


California Proposition 20

- California voters, by an 800,000 vote margin (55%-45%), passed the Coastal Initiative -- Prop 20 -- in November 1972.
- Prop 20 created six regional commissions and one statewide commission to oversee the use and development of California's 1,000 mile coastline.
- Members of these commissions were to be locally appointed with a third of the appointments filled by the Governor, state Senate Rules Committee, and the Speaker of the Assembly.
- Proposition 20 was designed to produce an acceptable compromise measure regarding coastal ecology, protection, and preservation.



California Coastal Act


- Prop 20 was made permanent by the California Coastal Act of 1976.
- The Coastal Act is administered by the California Coastal Commission, and is supplemented by Local Coastal Programs (LCPs),
- LCPs are approved by the Commission and administered by our local governments.
- In San Mateo County, we have two LCPs, one for Half Moon Bay, and one for the rest of the county's coastside.
- At least every five years, each LCP must be reviewed by the Commission.



California Coastal Act

- The California Coastal Act was created to preserve, protect and enhance California's coastline for the benefit of our entire state and future generations.
- The Act requires:
 - Protection and expansion of public access to the shoreline and recreational opportunities
 - Protection, enhancement and restoration of environmentally sensitive habitats
 - Protection of productive agricultural lands and commercial fisheries
 - Directing new housing and other development into areas with adequate services to avoid wasteful urban sprawl and leapfrog development

From [League for Coastsides Protection](#) and [Coastal Act](#)



Measure A

- In November 1986, San Mateo County voters enacted Measure A, "The Coastal Protection Initiative,"
- It amended the county's LCP, making further amendments to the LCP essentially conditional upon voter approval with limited exceptions.
 - The County Board of Supervisors, by a fifth majority, may submit proposed amendments to the voters.


- **It is important to point out that for the last 30+ years a majority of California voters have called for the protection of the coast.**



CCC Current Issues

CCC AMENDMENT REQUEST

- Residential buildout with implied services demand (water, sewer, traffic ... no emergency services?)
- Future parks and trails
- LUP/LCP process updates
- Incorporation of merger incentives




CCC STAFF RECOMMENDATION SUMMARY

- Additional changes are needed to assure consistency with Coastal Act requirements
 - new development be concentrated in urban areas with adequate public services, including water supply, wastewater disposal, and transportation capacity, and
 - new development not have significant adverse effects on coastal resources, such as public access, water quality, and visual quality.



Effect on Midcoast Community



SMC Focal Issues – Midcoast Perspective

- Issue 1: Lot Retirement
- Issue 2: Temporary Prohibition of Private Wells
- Issue 3: Growth Limits
- Issue 4: "Grandfathering"
- Issue 5: Restriction of Public Works Capacities
- Issue 6: Public Service Priorities
- Issue 7: Re-zoning of Bypass Lands



Lot Retirement

Proposed Compromise:

- Exempt Conditional Certificates of Compliance (CCOC's) for conforming parcels.
- Establish in-lieu fee program to avoid a patchwork of retired lots and reduce application requirements

Red Flag: the proposed solution is a lot like having tradable fuel efficiency credits in the automotive industry (CAFÉ standards).

Here, as with the auto industry, the transactional costs for developers goes up, but this actually means that they will plan for bigger/more costly development projects to cover the cost of acquiring the necessary credits. Worse still, there is no benefit to private land owners as the county pockets the money that should go to private parcel holders.

The bigger issue remains encouraging in-fill development on existing individual legal lots while discouraging new subdivision development



Temporary Prohibition of Private Wells

Proposed Compromise:

- Apply municipal connection requirement to major remodels that rely on wells constructed after 9/29/89

Red Flag: Doesn't address new development, and since the bulk of commercial development does not consist of remodels, actually places residential, single family home owners at a disadvantage relative to commercial developers. Under this "compromise" developers gain an upper-hand in getting through permitting relative to private home owners. Further, it actually encourages new development on the coast rather than creating an incentive for restoring and modernizing existing homes and commercial properties.



Growth Limits

Proposed Compromise:

Limit restriction on non-residential and non-Coastal Act priority uses to accommodate smart growth projects that provide local jobs and mitigate traffic impacts.

Red Flag: Again, private land owners looking to build single family homes are placed at a disadvantage relative to commercial developers, which are exempted from growth limit caps entirely as long as they can make a case for "smart growth" (however that is designated). Case in point, the low income housing development on the southern end of Main Street, HMB was characterized as local migrant farm worker housing. Once built, it was revealed that housing eligibility would be determined by a county wide lottery. In reality, qualifying occupants ended up commuting all over the Bay Area from HMB.



Grandfathering

Proposed Compromise:

- Grandfather applications that are deemed complete as of the effective date of the amendments

Red Flag: To date, there are countless complete, but otherwise stale applications languishing in the county’s queue. Since dormant applications are not routinely deemed expired and cleaned out, there is no inventory of complete, pending applications – so **no one knows how big the number of dormant applications is that could remain alive under grandfathering.**

Also concerning, that there is **no mentioned of restricting grandfathering rights to applications that, for example, require special use permits because they are impermissible under applicable zoning ordinances at the time they are filed, applications that are phased-in over a span of many years or subject to contingent buildings conditions** (each of which apply to proposed developments like Big Wave).



Restriction Of Public Works Capacities

Proposed Compromise:

- Differentiate between projects that address existing deficiencies and those that accommodate growth.

Red Flag: How is “existing deficiency” defined? **If there are multiple deficiencies that conflict, which takes precedence?** For example, if the lack of affordable office and or/commercial space for existing businesses were deemed a deficiency, but a lack of traffic infrastructure or in the form of water, roads, drainage planning, etc were also deemed deficiencies, which deficiency gets priority? Does that office space take a back seat to fixing already deficient roads, drainage, and utilities, or the other way around? **The lack of a defined “deficiencies “makes this one far too open to interpretation/abuse.**




Public Service Priorities

Proposed Compromise:

- No discussion to date about revising the suggested modification that requires public works projects to set aside capacity for Coastal Act priority uses before reserving capacity for local priorities.

Red Flag: Agree with the problem as identified above – so what is the proposed solution? How do Coastal Act priority uses get maintained as such under the County's vision of the new LCP?



Rezoning of Bypass Lands

Proposed Compromise:

- CalTrans apparent agreement with the re-zoning, and the ability of existing residential uses to continue, may provide an appropriate basis to agree to the CCC's suggested modification.

Red Flag: CalTrans isn't charged with maintaining open space, so CCC oversight here is still required. Unclear what existing residential uses are contemplated. Perhaps these should be spelled out so that the entire universe of residential uses is explained.



CCC STAFF RECOMMENDATION SUMMARY

- The County's proposal provides new estimates of residential buildout and recognizes the need to address infrastructure constraints through a limitation on new residential development.
- However, the County's proposal does not sufficiently address the significant public services issues that have arisen since original certification of the LCP in 1981.
- This includes physical changes to the environment resulting in significant adverse effects on public health and safety, coastal resources, and coastal access.