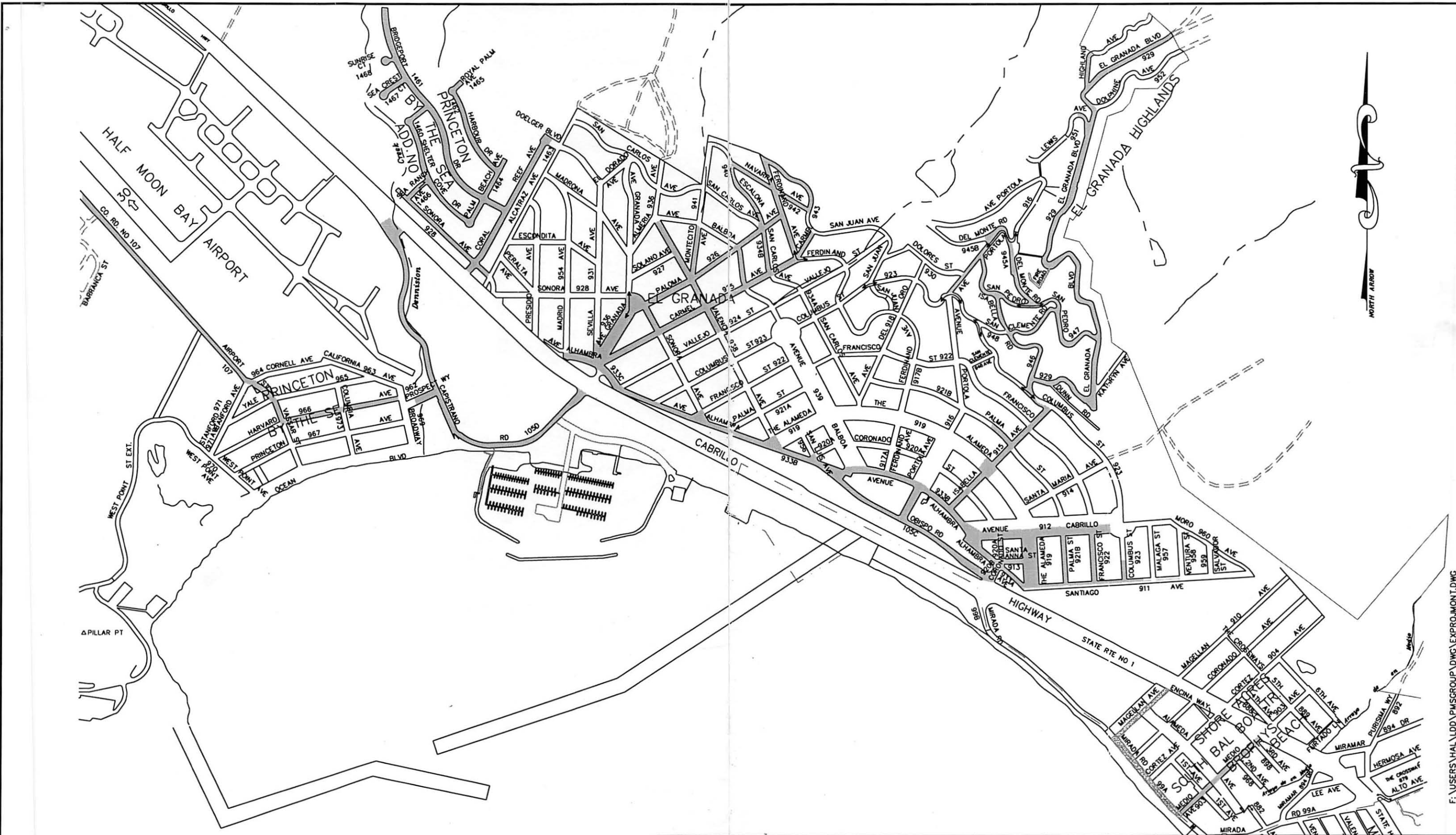




ROADS WITH STRUCTURAL SECTIONS IN PAVEMENT MANAGEMENT SYSTEM FOR ONGOING RESURFACINGS  
 OTHER ROADS PROPOSED TO BE SURFACED

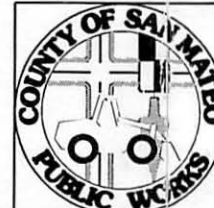


		DESIGNED BY: AM	<b>MONTARA, MOSS BEACH, AND SEAL COVE AREAS</b>	SCALE: NONE
		CHECKED BY: AM		DATE: 8/23/02
		DRAWN BY: AGG		FILE NO.: PMSGROUP
REVISION	DATE	NEIL R. CULLEN, DIRECTOR OF PUBLIC WORKS SAN MATEO COUNTY		555 COUNTY CENTER, 5th FLOOR REDWOOD CITY, CALIFORNIA 94063
		FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES		SHEET 1 OF 1

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 ROADS WITH STRUCTURAL SECTIONS IN PAVEMENT MANAGEMENT SYSTEM FOR ONGOING RESURFACINGS  
 OTHER ROADS PROPOSED TO BE SURFACED



DESIGNED BY: AM  
 CHECKED BY: AM  
 DRAWN BY: AGG

**MIRAMAR, EL GRANADA, PRINCETON,  
 AND CLIPPER RIDGE AREAS**

SCALE: NONE  
 DATE: 8/23/02  
 FILE NO: PMSGROUP

NEIL R. CULLEN, DIRECTOR OF PUBLIC WORKS  
 SAN MATEO COUNTY

555 COUNTY CENTER, 5TH FLOOR  
 REDWOOD CITY, CALIFORNIA 94063-1665

RESOLUTION NO. 58743

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

\* \* \* \* \*

RESOLUTION APPROVING AMENDMENTS TO THE SAN MATEO COUNTY LOCAL COASTAL PROGRAM  
"LOCATING AND PLANNING NEW DEVELOPMENT" COMPONENT AND GENERAL PLAN  
TO REVISE THE ROAD POLICIES AND STANDARDS OF THE  
MONTARA-MOSS BEACH-EL GRANADA COMMUNITY PLAN

\* \* \* \* \*

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, in January, 1994, the Board of Supervisors supported the Mid-Coast Community Council's recommendations for revised road standards intended to preserve existing trees and landscaping, minimize impacts on the neighborhood environment, and enhance the small-town, semi-rural character of the Mid-Coast community; and

WHEREAS, the County of San Mateo intends to adopt and implement amendments to its Local Coastal Program in a manner fully consistent with the California Coastal Act; and

WHEREAS, the San Mateo County Planning Commission held a public hearing on July 13, August 13, and September 14, 1994 to consider these amendments; and

WHEREAS, public notice of all hearings was made to ensure maximum public participation, and all interested parties were afforded the opportunity to be heard; and

WHEREAS, these amendments will become effective if the California Coastal Commission certifies them without modifications.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Board of Supervisors:

1. Approves the attached Local Coastal Program amendments.
2. Directs staff to submit these amendments with all necessary supporting materials and documentation to the California Coastal Commission for its review and approval for incorporation into the County's Local Coastal Program.

## 4 CIRCULATION

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### GOAL:

Develop a circulation system, and road standards for all Mid-Coast streets, which complement the small-town, semi-rural character of the community.

### ISSUES:

#### Existing Circulation System

The existing circulation system, shown as Plate D.1, includes Highway One, major and minor thoroughfares, residential and commercial-fronting streets, and other streets in the Mid-Coast.

A new alignment for the Coast Highway was adopted by the State and County in 1958 to bypass Moss Beach, Montara, and Devil's Slide. The bypass was originally proposed as a 4-lane freeway, but the California Coastal Act of 1976 stipulates that the Coast Highway remain a 2-lane facility in rural areas. The future of the bypass project is now in question.

#### Road Standards

Because Montara, Moss Beach, and El Granada were subdivided between 1906 and 1909, prior to the adoption by the County of subdivision regulations, few of their streets are improved. The narrow streets contribute to the small-town character of the community; but they need to be paved to control drainage, eliminate dust, and to provide an adequate all-weather travel surface.

Previous County road standards called for roadway widths varying from 22 to 40 feet with paved parking lanes, curbs, gutters, and sidewalks.

The Mid-Coast Community Council determined that these standards are inappropriate for these communities because they allow wide streets with paved parking shoulders and pedestrian walkways at the expense of natural features and neighborhood character. In 1994, after a County-sponsored survey of all property owners, the Council developed new Mid-Coast road standards that prohibit parking bays, and in most areas, paved parking shoulders, sidewalks, and bikeways. These standards are more compatible with the community image and are intended to preserve existing trees and landscaping, minimize the impact on the neighboring environment, and enhance the small-town, semi-rural character of the Mid-Coast.

### POLICIES:

#### GENERAL POLICIES

1. Develop public roads to serve the transportation needs of Mid-Coast residents. Roadway size and level of improvement shall preserve the small town, semi-rural character and quality of the Mid-Coast neighborhoods and protect the natural environment.
2. Establish Mid-Coast road standards to provide safe and functional use of roadways. The road standards shall: (a) limit roadway width to the

## 4 CIRCULATION

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minimum necessary for safe access compatible with surrounding residential development; (b) restrict pavement to the travel lanes; (c) prohibit bicycle lanes and bicycle paths east of Highway 1; (d) permit bicycle lanes and bicycle paths west of Highway 1 to access coastal resources and visitor-serving facilities; (e) prohibit parking bays; (f) permit paved shoulders and sidewalks in the El Granada and Clipper Ridge areas, and (g) permit unpaved shoulders (or paved shoulders with an encroachment permit) and prohibit sidewalks in the Montara/Moss Beach/Seal Cove/Princeton/Miramar area. Curbs, gutters and sidewalks are allowed in commercially-zoned areas to ensure public safety.

3. Allow exceptions to the road standards when applying the roadway design techniques of the Creative Road Design Guide to: (a) protect natural features, including trees, (b) conserve resources, (c) fit the topography, and (d) preserve neighborhood quality.
4. Encourage SamTrans and other transit providers to continuously evaluate transit service within the Mid-Coast area transit corridor, to ensure the public is provided the most timely and cost-efficient transit service possible between residential areas, employment centers, commercial districts, recreation areas, and other major destinations within the County.

### MID-COAST ROAD STANDARDS

All owner and County-initiated road improvement projects, i.e., road improvement projects on major and minor thoroughfares, residential and commercial-fronting streets, and other streets, shall comply with the one of following sets of Mid-Coast road standards:

#### 1. Montara/Moss Beach/Seal Cove/Princeton/Miramar Road Standards

Road improvement projects in the Montara, Moss Beach, Seal Cove, Princeton, and Miramar area (as shown on Plate D.2) shall comply with the following standards; road improvement projects in El Granada may comply with the following standards upon petition of property owners fronting onto project area roads in accordance with the current qualification criteria used in the formation of assessment districts:

- a. Travel Lanes. Limit roads to two 11-foot wide, asphalt-paved travel lanes.
- b. Drainage. Surface drainage facilities shall consist of standard gray concrete-paved valley gutters to channel runoff to underground conduits through catch basins or inlets as necessary. Paved curb and gutters may be constructed in commercially-zoned areas, i.e. C-1, C-2, and CCR zoning districts, to ensure public safety. The curbs and gutters shall be constructed on both sides of the street and for complete blocks.
- c. Parking. Prohibit parking bays. Parking may consist of unpaved shoulders located adjacent to the travel lanes. Paved parking shoulders and driveway extensions may be allowed, except at street

## 4 CIRCULATION

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intersections or where necessary to preserve existing trees, upon issuance of an encroachment permit by the Department of Public Works. In such cases, an acceptable parking surface material shall be determined by the Department of Public Works based on slope, drainage, and engineering conditions; however, concrete is prohibited. Paved parking shoulders, as allowed above, shall be located adjacent and parallel to the travel lane and limited to that width necessary to park a vehicle.

- d. Sidewalks. Prohibit sidewalks, except in commercially-zoned areas, i.e. C-1, C-2, and CCR zoning districts, where sidewalks may be allowed to ensure public safety. The sidewalks shall be constructed on one or both sides of the street and for complete blocks.
- e. Bicycle Facilities. Prohibit bicycle lanes in the road right-of-way east of Highway 1. A bicycle lane is a striped lane for one-way bicycle travel directly adjacent to the travel lane.

### 2. El Granada Road Standards

Road improvement projects in the El Granada area (as shown on Plate D.2) may use either the following El Granada Road Standard or the Montara/Moss Beach/Seal Cove/Princeton/Miramar Road Standard. The standard to be used shall be determined upon petition of those property owners fronting onto the project area road(s), in accordance with the current qualification criteria used in the formation of assessment districts.

- a. Travel Lanes. Limit roads to two 11-foot wide, asphalt-paved travel lanes. Existing one-way street travel lanes wider than 11 feet may be narrowed upon consent of those property owners fronting onto the road, in accordance with the current qualification criteria used in the formation of assessment districts.
- b. Drainage. Surface drainage facilities shall consist of standard gray concrete curbs and gutters to channel runoff to underground conduits, through catch basins or inlets, as necessary.
- c. Parking. Prohibit parking bays. Parking shall consist of asphalt-paved shoulders located adjacent and parallel to the travel lanes and limited to that width necessary to park a vehicle, except that no parking shall be provided at street intersections or where necessary to preserve existing trees.
- d. Sidewalks. Allow sidewalks on one or both sides of the street, adjacent to roadway improvements, and shall be made of standard gray concrete.
- e. Bicycle Facilities. Prohibit bicycle lanes in the road right-of-way. A bicycle lane is a striped lane for one-way bicycle travel directly adjacent to the travel lane.

## 4 CIRCULATION

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### 3. Clipper Ridge Road Standards

Road improvement projects in the Clipper Ridge area (as shown on Plate D.2) shall comply with the following standards:

- a. Travel Lanes. Travel lanes shall be asphalt-paved and limited to the same pavement width as existing paved streets, i.e., 32 to 40-foot paved roadway width.
- b. Drainage. Surface drainage facilities shall consist of standard gray concrete curbs and gutters to channel runoff to underground conduits through catch basins or inlets, as necessary.
- c. Parking. Prohibit parking bays. Parking shall consist of asphalt-paved shoulders located adjacent and parallel to the travel lanes and limited to that width necessary to park a vehicle, except that no parking shall be provided at street intersections or where necessary to preserve existing trees.
- d. Sidewalks. Require sidewalks on both sides of the street, adjacent to roadway improvements, and shall be made of standard gray concrete.
- e. Bicycle Facilities. Prohibit bicycle lanes in the road right-of-way. A bicycle lane is a striped lane for one-way bicycle travel directly adjacent to the travel lane.

### 4. Coast Highway (State Route 1) Road Standards

Road improvement projects on State Route 1 (as shown on Plate D.2) including travel lane width, drainage facilities, parking, sidewalks, and bicycle routes shall comply with standards of the California Department of Transportation (CalTrans).

### 5. Exceptions to Mid-Coast Road Standards

Where the topography impedes compliance with the Mid-Coast road standards, the Board of Supervisors, upon recommendation by the Department of Public Works, may allow minor exceptions to the road standards. However, in no case shall exceptions result in paved roads with less than two travel lanes for emergency vehicles and drainage facilities to control surface storm water. Exceptions shall not be used as a means of implementing road standards requiring a greater level of improvement than required in the Mid-Coast road standards.

### 6. Amendments to Mid-Coast Road Improvement Provisions

Any amendment to policies, standards, or other provisions regulating Mid-Coast road improvements shall require public hearing(s) before the Mid-Coast Community Council. In addition, any amendment to road standards specifically applicable to any of the following areas shall require a written survey of the property owners in that area: (1) Montara, (2) Moss

## 4 CIRCULATION

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Beach, (3) Seal Cove, (4) Princeton, (5) Miramar, (6) El Granada, or (7) Clipper Ridge.

### TRAILS:

#### GOAL:

Develop a trail system to provide intra-community circulation and access to recreation facilities, schools, and open space.

### ISSUES:

#### Pedestrian

Access throughout the community is designed primarily for cars; in most areas pedestrians must walk in or along the streets. This is especially bad for school children during wet weather. Walkways, paths, and hiking trails are needed to provide pedestrian access within the individual communities, and to the schools, parks, beaches, and open space.

#### Bicycle

The increase in bicycling for recreation and transportation in recent years has resulted in a need for safe facilities throughout the County. Since the coastside attracts recreation cyclists from the Bayside, provisions need to be made for both local residents and visitors.

#### Equestrian

There are many stables in the community, especially along Sunshine Valley Road. Access to recreation centers and the open lands of the Santa Cruz Mountains needs to be provided for equestrians.

### POLICIES:

- Utilize stream and drainage channels extending into urbanized areas as a basis for a trail system for hikers and equestrians which serves parks, schools, beaches, and open space.
- Develop equestrian paths alongside selected roads and in open space areas.
- Allow bicycle lanes and bicycle paths in the road right-of-way west of Highway 1 only, to provide access to coastal resources and visitor-serving facilities. Bicycle lane and bicycle path projects shall require public hearing(s) before the Mid-Coast Community Council. A bicycle lane is a striped lane for one-way bicycle travel directly adjacent to the travel lane. A bicycle path is a path that is separated from the travel lanes for exclusive use of bicycles.
- Construct a bicycle route along the Coast Highway, for intra-community as well as regional access.



## 4 CIRCULATION

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### TRAIL SYSTEM:

Hiking and equestrian trails are shown in generalized locations on Plate E. Most of them follow stream courses and connect with parks, beaches, and open space. A hiking trail is indicated along the ocean front, and a bicycle route parallels the Coast Highway.

Regularly passed and adopted this 11th day of October, 1994.

AYES and in favor of said resolution:

Supervisors: MARY GRIFFIN

TOM HUENING

TED LEMPert

RUBEN BARRALES

MICAH EL D. NEVIN

NOES and against said resolution:

Supervisors: MARY GRIFFIN

ABSTENTIONS:

Supervisors: MICHAEL D. NEVIN

\_\_\_\_\_

TOM HUENING  
 President, Board of Supervisors  
 County of San Mateo  
 State of California

Certificate of Delivery  
 (Government Code section 25103)

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

*Richard L. Silver*

\_\_\_\_\_

RICHARD L. SILVER  
 Clerk of the Board of Supervisors

**AN ORDINANCE ESTABLISHING POLICIES RELATED  
TO ROAD IMPROVEMENTS  
IN THE COUNTY MID-COAST AREA**

The Board of Supervisors of the County of San Mateo, State of California, ORDAINS as follows:

**Section 1. Findings; Background**

The Board of Supervisors finds and determines as follows:

- a. Road standards provide for a uniform system of improving both public and private roads that benefits the motoring public and residents, allow for the development of facilities which are consistent with community needs and are economical to maintain and operate, and describe the requirements for road improvements.
- b. The current adopted road standards supersedes standards established as a part of the Mid-Coast Community Plan adopted in 1977, after property owners in Montara, Moss Beach and El Granada expressed concerns to the Mid-Coast Community Council that road improvement projects designed using the former road standards did not protect the visual ambiance of the Mid-Coast area.
- c. The current adopted road standards were developed to address property owner concerns and community needs.
- d. The Mid-Coast Community Council and the County Department of Public Works developed recommended policies to guide the implementation of the road standards.

**Section 2. Findings; Mid-Coast Road Improvement Policies**

The Board of Supervisors further finds and determines that the following policies be established pertaining to road improvements in the County Mid-Coast area:

- a. Road Improvement Priorities - Construct owner-initiated road improvement projects on a first-come first-served basis, to be based on the date when a valid petition requesting the improvements is received by the County, unless drainage requirements or impacts on utilities require a priority adjustment, or factors inhibiting construction alter the timing of the road improvements. Road improvement priorities shall not be based on the type of adjacent land use or level of improvement on adjacent streets.
- b. Coordinating Road and Utility Projects - Coordinate county road improvement projects with utility providers to ensure, where possible and permitted by law, that necessary sewer,

water and other utility modifications are made with road improvement projects.

c. Inclusion in the County Maintained Road System - Existing Mid-Coast non-County maintained roads in the designated urban area may be considered for inclusion in the County maintained road system when each of the following conditions are met:

- i. Property owners provide a valid form of petition, which requests inclusion into the County Maintained Road System and to participate in a future assessment district to fully improve the road to County standards, representing over 50% of the road frontage for the affected project area;
- ii. The length of road proposed for inclusion in the County maintained road system shall be one or more entire block;
- iii. At least 50% of the road frontage for the affected project area is developed with main buildings supporting the principal permitted use for the parcels;
- iv. The existing road shall consist of a minimum 16-foot wide gravel and oil or asphalt paved traveled way and one-foot wide shoulders on each side, with drainage swales or channels; and
- v. The road shall be contiguous with an existing County maintained road or State highway.

d. Expediting Road Improvement Projects

The County shall continue to coordinate with the Mid-Coast Community Council, as necessary, to expedite needed road improvements, subject to funding as provided by the Board of Supervisors.

e. Undergrounding of Utilities

The County shall coordinate with utility providers to provide general information relating to undergrounding of utilities, including general project costs, procedures, and funding availability. The County shall update this information every four (4) years. If an underground utility district and undergrounding assessment district are formed in accordance with the current qualification criteria used in the formation of assessment districts, the County shall, to the extent feasible, provide administrative and project management assistance. County-incurred costs, including costs associated with the formation of the assessment district, shall be borne by the property owners.

f. Amendments to Road Standards

Any amendment to policies, standards, or other provisions regulating Mid-Coast road improvements shall require public hearing(s) before the Mid-Coast Community Council. In addition, any amendment to road standards specifically applicable to any of the following areas shall require a written survey of the property owners in that area:

- a. Montara,
- b. Moss Beach,
- c. Seal Cove,
- d. Princeton,
- e. Miramar,
- f. El Granada, or
- g. Clipper Ridge.

**SECTION 3 Effective Date**

This Ordinance shall be in full force and effect thirty (30) days after passage thereof, and shall apply to any new road improvements in the Mid-Coast Area.

Regularly passed and adopted this 11th day of October, 1994.

AYES and in favor of said ordinance:

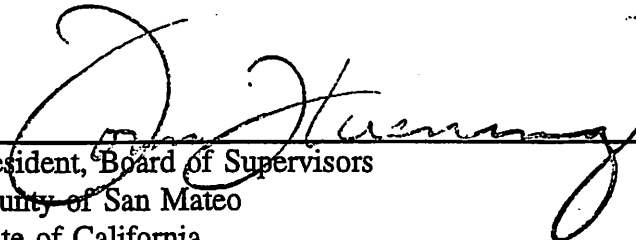
Supervisors: MARY GRIFFIN  
TOM HUENING  
TED LEMPert  
RUBEN BARRALES  
MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors: MARY GRIFFIN

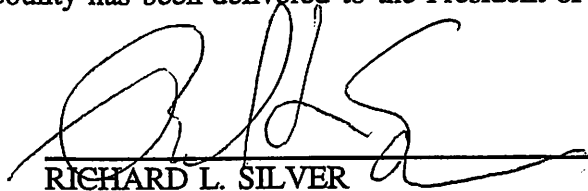
ABSTENTIONS:

Supervisors: MICHAEL D. NEVIN

  
Tom Huening  
President, Board of Supervisors  
County of San Mateo  
State of California

Certificate of Delivery  
(Government Code section 25103)

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

  
RICHARD L. SILVER  
Clerk of the Board of Supervisors

**PROPOSITION 218  
TAXATION--VOTER APPROVAL OF LOCAL TAXES, ETC.--INITIATIVE  
CONSTITUTIONAL AMENDMENT**

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

**PROPOSED ADDITION OF ARTICLE XIII C AND ARTICLE XIII D  
RIGHT TO VOTE ON TAXES ACT**

**SECTION 1. TITLE.** This act shall be known and may be cited as the "Right to Vote on Taxes Act."

**SECTION 2. FINDINGS AND DECLARATIONS.** The people of the State of California hereby find and declare that Proposition 13 was intended to provide effective tax relief and to require voter approval of tax increases. However, local governments have subjected taxpayers to excessive tax, assessment, fee and charge increases that not only frustrate the purposes of voter approval for tax increases, but also threaten the economic security of all Californians and the California economy itself. This measure protects taxpayers by limiting the methods by which local governments exact revenue from taxpayers without their consent.

**SECTION 3. VOTER APPROVAL FOR LOCAL TAX LEVIES.** Article XIII C is added to the California Constitution to read:

CONST Prec. Art. XIII C, § 1

**ARTICLE XIII C**

**SECTION 1. Definitions.** As used in this article:

- (a) "General tax" means any tax imposed for general governmental purposes.
- (b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity.
- (c) "Special district" means an agency of the state, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.
- (d) "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

**SEC. 2. Local Government Tax Limitation.** Notwithstanding any other provision of this Constitution:

(a) All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).

(d) No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

**SEC. 3. Initiative Power for Local Taxes, Assessments, Fees and Charges.** Notwithstanding any other provision of this Constitution, including, but not limited to, Sections 8 and 9 of Article II, the initiative power shall not be prohibited or otherwise limited in matters of reducing or repealing any local tax, assessment, fee or charge. The power of initiative to affect local taxes, assessments, fees and charges shall be applicable to all local governments and neither the Legislature nor any local government charter shall impose a signature requirement higher than that applicable to statewide statutory initiatives.



## SECTION 4. ASSESSMENT AND PROPERTY RELATED FEE REFORM.

Article XIII D is added to the California Constitution to read:

### ARTICLE XIII D

**SECTION 1. Application.** Notwithstanding any other provision of law, the provisions of this article shall apply to all assessments, fees and charges, whether imposed pursuant to state statute or local government charter authority. Nothing in this article or Article XIII C shall be construed to:

- (a) Provide any new authority to any agency to impose a tax, assessment, fee, or charge.
- (b) Affect existing laws relating to the imposition of fees or charges as a condition of property development.
- (c) Affect existing laws relating to the imposition of timber yield taxes.

**SEC. 2. Definitions.** As used in this article:

- (a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIII C.
- (b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax."
- (c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.
- (d) "District" means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.
- (e) "Fee" or "charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.
- (f) "Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.

(g) "Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.

(h) "Property-related service" means a public service having a direct relationship to property ownership.

(i) "Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."

**SEC. 3. Property Taxes, Assessments, Fees and Charges Limited.** (a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

- (1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.
- (2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A.
- (3) Assessments as provided by this article.
- (4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

**SEC. 4. Procedures and Requirements for All Assessments.** (a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

(b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

(c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

(d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.

(e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

(f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.

(g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

**SEC. 5. Effective Date.** Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article.

Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(b) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.

(d) Any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

**SEC. 6. Property Related Fees and Charges.** (a) Procedures for New or Increased Fees and Charges. An agency shall follow the procedures pursuant to this section in imposing or increasing any fee or charge as defined pursuant to this article, including, but not limited to, the following:

(1) The parcels upon which a fee or charge is proposed for imposition shall be identified. The amount of the fee or charge proposed to be imposed upon each parcel shall be calculated. The agency shall provide written notice by mail of the proposed fee or charge to the record owner of each identified parcel upon which the fee or charge is proposed for imposition, the amount of the fee or charge proposed to be imposed upon each, the basis upon which the amount of the proposed fee or charge was calculated, the reason for the fee or charge, together with the date, time, and location of a public hearing on the proposed fee or charge.

(2) The agency shall conduct a public hearing upon the proposed fee or charge not less than 45 days after mailing the notice of the proposed fee or charge to the record owners of each identified parcel upon which the fee or charge is proposed for imposition. At the public hearing, the agency shall consider all protests against the proposed fee or charge. If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

(b) Requirements for Existing, New or Increased Fees and Charges. A fee or charge shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements:

(1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.

(2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.

(3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.

(4) No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted. Standby charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4.

(5) No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners. Reliance by an agency on any parcel map, including, but not limited to, an assessor's parcel map, may be considered a significant factor in determining whether a fee or charge is imposed as an incident of property ownership for purposes of this article. In any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance with this article.

(c) Voter Approval for New or Increased Fees and Charges. Except for fees or charges for sewer, water, and refuse collection services, no property related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency, by a two-thirds vote of the electorate residing in the affected area. The election shall be conducted not less than 45 days after the public hearing. An agency may adopt procedures similar to those for increases in assessments in the conduct of elections under this subdivision.

(d) Beginning July 1, 1997, all fees or charges shall comply with this section.

**SECTION 5. LIBERAL CONSTRUCTION.** The provisions of this act shall be liberally construed to effectuate its purposes of limiting local government revenue and enhancing taxpayer consent.

**SECTION 6. SEVERABILITY.** If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

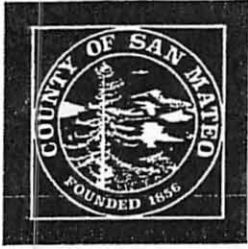
# MIDCOAST DRAINAGE ISSUES

November 6, 2002

Project/Petition Year, Street Limits or Drainage Issue Location	County maintained road (Yes/No)	Comments (see note 1)	Possible solutions
Kanoff Ave off Farallone Ave	Yes	Debris builds up in driveway culvert	No long term solution as house in low point
4th St/Audubon	Yes	Ditch not cleaned - water overflows onto private property	Possible valley gutter to direct flow
8th St/Main St	Yes	Ditch not cleaned - water crosses Main St	Possible valley gutter to direct flow
Franklin St between Cedar St & Date St	Yes	If pipe plugs, water flows on private property	Larger pipe?
Stetson St and Sunshine Valley Rd	Yes	When pipe plugs, water runs down Sunshine Valley & onto private property	Caused by trash racks on private property
Corner of Cypress Ave & Etheldore St	Yes	Poor drainage at bubble box	Extend culverts or upsize driveway culverts
Sonora Avenue -	Yes	Entire road floods below Presidio Ave	No apparent long term solution - control in State RW
Corner Madrid Ave & Ave Alhambra	Yes	Intersection floods	Reconstruct catch basin
Ave Del Oro & San Carlos Ave	Yes	Poor drainage	Install culvert
Santa Maria Ave	Yes	Drainage overflows onto private property	High flow solution is grated open channel, low flow - valley gutter at side streets
Cypress Ave west	Yes	At bridge	Live stream - post for signing
Ethelodore south of Marin	Yes	At bridge	Replace culvert
Princeton Industrial	Yes	No drainage installed	Install valley gutters with road reconstruction
Harte & Cedar	Yes	Some homes built relatively low.	See alternative solutions previously evaluated

## NOTES

- 1 All projects will need at least both coastal permit and environmental review



# COUNTY OF SAN MATEO

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BOARD OF SUPERVISORS  
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NEIL R. CULLEN  
DIRECTOR

August 23, 2002

Mr. Chuck Kozak, Chairman  
MidCoast Community Council  
P.O. Box 64  
Moss Beach, CA 94038

Dear Mr. Kozak:

**Re: Road and Drainage Projects in the MidCoast**

I explained in my previous letters which discussed Road and Drainage Projects in the MidCoast, that the most recent changes in the State Constitution (Proposition 218 plus enabling legislation) has made it more difficult and expensive to form assessment districts for the construction of improvements, or to finance the maintenance of drainage improvements that are not within the road rights-of-way. However, we still need to maintain the MidCoast roads and the following discusses proposals to address improving and maintaining the roadway system in the MidCoast.

### **Proposed Resurfacing of Specific Substandard Roads**

We are proposing that some roads that may not have been improved to a specific standard be resurfaced to maintain their rideability while a program to improve the MidCoast road system is further defined and developed.

April Vargas and I recently discussed road improvements for the MidCoast and I explained that we have adopted Outcome Based Management goals as directed by the Board and the County Manager, and one of our goals is to improve the condition of the surface of the maintained streets as measured by the Metropolitan Transportation Commission's Pavement Management System (PMS). The PMS uses a Pavement Condition Index (PCI) to rate the condition of a road's pavement in terms of cracking or other structural defects. The PMS does not evaluate the smoothness of the road or use other "rideability" criteria.

Road surfaces with PCI's over 56 are considered good, over 41 are considered fair and pavements with PCI's below 41 are considered to be in poor condition. The PCI's of the MidCoast roads have been evaluated and work on the roads is necessary in order to maintain the surfaces of these roads in a reasonable condition. We are continuing with projects to maintain roads that have been improved and are now recommending that we also surface other roads that either provide access for residents or access to visitor serving

facilities. We believe that the resurfacing of these roads is not an improvement as defined by the MidCoast Community Plan, but are maintenance type projects since the roadway widths will not be increased and additional improvements are not proposed. The roads proposed to be surfaced are:

- 2<sup>nd</sup> Street - Main Street to Highway 1 (access to Montara)
- 4<sup>th</sup> Street - Main Street to Audubon Avenue (access to Montara)
- Main Street - 2<sup>nd</sup> to 9<sup>th</sup> Streets (access to businesses and Montara)
- Cypress Avenue - Highway 1 to Airport Street (access to Seal Cove)
- Etheldore Street - Entire length (access to Moss Beach)
- Vermont, Virginia and California Avenues - Highway 1 to Etheldore Street  
(access to Moss Beach)
- Magellan Avenue - Highway 1 to Mirada Road  
(access to visitor serving facilities)
- Mirada Road - Magellan Avenue to Medio Avenue  
(access to visitor serving facilities)

The above roads are shown on the attached maps and are in addition to the surfacing projects that are proposed to maintain the roads which have been previously reconstructed to a standard. The roads with structural sections are also shown on the attached maps.

Road resurfacing provides a smoother surface and can lead to higher vehicular speeds and complaints about these higher speeds. We are currently evaluating traffic control devices such as speed humps and dips, but do not as of yet have a program that incorporates traffic control devices into our pavement maintenance program.

### **Petitioned for Projects**

We believe property owners who want the County to go forward with constructing road improvements financed in part with property assessments, and which they had petitioned for prior to the change in the Community Plan, should pay the cost of the ballot required by the State Constitution to determine if there is a majority support for the project and assessments.

There are proposed projects that were petitioned for by property owners prior to the change in the MidCoast Community Plan. The petitions are still considered valid pursuant to Ordinance 03606 which was adopted by the Board when the revisions to the Community Plans were approved. The ordinance provides that these projects should be considered on a first come first serve basis. However, the ordinance was adopted prior to the change in the State Constitution, which now requires a ballot to determine if assessments are to be levied.



Mr. Chuck Kozak, Chairman  
MidCoast Community Council  
Re: Road and Drainage Projects in the MidCoast  
August 23, 2002

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The construction of the roads in the petitioned for projects may not be the best use of our limited funds when considering an overall program to construct improvements to the roadway system in the various areas of the MidCoast. The changes in the State Constitution as discussed above have also changed our view of how we can determine if the petitioned for projects can move forward. Previously, the property owners were not committed financially to a project until they received "guarantees" of costs and what the improvement would be. The County financed all the preliminary costs which entailed a considerable amount of time and expense to obtain property owner approval of a project they petitioned for. The changes in the State Constitution has now added the requirement of a secret ballot election and the establishment of an assessment method which can have a high probability of being challenged based on the language in the enabling legislation. We believe this cost should be financed "up front" by the property owners as the ballot is to determine if the property owners are willing to go forward with a project that will build improvements in front of their property first.

#### **Drainage Issues**

An alternative to assessments for drainage improvements would be to make minor corrections where possible to reduce the impact of flooding at specific locations where possible, and to use the funds currently available from Mitigation Fees to correct major identified problems such as at Cedar and Harte Streets, with the understanding that problems across private property would not be corrected unless private funding is obtained or a voluntary assessment district is formed (i.e. 100% approval of the property owners to be assessed); and that the drainage system for the area would remain as overland flow (ditches and cross drains). We can also evaluate the enactment of ordinances that would provide a mechanism for the removal of constrictions in the existing drainage ditches (i.e. substandard or damaged driveway pipes, etc.) that contribute to some local flooding situations; and requirements for reducing peak discharges from private property as a condition of obtaining building or encroachment permits.

Your Counsel may want to evaluate or develop a process that could be used by your Counsel to make recommendations to spend the limited Mitigation Fees to provide drainage improvements. The process could include requiring some matching funds from owners of previously developed property in an area, or agreements whereby property owners agree to contribute funds to reimburse the Mitigation Fee Fund for the cost of improvements that would be built.

Mr. Chuck Kozak, Chairman  
MidCoast Community Council  
Re: Road and Drainage Projects in the MidCoast  
August 23, 2002

Page 4

**Re-Visit the Ordinance which Established Policies Related to Road Improvements in the MidCoast**

Your Counsel may also want to review Ordinance No. 03606 which established road improvement policies (petitioned for projects on a first come first serve basis) in order to consider other parameters in establishing which roads should be reconstructed and in what order. The Ordinance identifies seven (7) sub-areas in the MidCoast but the need for improvements and the level of improvements, we believe, vary. Clipper Ridge is fully developed and projects in this area are for the purpose of maintaining these standard streets; and it may not be prudent to construct concrete valley gutters in Seal Cove given the location of the fault line and the potential for ground movement in this area.

We have developed a priority list of roads in other areas of the County, including Sequoia Tract, West Menlo Park and most recently North Fair Oaks, which is then used to sequence the determination if improvements are desired by the property owners on a specific street. The MidCoast may be more difficult to prioritize since there are seven (7) sub-areas and our past experience has been that the location of utility or special district facilities in the roadway area impact the timing of some projects. Attached is the road priority list for North Fair Oaks which was established based on drainage issues, PCI (see above) and the response to property owner surveys. Other parameters could be used including improve access to visitor serving facilities since these facilities are given priority in the Local Coastal Plan, along with preserving existing developed areas.

April Vargas suggested a meeting to discuss some of the issues prior to my meeting with the Public Works Subcommittee of the MidCoast Counsel or the full Counsel. Please call me at 650-599-1421 if you wish to arrange a meeting, or to discuss the contents of this letter or if you have any questions.

Very truly yours,



Neil R. Cullen  
Director of Public Works

NRC:sdd  
F:\USERS\ADMIN\Maintenance\DRAINAGE\2002\Kozaks Resurfacing Roads Aug 14.doc

Enclosures: Ordinance, Map, Priority List

cc: Supervisor Richard Gordon  
April Vargas, Chair, Public Works Subcommittee, MidCoast Community Council  
Marcia Raines, Director of Environmental Services

***Meeting with the MidCoast Community Council Public Works  
Subcommittee- November 6, 2002***

**Some issues that we are looking for input or support from the MidCoast Council and its subcommittees**

Should road resurfacing on specific streets be done while road priority projects are developed?

Should parameters other than "first come first served" be considered in developing a list of priority projects for the MidCoast?

Should priorities for road reconstruction be determine for the various sub areas of the MidCoast?

Should projects to improve drainage also be given consideration as separate projects?

Should the MidCoast Community Plan be modified to allow more flexibility in developing projects for the sub areas of the MidCoast?

Should Mitigation Fees be used to finance major drainage improvements to the extent of the available funds with contributions from those benefiting required to partially finance drainage improvements?

Other?

**Contact Phone Numbers**

**Main Phone 650-363-4100**

Engineering Manager- Brian Lee 650-599-1497

Construction Principal Engineer- Michael Jackson- 650 -599-1454

Traffic – Robert Cambron- 650-599-1466

Maintenance- George Haines- 650-363 -4102

Road Maintenance Manager for the Coast- Chris Porter 650-599-7281

Road Maintenance Inspector for the Coast- Tom Davenport- 650-599-7296

Why A, D, S? other drivers benefit  
Sonora to Clipper Ridge