

## ORDINANCE NO. 2025-XX

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY ADDING CHAPTER 7.65 (“COMMERCIAL VITALITY”) TO THE HALF MOON BAY MUNICIPAL CODE

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 hereby adds Chapter 7.65 (“Commercial Vitality”) to Title 7 (“Health and Welfare”) of the Half Moon Bay Municipal Code (“Commercial Vitality Ordinance”). The City Council finds and declares as follows:

- (a) There is an ongoing concern in the City that commercial properties, including vacant properties, and not being adequately maintained.
- (b) Neglected commercial properties contribute to urban decay, diminish property values, deter investment, discourage responsible property ownership, and pose risks to public health and safety.
- (c) The City’s Commercial Vitality Ordinance will establish clear standards for maintaining commercial properties and will give the City appropriate enforcement mechanisms to ensure that commercial properties remain in good upkeep, contributing to the vitality of the City.

**Section 2. Amendments.** A new Chapter 7.65 is added to the Municipal Code as set forth in Attachment A.

**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 adoption of this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) under the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378), because it has no potential to result in physical change to the environment. Moreover, the City Council finds that even if adoption of this Ordinance were otherwise subject to CEQA, it would be exempt pursuant to CEQA Guidelines Section 15061(b)(3) (common sense exemption).

**Section 5. Publication.** The City Clerk of the City of Half Moon Bay is hereby directed to publish this Ordinance pursuant to Government Code section 36933.

**Section 6. Effective date.** This Ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

**INTRODUCED** at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 4th day of November, 2025;

**ADOPTED** at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the \_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES,  
NOES,  
ABSENT,  
ABSTAIN,

ATTEST:

APPROVED:

\_\_\_\_\_

\_\_\_\_\_

Maggie Rodriguez, Assistant City Clerk

Robert Brownstone, Mayor

## ATTACHMENT A

### Chapter 7.65 COMMERCIAL VITALITY

#### Sections:

7.65.010	Title
7.65.020	Purpose
7.65.030	Definitions
7.65.040	Maintenance Requirements for Empty Storefronts Subject to this Chapter
7.65.050	Notice of Empty Storefront Status
7.65.060	Neglected Storefronts
7.65.070	All Commercial Properties - Exteriors
7.65.080	Enforcement

#### **7.65.010 Title.**

This chapter shall be known as the "Commercial Vitality Ordinance."

#### **7.65.020 Purpose.**

The purpose of this ordinance is to preserve and enhance the aesthetic, economic, and social vitality of the City of Half Moon Bay by identifying and remedying neglected commercial properties. The City finds that neglected and vacant commercial buildings contribute to urban decay, reduce property values, deter investment, and threaten public health and safety.

#### **7.65.030 Definitions.**

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section.

- A. "City" means the City of Half Moon Bay.
- B. "Compliance Officer" means the city manager or any person authorized or directed by the city manager to enforce or otherwise ensure compliance with any provision of this Chapter.
- C. "Empty Storefront" means a room or set of rooms facing a street on the ground floor of a building with a ground-floor commercial use that a reasonable observer would conclude meets one of the following conditions:
  1. The storefront does not appear to be consistently lawfully occupied for a commercial purpose; or

2. The storefront fails to consistently maintain regular operating hours during which it is open for business.
- D. “Responsible Party” means the owner, agent, representative, or individual who has the duty to maintain the premises in compliance with this ordinance;
- E. “Neglected Storefront” means a room, set of rooms, or adjoining portions of a building or building exterior facing a street on the ground floor of a building with a ground-floor commercial use that meets one of the following conditions:
1. The storefront meets a nuisance condition, as defined in Chapter 4.12 of this code or as listed in Health and Safety Code section 17920.3, as applicable;
  2. The storefront violates the provisions of Chapter 9.34 of this code; or
  3. The storefront is otherwise dilapidated, deteriorated, unsanitary, or maintained in inadequate condition so as to substantially detract from the aesthetic, social, and economic value of neighboring properties.

#### **7.65.040 Maintenance Requirements for Empty Storefronts Subject to this Chapter.**

In addition to any other applicable requirements contained in this code or state or federal law, all empty storefronts subject to this Chapter must be maintained in accordance with the following requirements:

- A. All empty storefronts shall be posted with the name and contact phone number of the Responsible Party. If the Responsible Party is not the property owner, the compliance officer for the City shall be provided with the property owner’s name, address, and phone number.
- B. All empty storefront properties shall be actively maintained to prevent the property from meeting the definition of a neglected storefront. This includes, but is not limited to:
  1. Maintaining the structure in a structurally sound condition that does not constitute a hazard to public health or safety and that complies with this code.
  2. Maintaining the property in a manner that does not create an unreasonable risk of fire, including removal of weeds and maintaining or removing heating systems.
  3. Maintaining the property in such condition as not to create the appearance of an unsecured, unoccupied structure or other hazard to public safety, which shall include maintaining tidy landscaping and keeping the property free from outdoor storage and trash.
  4. Securing the storefront from entry or occupation by unauthorized persons. All windows, doors (walk-through, sliding, and garage), and gates that may allow access to the interior of the property must properly close and lock, and remain locked when the structure is not in use.
  5. Preventing illegal activity on the premises.

6. Maintaining sufficient utility services to ensure active operation of any alarm or security system, exterior lighting, and proper irrigation of all landscaping on the property.
  7. For storefronts that are empty for more than 90 days, installing a display on or in any street-facing windows that makes the storefront appear active and attractive, which may include:
    - i. Temporary displays simulating a business;
    - ii. Artwork or cultural/historical exhibits;
    - iii. Window paintings/wayfinding/local school art
    - iv. Other City-approved designs.
- C. The owner or designated Responsible Party must perform monthly inspections to ensure compliance with this Chapter and the code.

**7.65.050 Notice of Empty Storefront Status.**

- A. The owner of an empty storefront shall, within 90 days after it has become empty, notify the Compliance Officer of the vacancy.
- B. The notice must include:
  1. A contact phone number, email address, and physical address for the owner and, if applicable, the Responsible Party designated for upkeep and maintenance of the empty storefront;
  2. A description of the most recent legal use of the empty storefront and the square footage of the empty storefront.
- C. The Responsible Party must provide the Compliance Officer with updates to the notice at least every 90 days after providing the original notice.
- D. The Responsible Party must meet with City staff upon request, to discuss the status of ending the storefront's vacancy and to rectify any storefront maintenance issues. City staff may require a property maintenance plan describing the owner's plans for compliance with the maintenance requirements of this Chapter.

**7.65.060 Neglected Storefronts.**

Notwithstanding the terms of any permits, licenses, approvals, or agreements, it is a violation of this code and a public nuisance to maintain a neglected storefront.

**7.65.070 All Commercial Properties - Exteriors.**

All commercial properties shall be maintained with neat and orderly landscaping consistent with Section 13.15.110 of this code, neat and orderly building exteriors, clean awnings where permissible and clear exterior lettering when used, and neat and orderly interiors visible from the exterior including paint and finishes, and appropriate maintenance of all other elements of

the property that may contribute to neglect without regular maintenance. This shall include emptying exterior dumpsters and other material receptacles on a regular basis, keeping exterior dumpsters and other material receptacles enclosed at all times, preventing trash or waste left outside dumpsters or material receptacles, keeping dumpsters and other material receptacles locked between the hours of 11 p.m. and 5 a.m. every day, except when in use by the owner of the dumpster or other material receptacle or their employees, and otherwise properly maintaining the condition of the property exterior, interior, and adjoining sidewalk or parking areas.

#### **7.65.080 Enforcement.**

The Compliance Officer is authorized to do the following:

- A. Inspect commercial properties to identify empty or neglected storefronts, determine ongoing compliance with this Chapter, and initiate proceedings against owners found to be in violation of this Chapter or any other applicable code.
- B. Order the owners of empty storefronts or neglected storefronts to comply with this Chapter and any other applicable provisions of this code.
- C. Employ the enforcement mechanisms available in Title 4 of this code to remedy violations of this Chapter.
- D. Establish and enforce any administrative policies necessary for the implementation and enforcement of this Chapter.