

**[Draft] Minutes of the 12 June 2002 Midcoast Community Council meeting**

The meeting was called to order by Chair Chuck Kozak at 7:35 p.m.

Members present: Sandy Emerson, Chuck Kozak, Ric Lohman, Paul Perkovic, Kathryn Slater-Carter (arrived at 7:40 p.m.), April Vargas, and Karen Wilson.

Member absent: (none).

**Public Comment**

John Quinlan (San Mateo County Sheriff's Department) showed the "Living with Wildfire" booklet produced by the Fire-Safe Committee. It should be read by every coastside resident. The other booklet he showed was the Re-Act booklet on identity theft.

Sandy Emerson announced that there will be a workshop at 7:30 p.m. on Thursday, June 20, at the Ted Adcock Center to discuss the presentation by consultants on beach access, including sites in Princeton. On Sunday, June 23, the Committee for Green Foothills is sponsoring a bike tour of the foothills. The 100 km ride will leave at 8 a.m. and will be hosted by Steve Schmidt, Mayor of Menlo Park. The 50 km ride will leave at 9 a.m. For more information, see <http://www.greenfoothills.org/>.

Karen Wilson announced that she had received a notice about failures by Coastside County Water District to take the necessary water samples required by the California Department of Health Services. This notice was brought home by her son from school.

Kathryn Slater-Carter announced the 2002 Quarterly Building Report for the County shows that there were eight permits issued. She received notice that there was a meeting of election officials looking at the problems for the election in November. One of the recommendations they are making, apparently, is that for jurisdictions with less than 10,000 voters, those offices be appointed by the Boards of Supervisors. Finally, she announced that the Montara Sanitary District newsletter has just gone out. "We're acting on your vote," she said. There will be a Public Participation Hearing on Monday, June 17, beginning at 7:00 p.m., at Farallone View School. This hearing is to accept public comment on the proposed sale of California-American Water Company, as a subsidiary of American Water Works, to the international utilities firm RWE, AG. The stock purchase includes a 61% premium over net book value for the assets of American Water Works. There is the potential for future impacts on water rates. (Kathryn is President of the Board of the Montara Sanitary District.)

Chuck Kozak announced that the next Community Workshop for the LCP Update Project will be Monday, June 17, beginning at 7:30 p.m. at the El Granada School. The major topic of discussion will be traffic issues in the Midcoast. Mark Duino will present.

## **Board of Supervisors Report**

PK Diffenbaugh (Legislative Aide to Supervisor Rich Gordon) indicated that the Board of Supervisors will be holding budget meetings later this month. Check the web site for details. The Board expects to hear the revised Well Ordinance on July 23. Currently, Environmental Health is not certifying any new well permits.

## **Committee Reports**

**Treasurer's Report:** Kathryn Slater-Carter reported that the Council needs to determine what authorized expenses are, as part of the County budget request.

**Parks and Recreation Committee:** Sandy Emerson reported that the Committee discussed whether there should be visitor parking at the corner of Coronado and Obispo, following the Public Works Committee field trip on Monday, June 10. It is too soon to see what the impact of the new signal will be on traffic. Community members were not enthusiastic about parking east of Highway 1. They suggest that the Harbor District improve signage showing availability of parking. They talked about the possibility of having a pocket park on the Burnham Strip (at the corner of Coronado and Obispo). The Committee would like to get another set of maps for the Recreational Needs Assessment, which has been delayed due to issues with the consultant.

**Planning and Zoning Committee:** Karen Wilson reported that there will be a number of Coastside projects on the next Coastside Design Review committee meeting. It will begin at 3:00 p.m. at the Sheriff's Substation in Moss Beach, with a study session at 1:30 p.m., on Thursday, June 13. The next Planning and Zoning Committee meeting will be June 19 at 7:30 p.m. at Three Zero Cafe. Chuck Kozak reported that the Planning Commission will consider revised standards for residential construction on PAD, RM, \*\*\* on June 26.

**Public Works Committee:** April Vargas reported that the committee met on June 5 and discussed the issue of parking for the Surfers Beach area. The Committee meets on the first Wednesday of each month at 6:30 p.m., at Three Zero Cafe, immediately before the Planning and Zoning Committee meeting. The next meeting will be July 3.

## **Consent Agenda**

Approval of meeting minutes from March 13, April 10, April 24, and May 8, 2002. (The minutes from May 22, 2002 have not been reviewed yet.) Sandy Emerson moved to accepted the Minutes as submitted; Ric Lohman seconded. Approved by unanimous consent.

## Regular Agenda

1. Midcoast Local Coastal Program Review Update: Review of June 3, 2002 LCP update workshop and preparation for subsequent workshops and study sessions, and continued discussion and vote on the LCP Amendment creation and version selection process specifically addressing the following option:

- a) At the end of the public meetings adopt the recommended findings of the Midcoast Community Council on each of the segments being review
- b) If there are differences between the Program recommended by the Midcoast Community Council and San Mateo County Planning staff, place the two versions on a ballot for the vote of the Midcoast Community or the County of San Mateo.

Chuck Kozak gave a brief review of the discussion at the June 3 workshop. Most people saw the affordable housing issue being beyond the scope of residential size limitations. (One alternative would have given a bonus in Floor Area Ratio for substandard parcels that were deed-restricted for affordable housing. Audience members questioned how you could build a larger house - using the bonus - for less cost than a market rate residence.)

Under current County regulations, lot merger occurs when a property owner applies for a building permit, remodeling, or demolition. There was significant support for a comprehensive lot merger program to help eliminate the large number of substandard lots that might otherwise be individually developed as separate residence sites.

April Vargas asked whether the "status quo" alternative would involve any changes to the revised residential development standards, which were adopted after much community input and many public hearings, over the past several years. April has been taking notes at each workshop and making them available to George Bergman.

Sandy Emerson noted that the June 3 workshop was one of the examples of detailed technical presentation on a task from the LCP update project. She is concerned that at each workshop, those who are attending are asked to give their opinions on that particular issue - without necessarily considering how each task item will fit into the proposed updates for other tasks. She is concerned that the process - especially the facilitation - steers members of the community towards one or another of the proposals that have been developed by staff, rather than hearing new ideas or comments to address the specific problems.

Ric Lohman is concerned about "where do you go from here?" Will the community have their opportunity to put together their package, or interpretation, of these 20-plus task items? He thinks that the Council should put together a package, the County put together a package, etc., and then the various packages be considered.

Karen Wilson would like to see some new categories or alternatives created from the input received during the public workshops.

Kathryn Slater-Carter noted that the population who attends these meetings includes a majority of the Midcoast Community Council. On the other side, there are many people who have a strong economic interest in what happens on the coast in terms of development. She recounted the experience with the revised residential development standards, where those with a direct financial interest succeeded in getting standards that are less protective of the community than many of the Bay-side communities. She is very concerned about the facilitator or mediator process, which implies compromise. The underlying foundation on which this LCP review is conducted has to be what is most protective of coastal resources. She recommended that each Council member read the comments from the City of Half Moon Bay on the LCP Update Alternatives Report.

Sandy Emerson said she was unclear about the process once the workshops are completed. How will a synthesis of the input from all those meetings be formulated, and by whom? She also said that she didn't think the Council should be the only arbiter of the package.

Chuck Kozak said that he thought the outcome of the process would be a package of recommendations produced by George Bergman; and that the Council would put together a similar package. Then those would go to the Planning Commission for hearings.

Sandy Emerson suggested that once a package is put together, someone would have to go around to explain it in detail so that everyone could understand the issues.

Ric Lohman envisions a process that would present the "deltas", or differences between the packages, to the public. For example, Plan A might say 1%, Plan B might say 2%, Plan C might say 3%. Perhaps a complicated ballot with choices on each task item could be presented, sort of like a smorgasbord. People generally use someone else's opinion, from the ballot measure or the supporters, rather than read all of the details on a ballot measure. People tend to have more polarized views and would probably support either a "more protective" or a "more growth oriented" package, without needing to understand every nuance in the details. He doesn't want our local policies to be controlled by a higher interest.

Paul Perkovic observed that the Council is authorized under our charter and By-Laws to conduct community meetings and surveys to determine community positions. Chuck Kozak read the relevant language from the founding documents. A careful survey, even using a statistical sample of the community, would be quite expensive, and also faces the problem of explaining the background information sufficiently that people could make an informed decision.

Kathryn Slater-Carter suggested that it might not be feasible to get something on a ballot until November 2003. She feels it is unlikely to be able to make the March 2003 election.

Ric Lohman continued to express his concern that the County will end up making a decision that is influenced unduly by special interests. He still thinks that a binding vote

is the only way for the community to express its opinion. He is tired of the position of the majority of the community always being on the defensive.

April Vargas understands that George Bergman is planning on putting together a minority report and a majority report. She also thinks that George is willing to listen to other points of view. She remains concerned that the data supporting the analysis still has errors that must be corrected. April agrees that the Council must do something. She also thinks that the County is anticipating that the Council will be making some sort of recommendation on all these tasks. We need to get going on that, not leave it for the end of the workshop process. She understands Ric's feelings about putting an item on the ballot, but as a practical matter, what happens if the Board declines to put it on the ballot?

Ric Lohman agrees with everything April said. Even at the Board of Supervisors level, small communities are disadvantaged, because Supervisors are elected County-wide. He reiterated the necessity of conducting a vote to determine what the community view is. He thinks we need to correct the end process. He still thinks that the current process is not good for the community. We should ask the Board to let the people vote on this. If they say "No," then he wants to know the reasons that they won't let the community vote on it. Ric would support a County-wide vote, if necessary. He appreciates that other voters in the County also have an interest, especially because of the visitor-serving nature of the coast.

Karen Wilson supported the concept of having a ballot measure, if possible, limited to the coast.

Sandy Emerson said she was hearing that the only way that the community could express its opinion in a powerful way would be through a vote. She also thinks the Council should be commenting on the tasks on an ongoing basis, rather than saving everything up to the end. Finally, she thinks it is appropriate to question some of the underlying assumptions. For instance, there is an assumption that buildout is inevitable, and everyone is focusing on the question of the rate of getting there.

Chuck Kozak shares the general concern about the overall synthesis of this package as things go along. A critical test point may be the next workshop, dealing with transportation issues and congestion. He understands the frustration with the process. He has been burned by it, and pleasantly surprised by it, at various times over the years. On the election issue, he likes the idea in general, but is still a little lost in terms of what gets on there, and how.

Leonard Woren (El Granada) made a series of comments: He basically agrees with Ric Lohman. On substandard lot mergers, the County has wrong information. According to Leonard, the Subdivision Map Act allows merger to sizes greater than 5,000 square feet for parcels in the Coastal Zone. He has code sections that he can cite to prove it. The new house rules that were adopted recently - he recalls that we were told that we could revisit those in the LCP update. That was not to be the final version of the house size rules. At

the June 3 meeting, one of the builders who was whining about the cost of permits suggested that permit costs be reduced to facilitate affordable housing. The straw votes that are being taken are totally inappropriate. Counting people who attend the workshop amounts to rewarding those who pack the meetings. He does not think it is appropriate for anyone from the County to be labelling any position as the majority or minority position. As far as the survey goes, he's not sure a survey is useful. He observed that you can do a mail ballot, including the background material, whenever it is convenient. It doesn't have to be done on a regular election date. He referred to the Ladera process again. The whole purpose of the periodic review of Local Coastal Programs, as required at the State level, is to incorporate new information (e.g., recent environmental studies) and evaluate how effectively the current plan is functioning.

Carl May (Moss Beach) reinforced the idea that "this train has left the station without knowing where it is going." He suggested delineating a voting district using the urban / rural boundary. Something has to be done to get the broader community involved in the process. Once a County employee has produced his report, there will be a vested interest in defending that report. The Coastal Act is being almost completely forgotten in this process.

April Vargas suggested asking the County what election processes would be legal - would it be the voters, or the property owners? Does it have to be County-wide, or could it be just the urban Midcoast?

Ric Lohman wants the Council to ask for a vote, and perhaps also ask for the options of ways that such a vote could be conducted.

Kathryn Slater-Carter supports the idea of a vote, and suggests that Ric and Paul do an investigation of the options.

Chuck Kozak would like to see a very well fleshed-out proposal regarding putting the question(s) to a vote. He wants to make sure we have a good proposal with convincing arguments, so the request is not dismissed out of hand by the Board.

Ric Lohman moved that the Council ask the Board of Supervisors for a process that will allow the community to have a binding vote on alternatives at the end of the LCP Update. Paul Perkovic seconded.

Chuck Kozak asked that the letter include a request to review all alternatives that would enable the community to vote.

The motion passed 6 to 1 (Vargas).

Chuck proposed that the Council schedule Tasks 1, 2, and 3 for June 26 and Tasks 4, 5, and 7 for July 10, and that Council members draft proposed Council positions. Chuck will do Task 1, Paul will do Task 2, Kathryn will do Task 3, Ric will do Task 4, Kathryn

and Paul (with assistance from Leonard Woren) will do Task 5, and Sandy will do Task 7. Seconded by Karen Wilson. Approved by unanimous consent.

Chuck proposed sending a letter to George Bergman regarding a set of other issues related to the LCP Update project workshops. Paul Perkovic moved that the Council authorize Chuck to write a fine letter expressing these concerns. Seconded by Kathryn Slater-Carter. Approved by unanimous consent.

## **2. Procedural Rules for the Midcoast Community Council**

Chuck Kozak suggested that he write up proposed Procedural Rules; Paul Perkovic suggested that the By-Laws Committee assist in the preparation of those rules.

Karen Wilson moved to refer this matter to the By-Laws Committee. Seconded by Kathryn Slater-Carter. Approved by unanimous consent.

## **Update on Continuing Council Projects**

April and Chuck attended a meeting of the Tunnel Aesthetics Committee, along with Supervisor Rich Gordon and Pacifica City Councilmember Maxine Gonsalves. Pacifica has need of about a million cubic yards of fill for their Calera Creek Treatment Plant. CalTrans may be able to assist.

## **Future Agenda**

June 26, 2002

1. Formulate Council positions on LCP Update Tasks 1, 2, and 3
2. Procedural Rules for the Midcoast Community Council

July 10, 2002

1. Formulate Council positions on LCP Update Tasks 4, 5, and 7

July 24, 2002

1. Presentation by Sam Herzberg on Midcoast Recreational Needs Assessment

The meeting was adjourned at 11:10 p.m.

Respectfully submitted by Paul Perkovic, Secretary.