Protection District.

Section 503.2.6 Bridges and elevated surfaces. [amended] Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HS-20. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs, or both shall be installed and maintained.

Section 503.3.1 Fire Access Lane Markings. [added] The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE".

Section 503.4.1 Traffic Calming Devices. [amended] Traffic calming devices are prohibited unless approved by the fire code official. Traffic calming devices shall not be installed on designated fire apparatus response routes. When approved, traffic calming devices shall be installed in accordance with the Coastside Fire District's "Traffic Calming Devices" Standard Detail and Specification.

Section 503.4.2 Prohibited Parking. [added] If in the judgment of the Coastside Fire Protection District it is necessary to prohibit vehicular parking, or other materials or articles, along private fire access lanes in order to prevent obstruction of the required width of the fire access lane, signs shall be posted, as appropriate or as indicated in Section D103.6 with the addition of the following lettering near the bottom of the sign: (C.V.C.22500.1)

Section 503.4.3 Roadway Spikes. [added] The installation of roadway traffic control spikes is prohibited within fire access lanes unless prior approval is given by the Coastside Fire Protection District.

Section 505.1.1 Premises Identification. [added] New residential buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public

way fronting the building. Residential address numbers shall be at least six feet above the finished surface of the driveway. Where buildings are located remotely to the public roadway, additional signage at the driveway/roadway entrance leading to the building and/or on each individual building shall be required by the Coastsides Fire Protection District. This remote signage shall consist of a 6 inch by 18-inch green reflective metal sign with 3-inch reflective Numbers/ Letters similar to Hy-Ko 911 or equivalent.

Section 505.1.2 Multiple Tenant Structures. [added] Multiple tenant buildings, using the same street address numbers, shall have suite or unit identification posted as required by the Coastsides Fire Protection District.

Section 505.1.3 Commercial/Industrial Size and Stroke of Numbers. [added] Building address numbers shall be either internally or externally illuminated and contrasting with the background so as to be seen from the public way fronting the building.

Building address number heights shall be sized in accordance with the table noted below. The number stroke shall be 1/2-inch or larger.

<u>Distance from Road</u>	<u>Address No. Size</u>
0-50 feet	6-inch
50-100 feet	8-inch
100-150 feet	10-inch
150 + feet	12-inch

with a corresponding increase in stroke width.

Section 505.1.4 Rear Addressing. [added] When required by the Chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of the property. Number stroke and size will comply with Section 505.1 for residential buildings and 505.1.3 for commercial buildings.

Section 505.1.5 Suite/Unit Identification. [added] Buildings containing separate suite and/or unit identification shall have the suite or unit identification clearly posted with assigned letters or numbers having a minimum height of four inches and a minimum stroke of 1/2 inch. Assigned letters or numbers shall be of contrasting color to the background and located between 5 feet and 6 feet off the finished floor. Directional address numbers or letters shall be provided.

Section 505.1.6 Directories. [added] Complexes with multiple buildings may be required by the Coastsides Fire Protection District to provide one or more of the following: a directory, a premise map or directional signage. Location, size, and color of such elements will be determined by the Coastsides Fire Protection District on a site-specific basis.

Section 505.2.1 Construction Site. [added] Approved street or road signs and address numbers of the construction site shall be installed prior to combustible construction materials being placed on the site.

Section 506 [adopted in its entirety]

Section 506.1.3 Key Box. [added] When required by the Coastside Fire Protection District, a Knox Box of the size and type designated shall be mounted on the building near the main entrance and shall be located a minimum of 60 inches and not higher than 72 inches above the finished floor, in a location approved by the fire code official. Additional Knox Boxes may be required at rear entrances to buildings. Knox padlocks or Knox Gate Switches may be required at any access as specified by the fire code official.

Section 507.1.1 Fire Department Water Supply. [added]

1. Fire Department Water Supply shall be required when one or more additions, alterations, or repairs, or combination thereof, in a two-year period, exceed more than 50% of the valuation of the facility or building.

Exceptions:

1. Any exemption otherwise allowable under the Fire Code as determined by the Fire Code Official
2. Exterior improvements and work not requiring permits as provided in the Building Code
3. Detached Group U occupancies or detached carports less than 1000 square feet.
4. Work requiring only a mechanical, electrical, plumbing, and/or demolition permit.

Section 507.2.2.1 Suburban and Rural Water Supplies. [added] In areas where public and/or private fire mains are not available for the provision of the required fire flow, the Chief may develop a standard which requires a water supply for firefighting be provided. In developing this standard, the Chief may be guided by NFPA Standards and Appendix B and C - California Fire Code 2022 edition.

Section 507.2.2.2 Storage of Suburban and Rural Water Supplies. [added] In calculating the water supply available to meet the minimum fire flow required in Section 507.1, swimming pools, ponds and underground cisterns shall not be considered as a primary water source.

Section 903.1.2 All Occupancies and Facilities. [amended] The following requirements shall apply to all new buildings or structures which require a building permit issued by the City of Half Moon Bay or the County of San Mateo:

1. Except as otherwise provided by this Section, or as provided under Section 903.3 of the latest adopted edition of the California Fire Code, automatic fire sprinkler systems shall be installed and maintained in every new building or structure of any type, use, occupancy, or size which requires a building permit issued by the City of Half Moon Bay or the County of San Mateo.
2. The term “ automatic fire sprinkler system” as used in this Section means an integrated system of underground and overhead piping, including a water supply such as a gravity tank, fire pump, reservoir, pressure tank or connection by underground piping to a fire main, which system complies in all respects with the requirements for such systems contained in standards issued by the National Fire Protection Association based upon the occupancy classification or other standards approved by the California State Fire Marshals’ office and approved by the Chief on a case-by-case basis.

The following structures are exempt from the requirements of this Section:

1. Agricultural Buildings. For the purposes of this Section, an “Agricultural building” is defined as a non-residential structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. “Agricultural building” includes a place of employment where agricultural products are processed, treated, or packaged. Office uses within “agricultural buildings” shall not exceed ten percent (10%) of the total floor area of the building unless such buildings are provided with an automatic fire sprinkler system throughout. “Agricultural buildings” shall include greenhouses.
2. Non-Residential Structures not exceeding 1,000 square feet in area.
3. Mausoleums of Type 1 construction, as defined by the California Building Code, which do not contain offices, chapels, or other places where the public assembles on a regular basis.
4. Car wash structures where no offices or waiting rooms are attached.

The requirements of this Section are intended to represent minimum standards for new construction. Further, any requirements of the California Building Code, the California Fire Code or the State Building Standards Code, which is more restrictive, specifies higher standards or mandate’s specific locations within a structure for automatic sprinkler systems shall be applicable.

Section 903.2.1 Existing buildings or structures. [added] An Automatic sprinkler system shall be provided in existing buildings and structures where required in Chapter 11 of the California Fire Code or when improvements are conducted in accordance with this section.

Section 903.6.1 Where required. [added] All existing buildings and structures, except for Group R-3 One and Two-Family Dwellings, shall be provided with an automatic fire sprinkler system when any of the following conditions occur:

- (A) The renovation of any structure and/or when combined with any additions to the structure, affects a gross floor area which exceeds fifty percent (50%) of the existing floor area of the structure. For the purpose of this Section, when determining the affected gross floor area of an existing structure, whenever more than 50% of the wall or ceiling coverings (e.g., wallboard, plaster, etc.) have been removed from within a room or space bounded by three or more walls within the structure, the entire gross floor area of the room or space shall be counted towards the total affected gross floor area of the existing structure.

Exception:

- 1. When in the opinion of the Chief, the change of occupancy classification did not result in a significant increase in the level of life safety or fire safety of the occupancy, the Chief may waive the requirement for automatic fire sprinkler system installation.

- (B) When a change in occupancy classification, as defined within the Building Code, results in an increased fire hazard or risk due to business operation and/or number of occupants permitted in the building.

Section 903.6.2 [added] All existing one- and two-family dwellings, buildings and/or structures shall be provided with an automatic fire sprinkler system when any of the following conditions occur

- 1. Automatic sprinklers shall be installed in any one and two-family garage, carport or breezeway attached to any structure for which an automatic sprinkler system is required. A detached one and two-family garage, not containing any habitable space, 1,000 square feet or more shall require the installation of an NFPA-13D automatic fire sprinkler system.
- 2. Additions, alterations, or modifications to any existing structure containing automatic fire sprinklers shall require the extension or modification of the fire sprinkler system throughout the added, altered, or modified, areas. Plans for the installation, extension or modification of an automatic fire sprinkler system shall be submitted to the Planning and Building

Department of San Mateo County or the City of Half Moon Bay for review and approval by the appropriate fire agency. Additions, alterations, and/or remodels to an existing dwelling previously equipped with automatic fire sprinklers shall be submitted to the planning and building department of San Mateo County or the City of Half Moon Bay. Components of the existing system shall be Submitted for review in order to determine compliance with the applicable standards.

3. All automatic fire sprinkler systems shall comply with the currently enforced edition of NFPA-13, NFPA-13D, NFPA-13R and any additional County specifications, or modifications imposed by supplemental rules and regulations adopted by the County of San Mateo or the City of Half Moon Bay.
4. The installation of an automatic fire sprinkler system may be required by the Building Official when an alteration, addition or change in use or occupancy of a building or portion of a building thereof increases the hazard of fire or threat to life and safety.
5. Where required by the local Fire District.

The following sections are [amended] by changing California Fire Code requirements to 1,000 square feet for fire sprinkler installation, as follows:

- 903.2.1.1 Group A-1. Change 12,000 square feet to 1,000 square feet.
- 903.2.1.2 Group A-2. Change 5,000 square feet to 1,000 square feet.
- 903.2.1.3 Group A-3. Change 12,000 square feet to 1,000 square feet.
- 903.2.1.4 Group A-4. Change 12,000 square feet to 1,000 square feet.
- 903.2.3 Group E. Change 12,000 square feet to 1,000 square feet.
- 903.2.4 Group F. Change all Group F-1 occupancies to 1,000 square feet.
- 903.2.7 Group M. Change all Group M occupancies to 1,000 square feet.
- 903.2.9 Group S-1. Change all Group S-1 occupancies to 1,000 square feet.
- 903.2.10 Change all Group S-2 occupancies to 1,000 square feet.

Section 903.2.8.1.1 Automatic sprinkler systems installed in Group R-3, occupancies [added] shall conform to the following standards in addition to NFPA Standard 13D, currently adopted edition:

1. Automatic sprinkler system coverage shall be provided throughout the residence to include all bathrooms, attached garages, and any interior rooms used for storage.
2. An exterior bell shall be mounted in a location to be audible from the street upon activation of the required flow switch.
3. An interior horn shall be mounted in a central location audible from the master bedroom upon activation of the required flow switch.
4. A sprinkler head shall be mounted on a metal sprig above any attic access openings and where required by the AHJ.
5. An inspector's test valve shall be mounted to flow from the most remote area of the system in an accessible location.
6. All group R, Division 3 occupancies shall require an automatic sprinkler system regardless of square footage, -0- Square feet.
7. Accessory Dwelling Units shall conform to the most recent California State Fire Marshal's Information Bulletin

Section 903.3.3.8.6 Partial Systems. [added] Unless approved in writing by the fire code official, automatic fire sprinkler systems that only protect a portion of the building shall not be allowed.

Section 905.5.3 Class II System 1 1/2-inch hose. [amended] A minimum 1 ½ inch (37.5 mm) hose shall be allowed to be used for hose stations in light-hazard occupancies where investigated and listed for this service and where approved by the fire code official.

Section 907.8.5.2 Making False Report. [added] It shall be unlawful for a person to give, signal or transmit a false alarm. A false report may include signals from a fire alarm system, including signals caused during fire alarm maintenance without prior Fire District notification. Making a false report shall be liable to a fine as set forth in the Fire District Fee Schedule.

Section 907.10.1 Alarm Panel Clearance. [added] A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of fire protection equipment including, but not limited to: fire sprinkler control valves, fire department connections, hose connections, risers, hood system manual pull stations, fire alarm control panels, fire pumps and specialized fire protection storage tanks (dry chemical, foam, CO2, clean agent). Where the fire protection equipment is wider than 30 inches, (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space. Direct access to the working space shall be

provided from aisles or access roadways. Modifications to working space dimensions shall be approved by the fire code official.

Section 907.2.11.2.4-5. Smoke Detection for Existing Group R Division 3 Occupancies. [added] All existing Group R Division 3 Occupancies shall be provided with an approved smoke detection system meeting the requirements of 907.2.11.2 throughout the structure when any of the following occurs:

1. When property is occupied by other than the property owner and rental or lease income is derived.
2. When existing property is sold an inspection of the installed smoke detection system for compliance with the Fire Code shall be completed by the Coastside Fire Protection District prior to close of escrow.

Section 907.8.5.1 Fire Department Response to False Alarms. [added] Any building owner or owner's agent who fails to properly maintain and service any smoke detector or fire alarm system, water flow detection alarm or fire sprinkler tamper alarm, after being notified that service or maintenance is required, will be subject to the payment of costs related to any false alarm response by the fire department.

Section 912.2.1.1 Painting of Fire Protection Equipment and Hydrants. [added] When required by the Chief, fire-protection equipment and fire hydrants shall be painted a color specified by the Coastside Fire Protection District.

Section 912.5.1 Identification. [added] Fire department connections to sprinkler systems and/or standpipe systems shall clearly identify the building served as required by the Coastside Fire Protection District.

Section 1003.3.4.1 Seismic Restraint for Storage Shelving. [added] All storage shelving shall be provided with adequate seismic restraint as required by Chapter 16 of the California Building Code. Storage shelving not required to have seismic restraint by the Building Code may be required to be secured to prevent obstruction of the means of egress as determined by the Coastside Fire Protection District.

Section 5601.1.6 Fireworks. [added] All fireworks, including but not limited to, those listed by the California State Fire Marshal as "Safe and Sane", are prohibited within the jurisdictional boundaries of the San Mateo County Fire Department on a year around basis. An exception is allowed for professional fireworks displays and theatrical use as permitted by the Fire Code Official.

Section 5608.1.2 Permits. [added] Permits shall be required as set forth in the California Fire Code.

Section 6101.3 Construction Documents. [amended] Where a single LP-gas container is 500 gallons (1893 L) or more in water capacity or the aggregate water capacity of LP-gas containers are more than 2,000 gallons (7570 L), the installer shall submit construction documents for such installation.

Appendix D [adopted as amended]

Section D102.2 Fire Apparatus Roads. [added] Fire Apparatus Roads shall comply with Sections D102.2.1 through D102.2.2.

D102.2.1 Parking

Roads 32 feet or greater in width shall allow parking on both sides

D102.2.2 Turnouts

Roads exceeding 800 feet in length shall provide turnouts no more than 400 feet apart

Section D103.4.1 [added] The fire department reserves the right to use all or portions of City/County right of way for access and or turnarounds.

Section D103.6.4 Maintenance and Installation of Fire Access Signs. [added] It shall be unlawful for the owner, lessee, or person in charge of private property to fail to install and maintain required fire access lane signs and/or markings after having been given notice by the Coastside Fire Protection District.

Section D103.7 Traffic Signal Control Devices. [added] When a government agency requires an Encroachment Permit at any intersection and new or existing traffic signals are involved, the traffic signals shall be provided with a traffic signal control device that is operated from the fire apparatus.

Appendix I [adopted in its entirety]

Appendix N [adopted in its entirety]

Appendix O [adopted and amended] Temporary and/or permanent Haunted Houses, Ghost Walks and similar amusement uses

Coastside Fire Protection District Fire Prevention Bureau Standards are adopted as listed below:

Number / Title

CFR-001 Traffic Calming Devices

CFR-002 Street Signs Addressing
CFR-003 Bollard Guard Post
CFR-004 Fire Watch Requirements
CFR-005 False Alarm Response Policy

14.04.120 Green Building Standards Code

Those certain Codes and Standards known as the 2022 California Green Building Standards Code, Part 11 of Title 24 of the California Code of Regulations, published by the California Building Standards Commission, is hereby adopted with the following amendments:

(a) Chapter 2, “Definitions,” is amended to add or change the following definitions:

AFFORDABLE HOUSING. Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed by local agencies to be affordable based on area median income.

AUTOMATIC LOAD MANAGEMENT SYSTEM (ALMS). A control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems shall be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

DIRECT CURRENT FAST CHARGING (DCFC). A parking space provided with electrical infrastructure that meets the following conditions:

- i. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
- ii. Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

ELECTRIC VEHICLE CHARGING STATION (EVCS). ~~One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles. Electric vehicle charging stations are not considered parking spaces.~~ A parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

ELECTRIC VEHICLE (EV) READY SPACE. [HCD] ~~A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.~~

ELECTRIC VEHICLE (EV) CAPABLE SPACE. ~~A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.~~

LEVEL 2 ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). [HCD] ~~The 208/240 Volt 40-ampere branch circuit, and the electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.~~

LEVEL 2 EV CAPABLE. A parking space provided with electrical infrastructure that meets the following requirements:

- i. Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.
- ii. The conduit shall be designed to accommodate at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future completion of conduit from the panel to the parking space, via the installed inaccessible conduit.
- iii. The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as “EV CAPABLE.”
- iv. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.
- v. The parking space shall contain signage with at least a 12” font adjacent to the parking space indicating the space is EV Capable.

LEVEL 1 EV READY. A parking space that is served by a complete electric circuit with the

following requirements:

- i. A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

LEVEL 2 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

LOW POWER LEVEL 2 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

~~**LOW POWER LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING RECEPTACLE. [HCD]** A 208/240 Volt 20-ampere minimum branch circuit and a receptacle for use by an EV driver to charge their electric vehicle or hybrid electric vehicle.~~

(b) Chapter 3, “General,” is amended as follows:

301.1 Scope. ... (No change to existing California amendment.)

301.1.1 Additions and alterations.

[HCD] The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration. (No change to existing California amendment.)

The mandatory provisions of Section 4.106.4.2 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing multifamily buildings. ~~See Section 4.106.4.3 for application.~~

NOTE: Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing lighting fixtures are not considered alterations for the purpose of this section

(c) Chapter 4, "Residential Mandatory Measures," is amended as follows:

Section 4.106.4 is amended to read:

4.106.4 Electric vehicle (EV) charging ~~for new construction~~. Residential construction shall comply with Section 4.106.4.1 or 4.106.4.2, and 4.106.4.3, to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the *California Electrical Code*, Article 625. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
 - 1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.
 - 1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may increase construction cost by an average of \$4,500 per parking space for market rate housing or \$400 per parking space for affordable housing. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service. ~~adversely impact the construction cost of the project.~~

2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. Detached ADUs, attached ADUs, and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according to the requirements of 4.106.4.1.
3. Multifamily residential R-2 building projects that have approved entitlements before the code effective date.

4.106.4.1 ~~New~~ One- and two-family dwellings and town-houses with private garages.

4.106.4.1.1 New Construction. One parking space provided shall be a *Level 2 EV Ready* space. If a second parking space is provided, it shall be provided with a *Level 1 EV Ready space*. ~~For each dwelling unit, install a listed raceway to accommodate a dedicated 208-240-volt branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere 208/240-volt minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.~~

~~——— **Exception:** A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the *California Electrical Code*.~~

4.106.4.1.1 Identification. ~~The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as “EV CAPABLE”. The raceway termination location shall be permanently and visibly marked as “EV CAPABLE”.~~

4.106.4.1.2. Existing Building. Parking additions or electrical panel upgrades must have reserved breaker spaces and electrical capacity according to the requirements of 4.106.4.1.1.

4.106.4.2 ~~New m~~Multifamily dwellings, ~~hotels and motels and~~ with new residential parking facilities. Requirements apply to parking spaces that are assigned or leased to individual dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included.

4.106.4.2.1 New Construction. Fifteen percent (15%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Eighty-five percent (85%) of dwelling units with parking spaces shall be provided with a Low Power Level 2 EV Ready space. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

Note: The total number of EV spaces should be one-hundred percent (100%) of dwelling units or one-hundred percent (100%) of parking spaces, whichever is less.

~~When parking is provided, parking spaces for new multifamily dwellings, hotels and motels shall meet the requirements of Sections 4.106.4.2.1 and 4.106.4.2.2. Calculations for spaces shall be rounded up to the nearest whole number. A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standard automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by a local jurisdiction. See Vehicle Code Section 22511.2 for further details.~~

~~4.106.4.2.1 Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms.~~

~~The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.~~

- ~~**1. EV Capable.** Ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.~~

~~The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the California Electrical Code.~~

Exceptions:

- ~~1. When EV chargers (Level 2 EVSE) are installed in a number equal to or greater than the required number of EV capable spaces.~~
- ~~2. When EV chargers (Level 2 EVSE) are installed in a number less than the required number of EV capable spaces, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed.~~

Notes:

- ~~a. Construction documents are intended to demonstrate the project’s capability and capacity for facilitating future EV charging.~~
- ~~b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.~~
- ~~2. **EV Ready.** Twenty five (25) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.~~

~~**Exception:** Areas of parking facilities served by parking lifts.~~

4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

~~The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.~~

- ~~1. **EV Capable.** Ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.~~

~~The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the California Electrical Code.~~

Exception: When EV chargers (Level 2 EVSE) are installed in a number greater than five (5) percent of parking spaces required by Section 4.106.4.2.2, Item 3, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed over the five (5) percent required.

Notes:

a. Construction documents shall show locations of future EV spaces.

b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.

2. **EV Ready.** ~~Twenty-five (25) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.~~

Exception: Areas of parking facilities served by parking lifts.

3. **EV Chargers.** ~~Five (5) percent of the total number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.~~

~~When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes and installed EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.~~

4.106.4.2.2 Existing Buildings.

1. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten

percent (10%) of the total number of parking spaces added or altered shall be EVCS. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

4.106.4.~~3.2.2.1~~ Electric vehicle charging stations (EVCS).

Electric vehicle charging stations required by Section 4.106.4.2.2, ~~Item 3~~, shall comply with Section 4.106.4.~~3.2.2.1~~.

Exception: Electric vehicle charging stations serving public accommodations, public housing, motels, and hotels shall not be required to comply with this section. See *California Building Code*, Chapter 11B, for applicable requirements.

4.106.4.3.~~12.2.1.1~~ Location.

EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the *California Building Code*, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the *California Building Code*, Chapter 2, to the building.

Exception: Electric vehicle charging stations designed and constructed in compliance with the *California Building Code*, Chapter 11B, are not required to comply with Section 4.106.4.3.~~12.2.1.1~~ and Section 4.106.4.3.~~22.2.1.2~~, Item 3.

4.106.4.3.~~22.2.1.2~~ Electric vehicle charging stations (EVCS) dDimensions.

The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).

2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).
 - a. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

Exception: Where the City's Municipal or Zoning Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.3.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted while remaining in compliance with California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.

~~**4.106.4.2.2.1.3 Accessible EV spaces.** In addition to the requirements in Sections 4.106.4.2.2.1.1 and 4.106.4.2.2.1.2, all EVSE, when installed, shall comply with the accessibility provisions for EV chargers in the *California Building Code*, Chapter 11B. EV ready spaces and EVCS in multifamily developments shall comply with *California Building Code*, Chapter 11A, Section 1109A.~~

4.106.4.4 Direct current fast charging stations. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.1 and 4.106.4.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

4.106.4.2.3 EV space requirements.

- ~~**1. Single EV space required.** Install a listed raceway capable of accommodating a 208/240-volt dedicated branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or enclosure in close proximity to the location or the proposed location of the EV space. Construction documents shall identify the raceway termination point, receptacle or charger location, as applicable. The service~~

panel and/or subpanel shall have a 40-ampere minimum dedicated branch circuit, including branch circuit overcurrent protective device installed, or space(s) reserved to permit installation of a branch circuit overcurrent protective device.

Exception: A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the location or the proposed location of the EV space, at the time of original construction in accordance with the *California Electrical Code*.

2. Multiple EV spaces required. Construction documents shall indicate the raceway termination point and the location of installed or future EV spaces, receptacles, or EV chargers. Construction documents shall also provide information on amperage of installed or future receptacles or EVSE, raceway method(s), wiring schematics and electrical load calculations. Plan design shall be based upon a 40-ampere minimum branch circuit. Required raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction.

Exception: A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the location or the proposed location of the EV space at the time of original construction in accordance with the *California Electrical Code*.

~~4.106.4.2.4 Identification.~~

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the *California Electrical Code*.

~~4.106.4.2.5 Electric Vehicle Ready Space Signage.~~

Electric vehicle ready spaces shall be identified by signage or pavement markings, in compliance with Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

~~4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings.~~

When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten (10) percent of the

~~total number of parking spaces added or altered, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE.~~

Notes:

- ~~1. Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging.~~
- ~~2. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.~~

14.04.130 Residential Code

Those certain Codes and Standards known as the 2022 California Residential Code, Part 2.5 of Title 24 of the California Code of Regulations, published by the California Building Standards Commission, and by reference the 2021 International Residential Code published by the International Code Council, and Appendix Chapters H (Patio Covers) and J (Existing Buildings), Appendix K (Sound Transmission) and V (Swimming Pool Safety Act) are hereby adopted by reference without amendment.

14.04.140 Abatement of Dangerous Buildings

Those certain Codes and Standards known as the 1997 Uniform Code for the Abatement of Dangerous Buildings are hereby adopted by reference without amendment.

14.04.150 Penalties

Any person who violates any of the provisions of this Chapter or the codes, standards and regulations adopted by reference and amended herein; or who fails to comply therewith; or who violates or fails to comply with any order made thereunder; or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder; shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor in accordance with Chapter 4.14 of the Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit such violation to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **December 6, 2022**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Maz Bozorginia, Interim Public Works Director/City Engineer
Veronika Vostinak, Public Works Program Manager
Matt Nichols, Interim Management Analyst

TITLE: DISPOSABLE FOODWARE ORDINANCE UPDATE

RECOMMENDATION:

Conduct a public hearing and:

- (1) Introduce an ordinance (**Attachment 1**) amending Chapter 7.30 of the Half Moon Bay Municipal Code entitled “Disposable Foodware” regarding food facilities’ provision of single-use foodware accessories, the removal of language surrounding fluorinated chemicals, and the removal of language surrounding BPI certified compostable plastics, and finding the amendments to be exempt under the California Environmental Quality Act (CEQA); [**Option 1**] or
- (2) Introduce an ordinance (**Attachment 2**) amending Chapter 7.30 of the Half Moon Bay Municipal Code entitled “Disposable Foodware” regarding food facilities’ provision of single-use foodware accessories, the removal of language surrounding fluorinated chemicals, the removal of language surrounding BPI certified compostable plastics, and, beginning on June 1, 2023, requiring reusable foodware for On-premises dining, and finding the amendments to be exempt under the California Environmental Quality Act (CEQA) [**Option 2**].

FISCAL IMPACT:

There is no fiscal impact related to the introduction of this ordinance. Consistent with the Memorandum of Understanding between the City of Half Moon Bay and the County, the San Mateo County Office of Sustainability (OOS) staff will continue to be responsible for education and enforcement of the broader regulation within the City. If the Council chooses to adopt regulations to require reusables for on-premises dining, the education and enforcement will be absorbed by the Public Works and Community Development Department’s operations and any budgetary needs will be addressed during the City’s FY 2022-23 mid-year budget update process.

STRATEGIC ELEMENT:

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

BACKGROUND:

In May 2011, the City Council adopted Ordinance C-6-11, which prohibited the use of polystyrene-based disposable foodware by food vendors (“Polystyrene Ban Ordinance”). This ordinance later became chapter 7.30 of the Half Moon Bay Municipal Code. Since the adoption of the Polystyrene Ban Ordinance, there has been increasing concern in the community over the impact of disposable foodware, especially items made from plastic. Disposable foodware, including containers, cups, lids, utensils, and straws, is a major contributor to street litter, ocean pollution, marine and other wildlife endangerment, and climate change. Many plastic disposable foodware items are used for just a few minutes before becoming waste, which lasts for hundreds or even thousands of years. Council requested the development of an ordinance to address these single-use disposable items. In response, City staff worked closely with OOS staff to develop a Disposable Foodware Ordinance that repealed and replaced the previous Polystyrene Ban Ordinance.

San Mateo County’s model ordinance was adopted by the San Mateo County Board of Supervisors on February 25, 2020, impacting the unincorporated areas of the County. On October 6, 2020, the City Council adopted a Disposable Foodware Ordinance that repealed and replaced the previous Styrofoam ban (Chapter 7.30) with an ordinance that mirrored the County of San Mateo’s Disposable Food Service Ware Ordinance.

On October 6, 2020, the City of Half Moon Bay was one of the first cities in San Mateo County to adopt the County’s model ordinance and the first city in the County to start enforcement in July 2021. In preparation for the ordinance enforcement date, the City and OOS’s Foodware Aware Team (OOS staff, ReThink Disposable of the Clean Water Fund, and Environmental Innovations, Inc.) offered assistance and education to local businesses impacted by these changes, including incentives for businesses to purchase reusable foodware.

In October 2021, Governor Gavin Newsom signed AB 1200 and AB 1276 into law. Beginning January 1, 2023, AB 1200 prohibits the distribution and sale of any food packaging (including single-use foodware) that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS and requires manufacturers to use the least toxic alternative when replacing PFAS in food packaging. Starting January 1, 2024, AB 1200 also requires foodware manufacturers to list the presence of chemicals that are listed under the Department of Toxic Substances Control’s “Designated list” on the product label and include a statement on the product label and on the product listing for online sales, in both English and Spanish, regarding how a consumer can obtain more information about the chemicals in the cookware.

AB 1276 prohibits a food facility from providing any single-use foodware accessory or standard condiment, as defined, to a consumer unless requested by the consumer and requires that

single-use foodware accessories not be bundled together or packaged in such a way that it prevents a person from taking just the one desired item. Under AB 1276, food facilities may ask a drive-through customer if the consumer wants a single-use foodware accessory in specified circumstances. The bill also requires a food facility using a third-party food delivery platform to list on its menu the availability of single-use foodware accessories and standard condiments, and only provide those items when specifically requested.

For more information on the Disposable Foodware Ordinance, please [view the Staff Report from the September 15, 2020 City Council Meeting](#).

DISCUSSION:

On October 6, 2020, the Half Moon Bay City Council adopted the original Disposable Foodware Ordinance and became the first municipality in San Mateo County to start enforcement, starting in July 2021. The City's ordinance included some more stringent provisions than the County's model ordinance and required that any foodware accessories only be distributed upon request of the customer and required the use of reusable foodware wherever practicable.

Education and Enforcement of Current Ordinance

In early 2021, the Foodware Aware team spoke with all 96 food service facilities within Half Moon Bay by phone and through in-person visits to provide a summary of the Ordinance, review the resources available, and to offer technical assistance and/or incentives to help businesses purchase compliant foodware. Because of the impacts to food service businesses associated with the COVID-19 pandemic, once the ordinance became enforceable, the City opted to continue with a soft enforcement approach that focused more on education and support for local businesses to reach compliance through technical assistance and financial incentives offered by OOS. Many food service facilities have switched to compliant foodware, but some continue to have issues reaching compliance due to supply-chain issues or the increased cost of fiber-based foodware compared to plastic alternatives.

Proposed Changes

Due to Council's direction regarding amendments to the County's model code, the City's current Disposable Foodware Ordinance already meets or exceeds the majority of the new state and local requirements regarding disposable foodware and single-use items. However, several sections of the current ordinance are inconsistent with recent changes in state law. The proposed changes to the current Disposable Foodware Ordinance include new or updated language regarding food facilities' provision of single-use foodware accessories, the removal of redundant language surrounding PFAs as they are now banned under state law, and the removal of language surrounding Biodegradable Products Institute (BPI) certified compostable plastics in an effort to eliminate the extra burden such language would place on food providers when procuring foodware.

Requirement for Reusables for On-Premises Dining

The Council's leadership and decision to include the requirement for food facilities to use reusables wherever practicable inspired Daly City and Redwood City to include similar provisions in their Disposable Food Service Ware Ordinances. The City of Pacifica considered adding a provision similar to the reusable requirement included in the current Disposable Foodware Ordinance but ultimately expanded on this and included a requirement for all food facilities to use reusables for on-premises dining starting on June 1, 2023. This approach is more straightforward and creates a clearer path for enforcement.

Recently, the County's Foodware Aware Team has shown that it can be cheaper to switch to reusables than sticking with single-use disposable food wares. [Their case study of the Jersey Joe's restaurant in Half Moon Bay](#) provides a great example of the cost savings associated with switching to reusable foodware. The County also offers financial assistance through mini-grants to help local restaurants and other food facilities purchase compliant disposable and/or reusable foodware products. These mini-grants can be up to \$300, with an additional \$300 available for black, indigenous, people of color (BIPOC), women, LGBTQ+, and/or employee-owned businesses for the purchase of reusable foodware. Funds are limited and are distributed on a first-come-first-served basis, with priority given to San Mateo County food facility owners whose net income for the previous year did not exceed \$120,000.

During the COVID-19 pandemic, Council has had to balance being a leader in protecting our coastal environment from plastic litter entering our ocean, while also recognizing that COVID-19 put a lot of stress on local restaurants and food distributors. Staff recognizes this burden on top of the upfront cost burden required with purchasing new foodware and thus held off on recommending a more stringent requirement for on-premises dining to reduce increased hardship in 2020. Should the Council choose to revise the reusable requirement, staff has provided a draft for consideration (**Attachment 2**) that includes the proposed On-premises Dining at Food Facilities chapter of this ordinance is based on the City of Pacifica's ordinance, which would go into effect on June 1, 2023.

Conclusion

Should the Council approve these changes to the Disposable Foodware Ordinance, the second reading of the Ordinance would be scheduled for the December 20, 2022 meeting and the Ordinance would become effective on January 19, 2023.

ATTACHMENTS:

1. Draft Disposable Foodware Ordinance Update 2022 (Consistency updates only)
2. Draft Disposable Foodware Ordinance Update 2022 (Includes requirements for On-Premises Dining)

ORDINANCE NO. 2022-XXXX

ORDINANCE REPEALING CHAPTER 7.30 OF THE HALF MOON BAY MUNICIPAL CODE AND ADOPTING A NEW CHAPTER 7.30 REGULATING THE USE OF DISPOSABLE FOODWARE BY FOOD FACILITIES

THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council (Council) finds and declares as follows:

- (a) This Council repealed and replaced chapter 7.30 of the Half Moon Bay municipal code with Ordinance no. 2020-06, also known as the Disposable Foodware Ordinance hereafter referred to as "Ordinance" on October 6, 2020. The Ordinance focuses on reducing single-use plastic and other Foodware waste, improving the health and safety of Half Moon Bay community members, and helping the City keep its waterways clean and safe.
- (b) The production, management, and consumption associated with disposable Foodware, typically used for only a few minutes before being discarded, have significant environmental impacts, including environmental contamination; consumption of precious resources such as energy and water; emissions of greenhouse gases; air and water pollution; litter on streets; and plastic pollution in waterways and oceans.
- (c) Disposable Foodware constitutes a substantial portion of the litter found within the City of Half Moon Bay (City), the Coastside, and the rest of the Bay Area. These types of Foodware are commonly littered or blown out of trash receptacles and migrate through the storm drain system where they eventually end up in the ocean and the City's beaches and creeks.
- (d) The most effective ways to reduce the negative environmental impacts of Disposable Foodware include, in order of priority, using reusable Foodware; using natural-fiber based compostable materials, many made from renewable resources such as bamboo, wheat stalk/stem, and sugarcane that do not contain toxic chemicals; and recycling Foodware. When products are reused, natural resources are spared, less energy is used for the production of new products, and premium landfill space is preserved.
- (e) Reduction of Disposable Foodware in the environment will advance compliance with federal, state, and county clean water mandates, including the City's Municipal Regional Stormwater Permit requirement, by helping to reduce trash and litter in stormwater discharges.
- (f) On October 5, 2021, AB 1276 was signed into law by Governor Gavin Newsom. AB 1276 restricts the distribution of single-use Foodware accessories (e.g., Utensils, straws, stirrers, condiment packets, etc.) by restaurants and other Food Facilities.
- (g) On October 5, 2021, AB 1200 was also signed into law by the Governor. AB 1200 mandates that no person shall distribute, sell, or offer for sale in the state any food

packaging (including single-use Foodware) that contains regulated Perfluoroalkyl and Polyfluoroalkyl substances (PFAS).

- (h) The Ordinance includes requirements that are well aligned with many of the requirements on Foodware in AB 1276 and AB 1200. However, some discrepancies exist. As such, the Ordinance must be amended to ensure alignment with requirements in both State bills.
- (i) This Council does, accordingly, find and declare that it should repeal and replace in its entirety Chapter 7.30 of the Half Moon Bay Municipal Code to ensure the City's requirements around single-use Foodware Accessories distribution and PFAS regulation in Disposable Foodware align with the State of California's requirements.

Section 2. Municipal Code Amendment "Disposable Foodware Ordinance." Half Moon Bay Municipal Code chapter 7.30 is hereby repealed and replaced in its entirety by a new chapter 7.30 "Disposable Foodware", which is adopted as set forth in Attachment A. Attachment A of this Ordinance is incorporated herein in its entirety.

Section 3. Severability. If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 4. CEQA. The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines (Title 14 of the California Code of Regulations) Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change to the environment, directly or indirectly; and it prevents changes in the environment. Further, this action is exempt from CEQA under CEQA Guidelines section 15061(b)(3) (the amendments are exempt because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).

Section 5. Publication. The City Clerk shall publish a summary of this Ordinance in a newspaper of general circulation for the City of Half Moon Bay within fifteen days after its adoption.

Section 6. Effective date. This ordinance shall take effect 30 days after adoption.

INTRODUCED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 6th of December 2022.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the X day of XXX 202X, by the following vote:

Ayes, Councilmembers:

Noes, Councilmembers:

Absent, Councilmembers:

Abstain, Councilmembers:

DRAFT

Attachment A

CHAPTER 7.30 DISPOSABLE FOODWARE

Sections:

7.30.010 – Title

7.30.020 – Definitions

7.30.030 – Distribution of Disposable Foodware Accessories and Standard Condiments.

7.30.040 – Standards and Required Use of Disposable Foodware

7.30.050 – Recordkeeping and Inspection

7.30.060 – Automatic Exemptions

7.30.070 – Case-by-Case Consideration of Requests for Hardship Exemption

7.30.080 – Enforcement

7.30.010 – Title

This chapter shall be known as the "Disposable Foodware Ordinance"

7.30.020 – Definitions

The following words and phrases shall have the meanings set forth below when used in this Chapter. The singular shall include the plural, and the plural shall include the singular.

- a. "Aluminum Foil-based" means any Disposable Foodware composed entirely of aluminum, including but not limited to aluminum tray liners, aluminum foil, and aluminum foil baskets.
- b. "Compostable" means that an item or material:
 - a. Meets standards for compostability from a certified/approved independent third-party approved by the City Manager or designee, in collaboration with local waste processors, haulers, and/or other entities, as needed; and/or
 - b. Is any variation of acceptable materials that will break down or otherwise become part of usable compost in a safe and timely manner as determined by the City Manager or designee, in collaboration with local waste processors, haulers, and/or other entities, as needed; and
 - c. Is Natural Fiber-based. Compostable items may include those that are made entirely of Natural Fiber or Natural Fiber-based items that are coated or lined with biologically based polymer, such as but not limited to corn or other plant

sources (e.g., compostable plastics), if certified/approved by independent third parties approved by the County Manager or designee.

"Compostable" does not include items made entirely/primarily of biologically based polymer (e.g., PLA, PHA, or other compostable plastic), even if labeled or certified as compostable.

- c. "Disposable" means designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple reuses.
- d. "Foodware" means food contact products used for serving, distributing, holding, packaging, and/or transporting Prepared Food including, but not limited to plates, cups, bowls, trays, clamshell containers, boxes, Utensils, straws, lids, and food contact paper (e.g., wraps, bags, tray liners, etc.). The term "Foodware" includes Foodware Accessories and Standard Condiment in Disposable Packaging.
- e. "Foodware Accessories" include different types of Foodware such as straws, stirrers, cup spill plugs, cup sleeves, condiment cups and packets, Utensils, cocktail sticks/picks, toothpicks, napkins, and other similar accessory or accompanying Foodware used as part of food or beverage service or packaging. Detachable lids for beverage cups and food containers are not considered a Foodware Accessory.
- f. "Food Facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food to the public for human consumption, as defined by the California Health and Safety Code Section 113789 or successor. It includes both permanent and temporary food facilities. Public schools are exempt from the provisions of this Chapter.
- g. "Food Scrap Composting Method" means (1) self-hauling of food scraps to a permitted composting facility or a transfer station that accepts food scraps that will be transferred to a permitted composting facility for on-site compost processing, (2) food scrap compost collection service provided by a curbside hauler, or (3) on-site food scrap composting.
- h. "Healthcare Facilities" mean places that provide healthcare to the public. Healthcare Facilities include, but are not limited to hospitals, clinics, outpatient care centers, nursing homes, psychiatric care centers, medical offices, hospice homes, mental health and addiction treatment centers, orthopedic and other rehabilitation centers, urgent care, birth centers, etc.
- i. "Natural Fiber/Natural Fiber-based" means a plant or animal-based, non-synthetic fiber, including but not limited to products made from paper, sugarcane, bamboo, wheat stems/stalk, hay, wood, etc.

- j. "Non-Compostable" means not meeting the definition of Compostable set forth in this Chapter.
- k. "On-premises dining" means food prepared for consumption on the premises of the food facility either indoors or outdoors.
- l. "Off-premises dining" means food prepared for consumption off of the premises of the food facility. "Off-premises dining" includes, but is not limited to, Takeout Food delivery service, drive-through and catering off-site
- m. "Polystyrene-based" means and includes expanded polystyrene, which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene" also includes polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam (expanded polystyrene [EPS]) and clear or solid polystyrene known as oriented polystyrene.
- n. "Prepackaged Food" means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer and prepared at an approved source.
- o. "Prepared Food" means food or beverages that undergo a cooking or food preparation technique on the Food Facility's premises for consumption by the public. Cooking or food preparation technique includes, but is not limited to the following:
 - 1. Cooking methods, utilizing the application of heat, such as steaming, microwaving, simmering, boiling, broiling, grilling, frying, or roasting.
 - 2. Beverage preparation, such as blending, brewing, steeping, juicing, diluting, or pouring.
 - 3. Food preparation techniques, such as defrosting, rinsing, washing, diluting, cutting, portioning, mixing, blending, assembling, coating, dipping, garnishing, decorating, or icing.

Prepared Food does not include raw eggs or raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.

- p. "Reusable" means Foodware and Foodware Accessories that are manufactured of durable materials and specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and are safe for washing and sanitizing according to applicable regulations.

- q. "Standard Condiment" means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, and includes different types such as ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, and sugar/sugar substitutes.
- r. "Takeout Food" means Prepared Food, that is purchased to be consumed off a Food Facility's premises. Takeout Food includes Prepared Food delivered by a Food Facility or by a third-party Takeout Food Delivery Service.
- s. "Takeout Food Delivery Service" is a service for online food ordering and delivery of Prepared Food from a Food Facility to a customer. This service can be provided directly by the Food Facility or by a third-party.
- t. "Utensils" include different types of instruments used to assist the consumption of food, specifically, forks, knives, spoons, sporks, chopsticks, and tongs.

7.30.030 – Distribution of Disposable Foodware Accessories and Standard Condiments.

- a. No Food Facility for on premises dining and off-premises dining (e.g., Takeout Food Delivery Service, catering off-site, etc.), shall provide any Disposable Foodware Accessories and Standard Condiments unless the specific type of Disposable Foodware Accessory (including different types of Utensils) or specific type of Standard Condiment is requested by the consumer.

Exception: Food Facilities may ask a drive-through consumer if the consumer wants a specific type of Disposable Foodware Accessory (including different types of Utensils), if the item is necessary for the consumer to consume Prepared Food or to prevent spills of or safely transport Prepared Food.

- b. Food Facilities shall only distribute Disposable Foodware Accessories and Standard Condiments unbundled, as separate individual units.
- c. Takeout Food Delivery Services that utilize digital ordering/point of sale platforms, including but not limited to the internet and smart-phone applications, shall only offer Disposable Foodware Accessories by providing clear options for customers to affirmatively request these items separate from orders for food and beverages. The default option on the digital ordering/point of sale platforms shall be that no Disposable Foodware Accessories are requested. Each individual Disposable Foodware Accessory (e.g., each fork, knife, condiment packet, napkin, etc.) provided with Prepared Food must be specifically requested by the customer in order for a Food Facility to provide it.

7.30.040 – Standards and Required Use of Disposable Foodware.

- a. No Food Facility shall use Polystyrene-based Disposable Foodware when providing Prepared Food.

- b. Food Facilities shall only provide Disposable: straws, stirrers, Utensils, and cocktail/toothpicks (and the packaging that these individual items are wrapped in, if any) that are Compostable.
- c. Nothing in this Chapter shall conflict or be construed to conflict with the Americans with Disabilities Act or any other applicable law concerning the rights of individuals with disabilities. In particular, nothing in this Chapter shall restrict, or be construed to restrict, the provision by Food Facilities of Disposable Non-Compostable straws to individuals who may request the use of Disposable Non-Compostable straws to accommodate medical needs or disabilities. Healthcare Facilities may distribute Disposable Non-Compostable straws with or without request by a patient at the discretion of the Healthcare Facility staff based on the physical or medical needs of the patient.
- d. Wherever practicable, Food Facilities shall provide Reusable Foodware in place of Disposable Foodware.
- e. Food Facilities shall use Compostable items for the below Disposable Foodware:
 - 1. Plates
 - 2. Bowls (of all sizes including, but not limited to soup and salad bowls and accessory bowls for condiments)
 - 3. Cups (of all sizes including, but not limited to beverage and accessory cups for Standard Condiments)
 - 4. Food trays
 - 5. Clamshells, boxes, deli containers, and other containers used for the sale and/or distribution of Prepared Food (e.g., Takeout Food, leftover "doggie containers", etc.)
- f. For all other Disposable Foodware not listed in Subsections (b) and (e), Food Facilities shall use only Disposable Foodware that can be composted by the Food Scrap Composting Method utilized by the Food Facility and/or accepted for recycling by the Food Facility's recycling collection service.
- g. The City shall maintain a list of approved Disposable Foodware sources and/or references to organizations that maintain regularly updated lists of products that meet the requirements detailed in Subsections (a), (b), (d), and (e) of this Section. This information shall be made available on the City's website and in City Hall. If a product is not included on the approved lists, the Food Facility wishing to use a product as Disposable Foodware shall establish to the City Manager or designee's satisfaction that the product complies with the requirements detailed in Subsections (a), (b), (d), and (e).

7.30.050 – Recordkeeping and Inspection.

- a. Food Facilities shall keep complete and accurate record or documents of the purchase of the acceptable Disposable Foodware evidencing compliance with this Chapter for a minimum period of three years from the date of purchase.
- a. The record shall be made available for inspection at no cost to the City during regular business hours by City employee or City-designee authorized to enforce this Chapter. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be made available at the Food Facility address.
- b. The provision of false or incomplete information, records, or documents to the City shall be a violation of this Chapter.

7.30.060 – Automatic Exemptions.

- a. Prepackaged Food is exempt from the provisions of this Chapter.
- b. Polystyrene-based coolers and ice chests intended for reuse are exempt from the provisions of this Chapter.
- c. Disposable Foodware that is entirely Aluminum Foil-based is exempt from the provisions of this Chapter.
- d. If the City determines that a reasonably feasible Disposable Foodware that complies with Section 7.30.040 (a), (b), (d), and (e) of this Chapter does not exist, these items will be exempt from the abovementioned provisions of this Chapter until the City determines that a reasonably feasible alternative is available on the market for purchase. The City will have a current list of these exempted Disposable Foodware posted on the City of Half Moon Bay website with hard copies available in the Office.
- e. Certain Disposable Foodware Accessories for beverage orders, specifically cup sleeves, shall be exempt from Section 7.30.030 (a) and may be distributed for safety reasons without the need for a request by the consumer or an offer by the Food Facility, specifically at drive-through areas of Food Facilities. Detachable lids are not considered a Disposable Foodware Accessory, so Section 7.30.030 (a) does not apply to detachable lids.
- f. Temporary exemptions due to an emergency are automatic without the submission of a request for an exemption. An emergency is defined as a sudden, unexpected occurrence posing a clear and imminent danger that requires immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. Examples of an emergency include, but are not limited to natural disasters, emergencies due to the release of hazardous materials, emergencies associated with loss of power and/or water, or emergency medical response.

7.30.070 – Case-by-Case Consideration of Requests for Hardship Exemption.

a. Grounds for an exemption.

An exemption from any of the provisions of this Chapter may be granted by the City Manager or designee upon demonstration by a Food Facility to the satisfaction of the City that strict application of the requirements would cause undue hardship. An "undue hardship" includes, but is not limited to the following:

1. A situation unique to the Food Facility where a suitable alternative that conforms with the requirements detailed in Section 7.30.040 (a), (b), (d), and (e) does not exist for a specific application.
 2. Imposing the provisions of this Chapter would cause significant economic hardship. "Significant economic hardship" may be based on, but not limited to, demonstrating that suitable Disposable Foodware is not available at a commercially reasonable price and the additional cost associated with providing the Disposable Foodware is particularly burdensome to the Food Facility based on the type of operation(s) affected, the overall size of the business/operation, the number, type and location of its facilities, the impact on the overall financial resources of the Food Facility, and other factors. Reasonable added cost for a suitable item as compared to a similar item that the Food Facility can no longer use shall not by itself constitute adequate grounds to support an exemption for such item. In determining whether a significant economic hardship has been established, the City Manager or designee shall consider the following information: ability of the Food Facility to recover the additional expense by increasing its prices; the availability of tax credits and deductions; outside funding; and other options.
- b. Request for an exemption. A request for an exemption from the requirements of this Chapter shall include all information deemed necessary by the City to render a decision, including but not limited to documentation showing the factual support for the requested exemption. A request for an exemption may be approved by the City Manager or designee, in whole or in part, with or without conditions. The duration of the exemption, if granted, shall also be determined by the City Manager or designee. Information about the application process for requesting an exemption will be available on the City Of Half Moon Bay's website and in the Office.

7.30.080 – Enforcement.

- a. The City Manager or designee may enforce this Chapter.
- b. The County Manager or designee is hereby authorized to and may enforce Chapter 7.30 within Half Moon Bay upon entry into a Memorandum of Understanding with the County of San Mateo. The County's enforcement authority includes, without limitation,

the authority to hold hearings, issue citations, or assess administrative fines on behalf of the City of Half Moon Bay.

- c. A violation of this Chapter is an infraction and is subject to enforcement and administrative fines in accordance with Chapter 1.40 of the San Mateo County Ordinance Code and/or Chapter 4.16 of the Half Moon Bay Municipal Code.
- d. Violation of this Chapter is a public nuisance subject to all applicable civil, administrative, and criminal remedies and penalties according to the provisions and procedures contained in this ordinance code and state law including, but not limited to, an action for abatement or injunctive relief.
- e. This Section shall not be interpreted to limit any otherwise available civil or administrative remedies under law.

DRAFT

ORDINANCE NO. 2022-XXXX

ORDINANCE REPEALING CHAPTER 7.30 OF THE HALF MOON BAY MUNICIPAL CODE AND ADOPTING A NEW CHAPTER 7.30 REGULATING THE USE OF DISPOSABLE FOODWARE BY FOOD FACILITIES

THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council (Council) finds and declares as follows:

- (a) This Council repealed and replaced chapter 7.30 of the Half Moon Bay municipal code with Ordinance no. 2020-06, also known as the Disposable Foodware Ordinance hereafter referred to as "Ordinance" on October 6, 2020. The Ordinance focuses on reducing single-use plastic and other Foodware waste, improving the health and safety of Half Moon Bay community members, and helping the City keep its waterways clean and safe.
- (b) The production, management, and consumption associated with disposable Foodware, typically used for only a few minutes before being discarded, have significant environmental impacts, including environmental contamination; consumption of precious resources such as energy and water; emissions of greenhouse gases; air and water pollution; litter on streets; and plastic pollution in waterways and oceans.
- (c) Disposable Foodware constitutes a substantial portion of the litter found within the City of Half Moon Bay (City), the Coastside, and the rest of the Bay Area. These types of Foodware are commonly littered or blown out of trash receptacles and migrate through the storm drain system where they eventually end up in the ocean and the City's beaches and creeks.
- (d) The most effective ways to reduce the negative environmental impacts of Disposable Foodware include, in order of priority, using reusable Foodware; using natural-fiber based compostable materials, many made from renewable resources such as bamboo, wheat stalk/stem, and sugarcane that do not contain toxic chemicals; and recycling Foodware. When products are reused, natural resources are spared, less energy is used for the production of new products, and premium landfill space is preserved.
- (e) Reduction of Disposable Foodware in the environment will advance compliance with federal, state, and county clean water mandates, including the City's Municipal Regional Stormwater Permit requirement, by helping to reduce trash and litter in stormwater discharges.
- (f) On October 5, 2021, AB 1276 was signed into law by Governor Gavin Newsom. AB 1276 restricts the distribution of single-use Foodware accessories (e.g., Utensils, straws, stirrers, condiment packets, etc.) by restaurants and other Food Facilities.
- (g) On October 5, 2021, AB 1200 was also signed into law by the Governor. AB 1200 mandates that no person shall distribute, sell, or offer for sale in the state any food

packaging (including single-use Foodware) that contains regulated Perfluoroalkyl and Polyfluoroalkyl substances (PFAS).

- (h) The Ordinance includes requirements that are well aligned with many of the requirements on Foodware in AB 1276 and AB 1200. However, some discrepancies exist. As such, the Ordinance must be amended to ensure alignment with requirements in both State bills.
- (i) This Council does, accordingly, find and declare that it should repeal and replace in its entirety Chapter 7.30 of the Half Moon Bay Municipal Code to ensure the City's requirements around single-use Foodware Accessories distribution and PFAS regulation in Disposable Foodware align with the State of California's requirements.

Section 2. Municipal Code Amendment "Disposable Foodware Ordinance." Half Moon Bay Municipal Code chapter 7.30 is hereby repealed and replaced in its entirety by a new chapter 7.30 "Disposable Foodware", which is adopted as set forth in Attachment A. Attachment A of this Ordinance is incorporated herein in its entirety.

Section 3. Severability. If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 4. CEQA. The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines (Title 14 of the California Code of Regulations) Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change to the environment, directly or indirectly; and it prevents changes in the environment. Further, this action is exempt from CEQA under CEQA Guidelines section 15061(b)(3) (the amendments are exempt because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).

Section 5. Publication. The City Clerk shall publish a summary of this Ordinance in a newspaper of general circulation for the City of Half Moon Bay within fifteen days after its adoption.

Section 6. Effective date. This ordinance shall take effect 30 days after adoption. However, the mandatory provisions of this Ordinance, except for sections 7.30.030 shall only become operative and subject to enforcement beginning June 1, 2023.

INTRODUCED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 6th of December 2022.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the X day of XXX 202X, by the following vote:

Ayes, Councilmembers:

Noes, Councilmembers:

Absent, Councilmembers:

Abstain, Councilmembers:

DRAFT

Attachment A

CHAPTER 7.30 DISPOSABLE FOODWARE

Sections:

7.30.010 – Title

7.30.020 – Definitions

7.30.030 – Reusable Foodware use for On-premises dining at Food Facilities

7.30.040 – Distribution of Disposable Foodware Accessories and Standard Condiments.

7.30.050 – Standards and Required Use of Disposable Foodware

7.30.060 – Recordkeeping and Inspection

7.30.070 – Automatic Exemptions

7.30.080 – Case-by-Case Consideration of Requests for Hardship Exemption

7.30.090 – Enforcement

7.30.010 – Title

This chapter shall be known as the "Disposable Foodware Ordinance"

7.30.020 – Definitions

The following words and phrases shall have the meanings set forth below when used in this Chapter. The singular shall include the plural, and the plural shall include the singular.

- a. "Aluminum Foil-based" means any Disposable Foodware composed entirely of aluminum, including but not limited to aluminum tray liners, aluminum foil, and aluminum foil baskets.
- b. "Compostable" means that an item or material:
 - a. Meets standards for compostability from a certified/approved independent third-party approved by the City Manager or designee, in collaboration with local waste processors, haulers, and/or other entities, as needed; and/or
 - b. Is any variation of acceptable materials that will break down or otherwise become part of usable compost in a safe and timely manner as determined by the City Manager or designee, in collaboration with local waste processors, haulers, and/or other entities, as needed; and

- c. Is Natural Fiber-based. Compostable items may include those that are made entirely of Natural Fiber or Natural Fiber-based items that are coated or lined with biologically based polymer, such as but not limited to corn or other plant sources (e.g., compostable plastics), if certified/approved by independent third parties approved by the County Manager or designee.

"Compostable" does not include items made entirely/primarily of biologically based polymer (e.g., PLA, PHA, or other compostable plastic), even if labeled or certified as compostable.

- c. "Disposable" means designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple reuses.
- d. "Foodware" means food contact products used for serving, distributing, holding, packaging, and/or transporting Prepared Food including, but not limited to plates, cups, bowls, trays, clamshell containers, boxes, Utensils, straws, lids, and food contact paper (e.g., wraps, bags, tray liners, etc.). The term "Foodware" includes Foodware Accessories and Standard Condiment in Disposable Packaging.
- e. "Foodware Accessories" include different types of Foodware such as straws, stirrers, cup spill plugs, cup sleeves, condiment cups and packets, Utensils, cocktail sticks/picks, toothpicks, napkins, and other similar accessory or accompanying Foodware used as part of food or beverage service or packaging. Detachable lids for beverage cups and food containers are not considered a Foodware Accessory.
- f. "Food Facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food to the public for human consumption, as defined by the California Health and Safety Code Section 113789 or successor. It includes both permanent and temporary food facilities. Public schools are exempt from the provisions of this Chapter.
- g. "Food Scrap Composting Method" means (1) self-hauling of food scraps to a permitted composting facility or a transfer station that accepts food scraps that will be transferred to a permitted composting facility for on-site compost processing, (2) food scrap compost collection service provided by a curbside hauler, or (3) on-site food scrap composting.
- h. "Healthcare Facilities" mean places that provide healthcare to the public. Healthcare Facilities include, but are not limited to hospitals, clinics, outpatient care centers, nursing homes, psychiatric care centers, medical offices, hospice homes, mental health and addiction treatment centers, orthopedic and other rehabilitation centers, urgent care, birth centers, etc.

- i. "Natural Fiber/Natural Fiber-based" means a plant or animal-based, non-synthetic fiber, including but not limited to products made from paper, sugarcane, bamboo, wheat stems/stalk, hay, wood, etc.
- j. "Non-Compostable" means not meeting the definition of Compostable set forth in this Chapter.
- k. "On-premises dining" means food prepared for consumption on the premises of the food facility either indoors or outdoors.
- l. "Off-premises dining" means food prepared for consumption off of the premises of the food facility. "Off-premises dining" includes, but is not limited to, Takeout Food delivery service, drive-through and catering off-site
- m. "Polystyrene-based" means and includes expanded polystyrene, which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene" also includes polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam (expanded polystyrene [EPS]) and clear or solid polystyrene known as oriented polystyrene.
- n. "Prepackaged Food" means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer and prepared at an approved source.
- o. "Prepared Food" means food or beverages that undergo a cooking or food preparation technique on the Food Facility's premises for consumption by the public. Cooking or food preparation technique includes, but is not limited to the following:
 - 1. Cooking methods, utilizing the application of heat, such as steaming, microwaving, simmering, boiling, broiling, grilling, frying, or roasting.
 - 2. Beverage preparation, such as blending, brewing, steeping, juicing, diluting, or pouring.
 - 3. Food preparation techniques, such as defrosting, rinsing, washing, diluting, cutting, portioning, mixing, blending, assembling, coating, dipping, garnishing, decorating, or icing.

Prepared Food does not include raw eggs or raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.

- p. "Reusable" means Foodware and Foodware Accessories that are manufactured of durable materials and specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and are safe for washing and sanitizing according to applicable regulations.
- q. "Standard Condiment" means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, and includes different types such as ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, and sugar/sugar substitutes.
- r. "Takeout Food" means Prepared Food, that is purchased to be consumed off a Food Facility's premises. Takeout Food includes Prepared Food delivered by a Food Facility or by a third-party Takeout Food Delivery Service.
- s. "Takeout Food Delivery Service" is a service for online food ordering and delivery of Prepared Food from a Food Facility to a customer. This service can be provided directly by the Food Facility or by a third-party.
- t. "Utensils" include different types of instruments used to assist the consumption of food, specifically, forks, knives, spoons, sporks, chopsticks, and tongs.

7.30.030. - Reusable Foodware use for On-premises dining at Food Facilities

Effective June 1, 2023:

- a. Food Facilities shall only serve Prepared Food for On-premises dining with Reusable Foodware except as otherwise provided in section (b).
- b. Food Facilities may provide the following non-Reusable Foodware Accessories: straws, stirrers, cocktail sticks/picks, toothpicks, napkins, wrappers, and liners so long as they are Compostable.
- c. Nothing in this section shall prohibit a Food Facility from offering, upon a customer's request, non-Reusable Foodware for Takeout Food or to take away leftover food after dining on the premises.

7.30.040 – Distribution of Disposable Foodware Accessories and Standard Condiments.

- a. No Food Facility for on premises dining and off-premises dining (e.g., Takeout Food Delivery Service, catering off-site, etc.), shall provide any Disposable Foodware Accessories and Standard Condiments unless the specific type of Disposable Foodware Accessory (including different types of Utensils) or specific type of Standard Condiment is requested by the consumer.

Exception: Food Facilities may ask a drive-through consumer if the consumer wants a specific type of Disposable Foodware Accessory (including different types of Utensils), if the item is necessary for the consumer to consume Prepared Food or to prevent spills of or safely transport Prepared Food.

- b. Food Facilities shall only distribute Disposable Foodware Accessories and Standard Condiments unbundled, as separate individual units.
- c. Takeout Food Delivery Services that utilize digital ordering/point of sale platforms, including but not limited to the internet and smart-phone applications, shall only offer Disposable Foodware Accessories by providing clear options for customers to affirmatively request these items separate from orders for food and beverages. The default option on the digital ordering/point of sale platforms shall be that no Disposable Foodware Accessories are requested. Each individual Disposable Foodware Accessory (e.g., each fork, knife, condiment packet, napkin, etc.) provided with Prepared Food must be specifically requested by the customer in order for a Food Facility to provide it.

7.30.050 – Standards and Required Use of Disposable Foodware.

- a. No Food Facility shall use Polystyrene-based Disposable Foodware when providing Prepared Food.
- b. Food Facilities shall only provide Disposable: straws, stirrers, Utensils, and cocktail/toothpicks (and the packaging that these individual items are wrapped in, if any) that are Compostable.
- c. Nothing in this Chapter shall conflict or be construed to conflict with the Americans with Disabilities Act or any other applicable law concerning the rights of individuals with disabilities. In particular, nothing in this Chapter shall restrict, or be construed to restrict, the provision by Food Facilities of Disposable Non-Compostable straws to individuals who may request the use of Disposable Non-Compostable straws to accommodate medical needs or disabilities. Healthcare Facilities may distribute Disposable Non-Compostable straws with or without request by a patient at the discretion of the Healthcare Facility staff based on the physical or medical needs of the patient.
- d. Food Facilities shall use Compostable items for the below Disposable Foodware:
 - 1. Plates
 - 2. Bowls (of all sizes including, but not limited to soup and salad bowls and accessory bowls for condiments)
 - 3. Cups (of all sizes including, but not limited to beverage and accessory cups for Standard Condiments)

4. Food trays
 5. Clamshells, boxes, deli containers, and other containers used for the sale and/or distribution of Prepared Food (e.g., Takeout Food, leftover "doggie containers", etc.)
- e. For all other Disposable Foodware not listed in Subsections (b) and (d), Food Facilities shall use only Disposable Foodware that can be composted by the Food Scrap Composting Method utilized by the Food Facility and/or accepted for recycling by the Food Facility's recycling collection service.
 - f. The City shall maintain a list of approved Disposable Foodware sources and/or references to organizations that maintain regularly updated lists of products that meet the requirements detailed in Subsections (a), (b), (d), and (e) of this Section. This information shall be made available on the City's website and in City Hall. If a product is not included on the approved lists, the Food Facility wishing to use a product as Disposable Foodware shall establish to the City Manager or designee's satisfaction that the product complies with the requirements detailed in Subsections (a), (b), (d), and (e).

7.30.060 – Recordkeeping and Inspection.

- a. Food Facilities shall keep complete and accurate record or documents of the purchase of the acceptable Disposable Foodware evidencing compliance with this Chapter for a minimum period of three years from the date of purchase.
- a. The record shall be made available for inspection at no cost to the City during regular business hours by City employee or City-designee authorized to enforce this Chapter. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be made available at the Food Facility address.
- b. The provision of false or incomplete information, records, or documents to the City shall be a violation of this Chapter.

7.30.070 – Automatic Exemptions.

- a. Prepackaged Food is exempt from the provisions of this Chapter.
- b. Polystyrene-based coolers and ice chests intended for reuse are exempt from the provisions of this Chapter.
- c. Disposable Foodware that is entirely Aluminum Foil-based is exempt from the provisions of this Chapter.
- d. If the City determines that a reasonably feasible Disposable Foodware that complies with Section 7.30.050 (a), (b), (d), and (e) of this Chapter does not exist, these items will be exempt from the abovementioned provisions of this Chapter until the City

determines that a reasonably feasible alternative is available on the market for purchase. The City will have a current list of these exempted Disposable Foodware posted on the City of Half Moon Bay website with hard copies available in the Office.

- e. Certain Disposable Foodware Accessories for beverage orders, specifically cup sleeves, shall be exempt from Section 7.30.040 (a) and may be distributed for safety reasons without the need for a request by the consumer or an offer by the Food Facility, specifically at drive-through areas of Food Facilities. Detachable lids are not considered a Disposable Foodware Accessory, so Section 7.30.040 (a) does not apply to detachable lids.
- f. Temporary exemptions due to an emergency are automatic without the submission of a request for an exemption. An emergency is defined as a sudden, unexpected occurrence posing a clear and imminent danger that requires immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. Examples of an emergency include, but are not limited to natural disasters, emergencies due to the release of hazardous materials, emergencies associated with loss of power and/or water, or emergency medical response.

7.30.080 – Case-by-Case Consideration of Requests for Hardship Exemption.

- a. Grounds for an exemption.

An exemption from any of the provisions of this Chapter may be granted by the City Manager or designee upon demonstration by a Food Facility to the satisfaction of the City that strict application of the requirements would cause undue hardship. An "undue hardship" includes, but is not limited to the following:

1. A situation unique to the Food Facility where a suitable alternative that conforms with the requirements detailed in Section 7.30.050 (a), (b), (d), and (e) does not exist for a specific application.
2. Imposing the provisions of this Chapter would cause significant economic hardship. "Significant economic hardship" may be based on, but not limited to, demonstrating that suitable Disposable Foodware is not available at a commercially reasonable price and the additional cost associated with providing the Disposable Foodware is particularly burdensome to the Food Facility based on the type of operation(s) affected, the overall size of the business/operation, the number, type and location of its facilities, the impact on the overall financial resources of the Food Facility, and other factors. Reasonable added cost for a suitable item as compared to a similar item that the Food Facility can no longer use shall not by itself constitute adequate grounds to support an exemption for such item. In determining whether a significant economic hardship has been established, the City Manager or designee shall consider the following information: ability of the Food Facility to recover the additional expense by

increasing its prices; the availability of tax credits and deductions; outside funding; and other options.

- b. Request for an exemption. A request for an exemption from the requirements of this Chapter shall include all information deemed necessary by the City to render a decision, including but not limited to documentation showing the factual support for the requested exemption. A request for an exemption may be approved by the City Manager or designee, in whole or in part, with or without conditions. The duration of the exemption, if granted, shall also be determined by the City Manager or designee. Information about the application process for requesting an exemption will be available on the City Of Half Moon Bay's website and in the Office.

7.30.090 – Enforcement.

- a. The City Manager or designee may enforce this Chapter.
- b. The County Manager or designee is hereby authorized to and may enforce Chapter 7.30 within Half Moon Bay upon entry into a Memorandum of Understanding with the County of San Mateo. The County's enforcement authority includes, without limitation, the authority to hold hearings, issue citations, or assess administrative fines on behalf of the City of Half Moon Bay.
- c. A violation of this Chapter is an infraction and is subject to enforcement and administrative fines in accordance with Chapter 1.40 of the San Mateo County Ordinance Code and/or Chapter 4.16 of the Half Moon Bay Municipal Code.
- d. Violation of this Chapter is a public nuisance subject to all applicable civil, administrative, and criminal remedies and penalties according to the provisions and procedures contained in this ordinance code and state law including, but not limited to, an action for abatement or injunctive relief.
- e. This Section shall not be interpreted to limit any otherwise available civil or administrative remedies under law.