

DRAFT MCC Recommendations on the LCP Update Tasks

This document represents the submissions of all the MidCoast Council members as of Saturday, June 14. Note that Task 6, Design Review Standards, is fulfilled by the Design Review Standards document dated 5-21-03.

DRAFT MCC Recommendations on LCP Update Task 1: Recalculate LCP residential buildout based on existing LCP policy. Include single-family units, multiple-family units, second-dwelling units, and caretakers quarters.

Findings:

- The existing buildout number of 6200 dwelling units was an estimate based on sampling and a method that did not take into account all substandard lots.
- The recalculation method used for the County's review involved examination and carefully counting of all established parcels on all the parcels maps for the entire study area, and incorporated the merger & use policies for substandard and non-conforming lots in contiguous ownership that County Staff proposed for Task 5. This initial count produced a potential buildout number of 6,261 dwelling units, which, at an assumed average of 2.78 persons per household (from 2000 census) yields a population at buildout of 17,406.
- Further investigation included the existing PUDs in Montara & Moss Beach (+22 units), the El Granada Manufactured Home Community (+66 units) and adjustment for the existing PUD for the North Moss Beach affordable housing site (-43) and other additions for a total of units/population of 6,733/18,718. This number includes the existing residential units in Non-Residential districts (90) but does not include possible future residential use in these districts. The outcomes of tasks 8 through 12, which deal with this issue, may further affect these totals.
- These calculations are made under existing LCP policy – primarily the zoning densities and parcel size policies of the established districts, but they do not take into account parcels that may not be developable because of other existing LCP policies that limit development in sensitive habitats and geologically unstable areas. The number of these parcels has not been determined.
- These calculations are also made under the assumption of an effective merger policy for the reduction of the number of substandard lots (refer to Task 5). Without this policy, units/population would increase to 7,472/20,772, an increase of approximately 11%. The merger policy is also limited to only merging parcels up to 5,000 sq. ft., which does not address the issue of higher development density than intended for districts with a 10,000 and 20,000 sq. ft. minimum parcel size. There is conflicting legal opinion as to whether the County would be allowed to

require mergers greater than 5,000 sq. ft. – if larger mergers were implemented in the appropriate districts, it would reduce the buildout number by possibly 100 –200 units.

- The calculations do not take into account non-permitted second units: Only 64 are currently permitted, and the number is limited to 466 at buildout. It might be assumed there are closer to 200 second units in the MidCoast, and that this number could increase to well beyond the established limit.
- The final buildout number will be used as the basis for all future planning in the MidCoast area, and as such needs to be assessed in respect to the protection of Coastal resources and the policies of the Coastal Act, specifically, but not limited to, CHAPTER 3 – COASTAL RESOURCES PLANNING AND MANAGEMENT POLICIES – Sections 30200 – 30265. This assessment would need to include the adequacy for resource protection of the densities and minimum parcel sizes of the zoning district regulations that resulted in the calculation of the number, and as to whether these densities are compatible with allowable and desirable infrastructure expansion as described in the Coastal Act. It is important that a development density that is protective of the coastal resources of our communities and the environment is determined before a final buildout number is decided on.

With the consideration that protection of our coastal communities and resources while maintaining property rights for reasonable use should be the prime factors in determining planning policy, the MidCoast Community Council recommends that the County fully analyze and consider these factors in determining a buildout number.

We recommend:

- (1) That the County accept the calculated totals of Planning Staff as a correct count of possible residential units under existing policies and regulations and the implementation of a limited merger policy.
- (2) That the County expand the merger policy to the minimum parcel size of all residential zoning districts.
- (3) That the County determine the true number of second units in the study area and establish a legalization procedure for non-permitted units so that the limit is not exceeded.
- (4) That the creation of or sale of non-conforming parcels from contiguous ownership not increase the buildout number.
- (5) That the projected density of development of the residential zoning districts be analyzed for conformance to Coastal Act policies, and that once determined, set the number of residential units for each district and restrict development to just that district.

DRAFT MCC Recommendations on LCP Update Task 2: Determine the number of residential zoned non-conforming parcels in the project area based on a reliable count rather than a sampling method.

Findings:

- The count conducted by the County determined there are 4,939 substandard lots in the MidCoast – 1,628 undeveloped and 3,311 developed.
- Of these, 501 were single parcels that were not in common ownership with contiguous property.
- The implementation of the merger policy described in Task 5 would reduce these numbers to 501 substandard parcels and 2,009 parcels of at least 5,000 sq. ft. The extension of the merger to the larger minimum parcel size of the 10,000 and 20,000 sq. ft. would reduce this number further. See discussion in Task 1.

The potential increase of density posed by development beyond that planned for increases the threat to our communities and coastal resources.

We recommend:

- (1) That the County accept the calculated totals of Planning Staff as a correct count of substandard lots in the study area.
- (2) That the County expand the merger policy to the minimum parcel size of all residential zoning districts.
- (3) That the creation of or sale of non-conforming parcels from contiguous ownership be prohibited.

MCC Recommendations on LCP Update Task 3: Recalculate the infrastructure capacity (water, sewer, roadway, schools, parks) necessary to serve Midcoast residential buildout using the most current demand data

Findings:

- The estimates of water requirements and sewage generation in the original LCP appear to be significantly higher than current usage. Reliance on those estimates will result in vastly-overbuilt infrastructure.
- Experience demonstrates that it is difficult to foresee conditions even a few years in the future, much less 50 or 75 years. A prudent planning horizon anticipates needs that seem likely to develop within the next 20 years, and limits infrastructure development (and hence costs to citizens and impacts on coastal resources) to the minimum necessary to serve that projected growth.
- Water is the most critical limiting natural resource for development of land uses within the Midcoast.

- The carrying capacity of the Midcoast is limited by resources. Growth beyond the carrying capacity results in environmental degradation here as well as in areas from which resources are diverted.
- [Development of actual numbers is still in progress.]

Given resource limits and the Coastal Act priorities for environmentally sensitive areas, the Midcoast Community Council recommends that the County complete hydrological and other studies that determine the available water resources for the community, and limit growth to that estimate.

We recommend:

- (4) [Recommendations still in progress.]

Draft MCC Recommendations on LCP Update Task 4: Reevaluate whether the annual residential growth rate limit (125 dwelling units/year) should be lowered, and develop alternatives as necessary. Clarify that the limit applies to number of dwelling units, rather than number of building permits.

Reevaluation of Annual Growth Rate

Background:

1. The city of Half Moon Bay has voted to limit its annual growth rate to 1%.
2. Half Moon Bay and the Unincorporated Coastside share all components of Infrastructure including, Roads, Sewer, Water, and Schools.
3. It is imperative that a uniform growth plan be applied to our entire coastal region or our local infrastructure will not be able to support it.

The Midcoast Community Council recommends that the same 1% growth rate be applied to the Unincorporated Region.

If a future infrastructure study shows that the environmental carrying capacity of the Coast is higher than it is now, we would recommend that growth rate be allowed to return to the historical rate of 52 housing units per year.

There is a new concern that a new California law requires that second units are NOT to be counted in the growth rate. We recommend that they need to be included, so each second unit would replace one new unit in our growth calculation.

Draft MCC Recommendations on LCP Update Task 5: Evaluate the adequacy of existing development controls for residential non-conforming parcels. Consider the following options: (a) merge substandard lots, (b) prohibit exceptions to development standards, (c) establish disincentives for development on non-conforming parcels, and (d) evaluate the role of non-conforming parcels in providing affordable housing.

Control for Non-conforming parcels. Additional Comments.

The county has recently shown that it will not force merger of contiguous parcels by requiring that one neighbor buy the other out.

The current calculation of buildout numbers assumes the optimum merger figure. Since owners of contiguous parcels need only change the name on the title to maximize construction on these lots, we currently have no controls.

The Coastal Commission has already stated that our buildout numbers are too high. Having no merger policy will drive the number higher, thereby endangering approval of the LCP package.

The MCC recommends that construction not be allowed on contiguous non-conforming parcels if each of the parcels is less than 88% of the required zoning.

Task 6: Design Review Standards. See the Design Review Standards document dated 5-21-03.

MCC Recommendations on LCP Update Task 7: Develop traffic mitigation requirements for new development that are derived from the City/County Association of Governments (C/CAG) Congestion Management Program (CMP)-Land Use Component Implementation Guidelines

Findings:

- The Level of Service on Highway 1 and Highway 92 is already unacceptable during peak commute hours. By 2010, the level will be "F" for most areas during the peak afternoon commute. Although the level of service during the morning commute has not been officially measured, it is clearly already at level "F" on most mornings.
- C/CAG's guidelines apply only to Midcoast development that requires CEQA review *and* generates 100 or more trips at peak hours. The only projects that could generate TDMs (Traffic Demand Mitigations) for the Midcoast are the three vacant affordable housing sites with a potential total of 513 units. Because development on the Midcoast takes place a little at a time, the County does not collect any TDM fees from developers. The cumulative impact on traffic, which would generate TDMs if development took place all at once, is not mitigated. Therefore, the County recommends that TDMs be collected for all projects in the Midcoast that require CEQA review, whether or not they generate 100 or more trips at peak hours. MCC agrees with this recommendation, but we don't feel it goes far enough.
- Some money is also available for mass transit systems that could reduce dependence on private automobiles. At this time, but less than one percent (0.7 percent) of Midcoast trips are mass transit trips, compared to 10 percent of trips in San Mateo County as a whole. There is a need to develop public transit improvements that will increase demand. (Just as increasing roadways increases traffic, so increasing the supply of buses and shuttles would increase ridership). However, the newly authorized \$1 million C/CAG "local alternatives" fund requires matching funds (dollar for

dollar): here again, without a pool of money generated by TDM fees, the unincorporated Midcoast will not be able to take advantage of this fund.

- County-wide mitigation fees for the Midcoast area are low. The fund of money collected via County-wide Mitigation Fees for County Public Road Reconstruction is small: most of the money collected (\$1.5 million) was dedicated to the Navarra/Escalona/San Juan/ Paloma/Ferdinand project (\$1.1 million). Perhaps the remaining \$400,000 could be used for the dollar-for-dollar match for local transit alternatives.
- The County also collects mitigation fees from CalTrans that can be used for improvements to State Highways 1 and 92, but many of the planned improvements are not in the immediate vicinity of the Midcoast, and they are already funded. The Midcoast would need to demonstrate a clear connection of the impact of new development in the Midcoast on these areas. The only way the Midcoast could collect money for improvements to Highway 1 is to schedule improvements such as new turn lanes, bike lanes, and traffic signals in the immediate area of the Midcoast. This would require a new County ordinance.

Situated as the Midcoast is between a rock and a hard place (Devil's Slide and Mirada Surf), the Midcoast Community Council recommends that the County find new ways to fund mass transit improvements and that it add additional measures to generate TDMs from all new residential and commercial development.

We recommend:

- (1) Use the County-wide mitigation fees for road reconstruction, etc. as the dollar-for-dollar match for funds from the new Local Transit Alternatives fund. In particular, explore new shuttle (small van, on-demand) transit programs.
- (2) Collect TDMs from all new construction based on a per-square-foot formula comparable to that developed for the Parks and Recreation development fee.
- (3) Collect TDMs from all new construction that requires CEQA review.
- (4) Require mitigation fees from CalTrans for Highway 1 improvements directly adjacent to the Midcoast communities, such as the proposed multi-modal trail parallel to Highway 1.

Draft MCC Comments on LCP Review Task 8: Evaluate the opportunities for, and the impacts from, increasing/expanding commercial and office development in the project area. Emphasize sites in Princeton and beside Half Moon Bay Airport.

Regarding the opportunities for and impacts from increasing/expanding commercial and office development in the project area, the Council considered each of the five zoning districts in the area under study.

In the Neighborhood Commercial (C-1) District, the consensus is that the existing uses be retained with a decrease in residential. As existing residential sites are demolished or converted to commercial uses, no new residential components should be added .

In the Coastside Commercial Recreation (CCR) District, the existing permitted uses should be retained and the zoning district boundaries should remain unchanged.

In the Light Industrial (M-1) District, the Council recommends that the development potential for research and development facilities, offices uses and construction and maintenance businesses be exhausted before those additional land uses are added to the Waterfront (W) District. (See additional comments below.) It must be recognized, however, that lands zoned M-1 in the area fronting Airport Road contain wetland areas that may make any development difficult if not impossible.

In the Resource Management (RM-CZ) District, no changes are appropriate.

In the Waterfront (W) District, no additional uses should be permitted until the potential development of those uses in the M-1 District has been exhausted and there is a demonstrable need for additional locations to support such uses.

The Shoreline Area should not be expanded to include W zoned properties on the seaward side of Princeton Ave. Generally speaking, these properties are already developed with non-shoreline dependent uses. Rather than legitimizing non-marine related uses in the Shoreline Area, the Council recommends that future developments be restricted to the currently allowed uses in this area.

Retail uses in the W District should comprise only a percentage of the total square footage of any development. One suggestion is that the retail component of any project would constitute only 25% of the floor area, allowing the remainder of the space to be used for on-site manufacturing of the commodities sold on-site. (Additional research is required to come to a final decision on the actual percentage.) This will discourage the W District from being dominated by retail establishments which sell items manufactured off-site.

Deed restrictions outlining the special considerations within the W District (noise, odor, lighting, equipment storage) should be required if there are any additional uses allowed within this District. (Right to Rust Ordinance)

Draft MCC Recommendations on LCP Update Task 9: Consider options within the Airport Overlay (AO) zone to increase opportunities for industrial, commercial, and office development.

Regarding options within the Airport Overlay (AO) Zone to increase opportunities for industrial, commercial and office development, the Council expressed concerns that until the Airport Master Plan is revised, the Airport Land Use Plan cannot be completed and new safety standards cannot be implemented. At this point it is impossible to determine whether the AO Zone will be increased, decreased or retain its current size and configuration. Under these circumstances, the Council cannot recommend any changes to the status quo.

Draft MCC Recommendation on LCP Update Tasks 10-12

MCC Recommendations on LCP Update Tasks 10, 11, and 12: Task 10: Evaluate whether permitted residential units for the C-1 and CCR zoning districts should be limited to mixed-use development; Task 11: Evaluate whether permitted residential units

for the W zoning district should be limited to caretaker's quarters (20%), or expanded to allow mixed-use development and caretaker's quarters (greater than 20%); Task 12: Evaluate whether residential units should be prohibited in the COSC zoning district.

Note: These three tasks are considered together because the major findings and recommendations are similar for all three tasks.

Findings Common to Tasks 10, 11, and 12:

- The Level of Service on Highway 1 and Highway 92 is already unacceptable during peak commute hours. By 2010, the level will be "F" for most areas during the peak afternoon commute. Although the level of service during the morning commute has not been officially measured, it is clearly already at level "F" on most mornings. [Citation to C/CAG traffic study.]
- The conclusion of the City/County Association of Governments (C/CAG) analysis of the causes for excessive congestion on Highway 1 and Highway 92 recognizes a severe "jobs/housing imbalance" in the Midcoast and the City of Half Moon Bay. On the Coastsides, there is an excess of housing and a deficit of jobs. (This contrasts with many Bay-side communities, which have too many jobs and not enough housing.)
- The jobs/housing imbalance was further studied during the Midcoast Subregional Planning Project, which recommended methods to help restore a better balance between jobs and housing on the Midcoast. [Citation to SRPP.]
- As part of Task 7, the present LCP Update Project is attempting to develop traffic mitigation requirements for new development that are derived from the C/CAG Congestion Management Program (CMP)-Land Use Component Implementation Guidelines.
- C/CAG's guidelines apply only to Midcoast development that requires CEQA review *and* generates 100 or more trips at peak hours. The only projects that could generate TDMs (Traffic Demand Mitigations) for the Midcoast are the three vacant affordable housing sites with a potential total of 513 units. Because development on the Midcoast takes place a little at a time, the County does not collect any TDM fees from developers. The cumulative impact on traffic, which would generate TDMs if development took place all at once, is not mitigated. Therefore, the County recommends that TDMs be collected for all projects in the Midcoast that require CEQA review, whether or not they generate 100 or more trips at peak hours. MCC agrees with this recommendation, but we don't feel it goes far enough.
- No parcel or potential project in the C-1 (Neighborhood Commercial), CCR (Coastsides Commercial Recreation), W (Waterfront), or COSC (Community Open Space Conservation) zoning districts is large enough to trigger any TDMs. Additional residential uses in these zones will

exacerbate the existing jobs / housing imbalance without contributing to a solution to the traffic congestion problems. Each of these zoning districts is designed primarily for uses that would generate jobs, with residential uses a limited alternative or conjunctive (e.g., mixed project) land use.

- Recalculation of LCP residential buildout (Task 1) already indicates the potential for an overall population increase within the Midcoast of at least **% greater than the projections from 1980, when the LCP was certified. This number makes the most optimistic assumptions about limiting further residential growth through merger of substandard lots (Task 2) and enforcement of other development restrictions. A worst-case analysis of potential population growth at buildout shows a final population that is **% greater than the certified LCP population estimates.
- The Midcoast area, especially Montara and Moss Beach, has extremely limited water resources (see Task 3). Increased residential uses will most probably result in increased demands on the limited water supplies.

Findings Specific to Task 10:

- Some community members believe there is a shortage of opportunities for office and commercial development in the Midcoast. (See, for example, arguments put forth for expanded uses in the CCR and W zoning districts as part of the study of Task 8.) The most appropriate location for additional office, retail sales, or research and development facilities is in the existing C-1 zoning districts, which are located conveniently near restaurants, bus routes, and residential areas.
- Given the perceived need for office and other commercial development, the limited amounts of land already zoned C-1 can best serve the needs of the community, and meet Coastal Act priorities, by favoring land uses likely to result in job creation, rather than additional residential uses.
- Residential uses are not coastal-dependent land uses; they can be located outside the Coastal Zone or away from the shoreline without diminishing the residential use. Coastside Commercial Recreation uses, by definition, are coastal-dependent and cannot be effectively relocated outside the Coastal Zone. Commercial uses allowed in the C-1 zoning district, in many cases, could be located outside the Coastal Zone, but only at the cost of increased travel demands on Highways 1 and 92.

Findings Specific to Task 11:

- Past experience demonstrates that projects permitted as caretaker's quarters have the potential to be resold as shorefront residences.
- The W zoning district is close to the approach end of Half Moon Bay Airport runway 30 (and the departure end of runway 18). Updated requirements from the California Department of Transportation Aeronautical Division regarding appropriate airport safety zones are not

yet available as part of the Half Moon Bay Airport Master Plan and associated Environmental Impact Report. A preliminary analysis indicates that residential uses are discouraged in many of the safety zones.

- Any decision that might increase the number of permanent residents in the W zoning district (through relaxation of the limitation on caretaker's quarters, or expansion of the permitted size of caretaker's units) must take revised airport safety zones into account.

Findings Specific to Task 12:

- The County originally included residential uses in the COSC zoning district when it submitted the LCP for certification by the Coastal Commission in 1980. The Coastal Commission found that this land use was inconsistent with the Coastal Act and required elimination of residential uses from the COSC zoning district.
- The County proposed adding residential uses for the COSC zoning district as part of a large package of amendments submitted shortly after LCP certification. Staff analysis at the time considered the impacts of residential uses on parcels of two acres or more [verify this detail] and concluded that limited residential uses could be permitted.
- No existing parcel within the COSC zoning district meets this two-acre parcel size.

Given the apparently inexorable increase in residential densities in the zoning districts already intended for residential uses, and given the clear need for commercial and coastal-dependent land uses within the Coastal Zone, the Midcoast Community Council recommends that the County retain the existing limits on residential uses in the non-residential zoning districts, and explore methods for encouraging greater development that meets the community commercial and Coastal Act objectives within those non-residential zoning districts.

We recommend:

- (5) For Task 10, support the Mixed-Use Alternative recommended by staff as the preferred alternative. This acknowledges that mixed office and rental apartment housing may offer a developer greater stability than a project that is all housing or all commercial.
- (6) For Task 11, support the Conforming Parcel Alternative recommended by staff as the preferred alternative. This alternative also encourages merger of parcels into conforming minimum parcel sizes prior to development.
- (7) For Task 12, support the No Residential Alternative, to bring the LCP back to its original certified intent.

Additional Comments for Task 12 – Prohibiting Residential units in COSC zoning

This is a discretionary use permit. The only reason that alternative uses other than the primary uses should be permitted is that there is a compelling reason to do so. Since

Open Space is the commodity we have the least of, and market value homes the commodity we have the most of, there can be no compelling reason to approve alternative uses.

These lots are specifically in the Scenic view corridor. Any residences built here will also block views from Principal Public roads in El Granada.

The homes are not counted in the buildout numbers and will drive our totals even higher.

The MCC recommends that the alternative use of single family residences be removed from COSC zoning.

Specific residential project proposals have already been rejected by the SMC Planning Commission.

MCC Recommendations on LCP Update Tasks 15-17:

Task 15: Evaluate opportunities to re-designate the Devils Slide bypass right-of-way to a very low intensity use, e.g., park, trail, open space or resource preserve.

Task 16: Evaluate opportunities to add remaining segments to the Coastal Trail.

Task 17: Evaluate opportunities to establish a parallel trail within the Highway 1 right-of-way, and underground pedestrian crossings at locations along Highway 1.

Findings:

- MCC generally supports the policy changes resulting from the discussion fo Tasks 15,16, and 17 as outlined in the document GDBN0661_wfm.doc, dated May 8, 2003.

However, MCC has some additions, changes, and comments.

- Section 3c: to the proposed revision of LCP Policy 2.56.c, add the phrase "or directly adjacent to" after the word "in", so that the policy reads: "When warranted by the size of Highway 1 projects in or directly adjacent to the Midcoast, require that CalTrans ... "
- Make the same change to LCP Policy 11.26d, and elsewhere as needed.
- With reference to "safe crossings" as shown on Map 3 of the Midcoast Recreational Needs Assessment, MCC recommends the following priority order for implementing safe crossings:
 1. South of 16th Street in Montara to a location near the Point Montara Hostel
 2. California Avenue in Moss Beach
 3. 2nd St. in Montara and/or near the Outrigger Restaurant
 4. Surfer's Beach in El Granada
- See also the letter dated April 14, 2003 on safe crossings from MCC's Parks and Recreation Committee.
- Another "safe crossing" location should be designated at the South Portals of the Devils Slide tunnels, to provide safe access to the abandoned Highway 1 roadway.

- Trails: to Section 11.13.b.2, add another proposed LCP trail: the “Beach to Ridge” trail, with an alignment that goes through the Mirada Surf West and East parcels, to the connector roads through Quarry Park, the Wicklow property, and Rancho Corral de Tierra.
- MCC strongly supports the development of the commuter trail parallel to and east of Highway One, using the CalTrans right-of-way where feasible.
- Re: in-lieu fees (Section 11.27.e): instead of contributing the in-lieu fees to the County’s general funds, MCC recommends adding these monies to the Parks and Recreation development fee account, or depositing them to another separate account dedicated to parks and recreational use for the Midcoast.
- MCC recommends the following priorities for spending on Tasks 15, 16, and 17:
 1. Highway One commuter trail: the pedestrian/bicycle/multi-purpose path parallel to Highway One
 2. The Midcoast Foothill Trail, which incorporates the Devil’s Slide Bypass property
 3. The Beach-to-Ridge Trail from Mirada Surf to the ridgeline
 4. Safe Crossings of Highway One in the Midcoast area, including Devil’s Slide
 5. Development of trailheads with signage, rest rooms, and other visitor-serving facilities (Section 11.24.a.1,2)
 6. Completion of the Coastal Trail in the Midcoast area, particularly from Surfer’s Beach through Mirada Surf.

DRAFT MCC Recommendations on LCP Update Task 18: Revise the MidCoast LCP Sensitive Habitats Map to: (1) correct identified omissions, (b) incorporate information attained from site specific biological reports, (c) reflect changes in endangered species listings, and (d) reconcile with other adopted maps.

Findings:

- The new map is based on a GIS system structure that allows site specific data on habitats and limits to be entered on a parcel by parcel basis, and the map may be printed at any magnification for clarity.
- Data on habitats and species were entered from all known data bases, regional surveys and all existing property reports that could be located.
- Input was received from many local sources and entered into the map data. The map is expected to undergo continued refinement before the Planning Commission hearing.
- After extensive input, staff developed a new proposed definition of sensitive habitats for the LCP, as well as series of proposed policy changes to clarify the implications and implementation of the map, including both State and Federal endangered species listing categories, the California Native Plant inventory, and the specific designation of

Monarch Butterfly Roosting sites and Vernal Pools as distinct and defined sensitive habitats.

The identification and protection of sensitive habitats is a critical part of implementing the Coastal Act as specified in Articles 4 and 5 of Chapter 3 (Sections 30230 – 30244) and referenced in other parts of the act. The existing LCP map was outdated and inadequate in its information and level of detail, and the accompanying LCP policies were too open to interpretation to allow effective and consistent application of the regulations.

We recommend:

- (1) That the County accept the proposed Sensitive Habitats Map, definition of Sensitive Habitats and accompanying LCP policy changes.
- (2) That the County implement a program to track and maintain new information on sensitive habitats as it is discovered, to be kept as an easily referenced addendum to the new map.

DRAFT MCC Recommendations on LCP Update Task 19: Resolve conflicts in the definition of wetland, and clarify who enforces wetland violations.

Findings:

- Staff has developed an extensive report on enforcement of wetlands violations, explaining the roles of the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, the Secretary of the Interior, State Regional Water Quality Control Board, California Department of Fish and Game, and the Coastal Commission.
- After extensive input, staff developed a new proposed definition of wetlands for the LCP, based on the definition developed by the Coastal Commission, to replace existing LCP Policy 7.14.

The identification and protection of wetlands and sensitive habitats is a critical part of implementing the Coastal Act as specified in Articles 4 and 5 of Chapter 3 (Sections 30230 – 30244) and referenced in other parts of the act. The existing LCP wetland definition was outdated, inadequate in its information and level of detail, and too open to interpretation to allow effective and consistent application.

We recommend:

- (1) That the County accept the report on wetland enforcement.
- (2) That the County accept the proposed wetland definition with the following minor changes: (a) that the third sentence under GENERAL DEFINITION be changed to read: “Wetlands include **but are not limited to** saltwater marshes, freshwater marshes ...” and (b) that the first sentence of the last paragraph be changed to read: “ ...wave action, turbidity, ~~or~~ high concentrations of salt or other substances in the substrate, **or disruption by mowing, disking, grading, pumping or other mechanical means.**”

LCP Review Task 21

I still need to add Findings and references from HMB comments where applicable.

The MidCoast Community Council very briefly discussed Task 21 at our March 12, 2003 meeting. Of the 14 areas of responsibility that were identified, staff contends that 10 have been successfully addressed. This is not the overall opinion of the MCC. The Tasks listed below are those that are considered to remain unmet.

1. LCP Policy 1.20 – Lot Consolidation

While the County states that this responsibility has been met, this is not the belief of many who spoke at the workshop. Suggestions were made that the County merge all lots to the extent required by law and that the County no longer assist in efforts to avoid the merger of parcels in common ownership. **I do not have the name of the participant who made this second suggestion.**

3. LCP Policy 1.30 – Notices of Violation

Writing a letter to the owner of an illegal subdivision advising her/him of the need to comply with Planning Department regulations falls short of the requirement in the LCP which states "Notices of violation, as provided for in Government Code Section 66499.36, shall be promptly filed on the deeds of those parcels which have not received required government approvals." The LCP requirement should be followed.

4. LCP Policy 2.5 – Review of Public Works Projects

Staff admits that neither of these responsibilities is currently being met by the County. I still need to make quote findings about why it is important for them to do so.

6. LCP Policy 2.58 – Increased Commuter Transit Use

The County has not fully met this responsibility. A County agency or body must take the lead in establishing a park and ride facility in the area around Highways 92 and 1. The MCC supports the creation of this facility and is willing to work with the City of Half Moon Bay to develop an implementation strategy.

9. LCP Policy 3.17 – Evaluating the Use of Alternative Housing Techniques

The County has chosen to address this issue in ways other than those put forward in the LCP. The MCC supports affordable housing. More detailed comments should be included.

10. LCP Policy 5.28 - Monitoring of Wells

The County contends that they have met this responsibility. There were many comments that indicated that the monitoring that was required has not been conducted on a regularly until the very recent past. The metering of all wells should be required with data collection and reporting occurring on a yearly basis.

12. LCP Policy 10.36 – Coastal Access Acquisition and Development Fund

The County met this responsibility until 2000. The Fund should be reactivated as soon as possible and used to construct new trails and for the repair and general maintenance of existing trails.

13. LCP Policy 11.13 – Trails

With the adoption of the County Trails Plan in 2001, the County believes that this responsibility has been met. Comments included the continuing need for urban trails, not yet provided. Reference Task 17

LCP Policies 2.25 – 2.28 need to be added to the list of items in this Task. These cover MidCoast Water Supply, Phase I Capacity Limits, Monitoring of Phase I, Timing and Capacity of Later Phases, Phase I Capacity Allocations. Need to add Findings about why these fulfilling these requirements is so important.