

Midcoast Community Council

An Elected Municipal Advisory Council to the San Mateo County Board of Supervisors

P.O. Box 248, Moss Beach, CA 94038 www.MidcoastCommunityCouncil.org

Lisa Ketcham . Dave Olson . Chris Johnson . Laura Stein . Erin Deinzer . Dan Haggerty . Joel Janoe

Approved Minutes: Meeting on Wednesday, May 28, 2014, at Granada Sanitary District Offices, El Granada, CA

Call to Order — 7:00 p.m.

Present: Councilmembers Ketcham, Olson, Johnson, Stein, Deinzer, and Haggerty.

Absent: Janoe

--Aide Nicholas Calderón, Diana Shu & Joe LoCoco (DPW), Tina Sebay (County Mosquito & Vector Control)

--15 members of the public

1. Board of Supervisors' (BoS) Report — Nicholas Calderón

--San Mateo County Disaster Preparedness Day

-On June 7, 2014, San Mateo County is holding its 10th annual Disaster Preparedness Day at the San Mateo County fairgrounds. Visitors will receive free parking and admission to the county fair if they arrive before 11:00 a.m.

--Joint Office Hours

-On June 6, 2014, Supervisor Horsley will hold a "Donuts with Don" and "Coffee with Kevin" (District 22 Assembly Member Kevin Mullin) in Pacifica at Mazzetti's on 101 Manor Drive from 8:00 a.m. to 9:30 a.m.

--Coastside Design Review Committee (CDRC)

-Several interviews were held in the past week, and the appointments will be made at the Board of Supervisors meeting on June 3, 2014. The recommendations for appointments will be made public on Friday, May 30, 2014, in the Board of Supervisors June 3, 2014, agenda packet.

2. Public Comment

--Sabrina Brennan, Moss Beach — A bill that will open public access to Martin's Beach passed the State Senate today.

--Chris Johnson, MCC secretary — Announced that the CDRC agendas for the next two meetings have been modified. The Mavericks Apartments project in El Granada is now on the agenda for the June 12 meeting; the Big Wave project in Princeton is now on the agenda for the July 10 meeting. Both of these meetings will begin at a special time of 1:00 p.m. and will be held at a special venue, the Half Moon Bay Yacht Club in Princeton.

3. Consent Agenda Approved 6-0

a. Approved Minutes for May 14, 2014.

4. Regular Agenda

a. **(7:10) Unpermitted Encroachments in the Public Right of Way.** Joe Lo Coco, deputy director, County Road Services Division, and Diana Shu, Road Operations, discussed County and State vehicle codes, reviewed right of way (ROW) regulations, discussed the County's plans to address ROW encroachments, and made an electronic presentation. See <http://www.midcoastcommunitycouncil.org/storage/issues/dpw/2014-05-28-DPW-Encroachments.pdf>.

--One responsibility of the County Road Services Division is to manage encroachment permits for all County ROWs, including those for paper streets.

--The intent of ROWs is to provide public access and public access improvements for the public access benefit of the general public.

--ROW encroachments are limited only to adjacent property owners; property is owned by the adjacent property owner, not the County.

--After tonight's public informational presentation, the County intends to move forward with ROW enforcement. DPW will look at nonmobile encroachment issues related to fixed structures; Sheriff's department will handle things not considered structures, including rolling stock like vehicles, boats, trailers. County will consider whether encroachment is causing problems with sight, drainage, maintenance, and so on.

--Dave Olson, MCC vice chair — Will notices of encroachment be issued? Is there a well-defined process for notification and enforcement?

A: Joe Lo Coco — Notices will go out and notice recipients will have a 10-day window to remove the encroachment or contact DPW. County will be flexible for those people who claim special circumstances.

--Chris Johnson, MCC secretary — What is the motivation behind this increased attention to ROW enforcement.?

A: Joe Lo Coco — Over the years, there has been more and more encroachment, and the problems have gotten worse over time. Right now, the County has the time and resources to address this issue.

--Laura Stein, MCC treasurer — Can you give an example of an "after-the-fact permit"?

A: Joe Lo Coco — Such a permit might be issued for grading work on the road shoulder that benefits the public (such as parking, property owner benefit) and doesn't impact County maintenance or the public's access to the area.

--Laura Stein, MCC treasurer — What is the process for alerting DPW? Will the Sheriff be involved?

A: Joe Lo Coco — If somebody needs to contact DPW, they can call the main maintenance yard at 650.363.4103; County staff will follow up and investigate. The Sheriff will be involved for abandoned vehicles and other mobile objects as they deem fit because those are vehicle code violations.

--Dan Haggerty, MCC — You mentioned loose gravel, neglected basketball hoops, attempts to purposely block parking as things that might generate an encroachment notice, is there anything else?

A: Joe Lo Coco — Certain vegetation and plantings could be an issue if they are limiting the ability of people to park. County will handle things on a case-by-case basis.

--Erin Deinzer, MCC — What defines the public ROW?

A: Joe Lo Coco — Typically, ROWs are 40, 50, and 60 feet wide. The County requires at least 40 feet for new subdivisions. Commonly ROWs extend 10 feet from the edge of the road, at least.

--Ravn Miller, Montara — Concerned about what has motivated County's increased attention and action on ROWs, which she feels will affect things that have historically been acceptable in Montara. Wonders if this new attention has been motivated by complaints from a specific individual. Asks if County will be looking at boats, cars, and fences.

A: Joe Lo Coco — We have talked about increasing attention to ROWs for quite a while. There was no real trigger. The County is looking at this issue everywhere, including some recent ROW clean-up in Princeton. County has the staff to tackle this issue right now. DPW will not be looking at vehicles; fences, yes.

A: Nicholas Calderón — No specific person prompted this. Notices that went out are not a result of complaints from a specific individual, though a specific individual has made complaints. Supervisor Horsley has made it

clear that he has no intent to raise new ordinances in response to recent “blight” complaints.

--Diana Shu — Notices were distributed on April 4, 2014, and April 14, 2014, in response to complaints that people were blocking public street parking at a certain location. For this expanded ROW review, we are looking to apply the rules uniformly to the entire neighborhood. If a resident receives an ROW notice, call DPW. Technically, vehicles are only allowed to be parked on the street for 72 hours; vehicles cannot be stored on the roadway. After 72 hours, the vehicle can be considered abandoned.

--Ravn Miller, Montara — Will you listen to residents and consider their individual circumstances? What constitutes the easement? Telephone poles?

A: Joe Lo Coco — Yes, DPW will listen to review each case individually. Easement is property line to property line.

--Ravn Miller, Montara — Is DPW only looking at County-maintained roads? Is everything else free game?

A: Joe Lo Coco — DPW is looking only at ROWs set aside for public access. This can include dirt roads, forest lands, blocked roads, etc. Public access easements, wherever they occur, must be kept clear.

--Leonard Woren, El Granada — Disagrees with County’s position on ownership of ROWs; thinks property owner’s interests end at the property line. Also wants County to look at 1) PODS storage containers and the sightline problems they cause; 2) blockaded roadways in West Miramar where property owners are trying to prevent visitor from parking; and 3) “No Parking” signs that are being posted in Princeton.

--Bill Kehoe, Moss Beach — On California Street in Moss Beach, there has been a lot of street parking lately, but the streets are not wide enough to accommodate it. What is the minimum street width?

A: Joe Lo Coco — Street width varies throughout the County. County standard mandates a minimum of 18 feet for new developments.

--Bill Kehoe, Moss Beach — Has the County considered changing some of the streets to one-way streets? Also notes that mailboxes are clogging up ROWs; can the County address that?

A: Joe Lo Coco — While it is true that one-way streets don’t have to be as wide and may be a viable alternative in some cases, they also open up a can of worms because they disrupt existing/traditional traffic flow patterns. It would require a significant community push before DPW would look into one-way streets in Moss Beach.

--Richard Newsome, Montara — Requests judgement be used when deciding what needs to be moved within 72 hours; wants some latitude.

A: Joe Lo Coco — 72 hours is the law, but if the vehicle is not creating DPW issues, then it’s a Sheriff’s issue and DPW will leave it to them.

--Richard Newsome, Montara — Basketball hoops are something that will trigger an ROW encroachment notification? PG&E left a bunch of branches and slash from their line trimming this last month in the County easement, who will remove that?

A: Diana Shu — For the basketball hoops, each one is situation dependent. If the hoop is too close to an intersection, is being used to block parking, or has been unused for a long period of time, it will be noticed. If you get a notice, contact DPW. PG&E asks property owners to sign documents acknowledging that the property owner will remove the debris. In fact, the County is looking into the specific debris mentioned.

--Karen Rourke, West Miramar — A property owner has blocked off public access to a section of Cortez just west of Alameda in West Miramar; this includes a strip of land that used to be the Ocean Shore Railroad ROW. Can this be addressed?

A: Jo Lo Coco — Not sure if the ROW through Cortez still exists. In fact, there may never have been an ROW there in the first place. County is reviewing this situation. If it is determined that a ROW exists, County will work with property owner to remove blockages to ROW.

--Lisa Ketcham, MCC chair — The original Ocean Shore railroad property extends the entire length of the Midcoast. If the title to that land supersedes any County ROW, then none of the east/west roads currently crossing the mostly privately owned Ocean Shore railroad property would be open to public passage, which is an untenable situation. It seems that the burden of proof in this case rests with the property owner.

A: Diana Shu, DPW — That's one of the issues that needs to be resolved.

--Dave Olson, MCC vice chair — To have an area designated "No Parking," DPW or the Sheriff must first recognize the situation as dangerous and in need of mitigation. An ordinance must be passed to designate the area "No Parking" before the Sheriff can execute any enforcement. There is a process, but it is not an easy one.

- b. **(8:15) Rodenticide Use and Policies on the Coastside (Deinzer).** San Mateo County Mosquito and Vector Control District (MVCD) Vector Ecologist Tina Sebay provided an electronic presentation on MVCD policies and use of rodenticides on the Coastside and answered questions about secondary poisoning of wildlife and pets. This is a follow up to the April 23, 2014, MCC agenda item presentation by Raptors Are The Solution (RATS). See <http://www.midcoastcommunitycouncil.org/storage/mtgs-com2014/2014-05-28-VectorControl-rodent-program.pdf>.

--Mission of the MVCD is to protect the public health from vermin and diseases. MVCD shares concerns about wildlife ecosystem on the Coastside and wants to be part of the solution, not part of the problem.

--Chris Johnson, MCC secretary — Has MVCD collaborated with RATS or any similar organizations?

A: Tina Sebay — None yet, but that's a good suggestion and we'll look into it.

--Dave Olson, MCC vice chair — Second generation anti-coagulant rodenticides (SGAR's) used by MVCD in creeks are not safe.

A: Tina Sebay — We only put rodenticide bait traps in creeks if we determine that there is a public health issue requiring such action. We could switch to first generation anti-coagulant rodenticides (FGAR) which are less toxic.

--Laura Stein, MCC treasurer — How do you measure rat populations?

A: Tina Sebay — Non-poisonous bait blocks, which is the cheapest way to do it. Live trapping requires a permit, which is very difficult to obtain. MVCD is trying to develop better methods.

--Lisa Ketcham, MCC chair — Does MVCD collaborate with the County Agricultural Department?

A: Tina Sebay — No. MVCD reports to the County Department of Public Health. [NOTE: County Ag Commissioner reports that any pesticide activities engaged in by MVCD are indeed subject to regulatory oversight by County Ag Commissioner. In 2008 rat control, previously handled by County Environmental Health Dept, was taken over by Mosquito/Vector Control District.]

--Lisa Ketcham, MCC chair — Concerned about duplication of efforts. Consider contacting the County Agricultural Department. Director Fred Crowder who is well-versed in non-pesticide rat control from his time working in Marin. Also, consider seeing what Marin County is doing; they are pesticide-free. Secondary poisoning is

a very big concern for the Midcoast. See the California Fish & Game Department website.

A: Tina Sebay — MVCD needs to do an extensive review of its policies and practices. We are willing to work with the County Agricultural Department.

--Erin Deinzer, MCC — California Fish & Game Department reports that 20,000 predators are killed in California each year from secondary poisoning. WildCare in Marin reports that 68 percent of the animals it tests show poisoning from anti-coagulant rodenticides. This is a serious problem.

A: Tina Sebay — If you find any animals with secondary poisoning, please let MVCD know. The MVCD wants to be proactive on this issue and we will review our program. You have our cooperation on this issue.

--Laura Stein, MCC treasurer — Why is San Mateo County so far behind in the technology, and how do we catch up? Why is Marin County so far ahead?

A: Tina Sebay — San Mateo County is trying to catch up as quickly as possible. Marin County is much more progressive. Dense suburban areas with rats on the Bayside of the peninsula complicate the issue because the mentality is different than over here on the Coastside. There are new people in charge at MVCD though, and the program is evolving.

--Laura Stein, MCC treasurer — For members of the Coastside community, who can we contact with our thoughts?

A: Tina Sebay — Contact District Manager Robert Gay at 650.344.8597.

--Leonard Woren, El Granada — Worried that MVCD is not concerned enough about secondary poisoning.

A: Tina Sebay — We are really looking to pinpoint rat activity that creates public health concerns, so we are focused on rat areas. That is one way our program is evolving. Generally, MVCD is looking for the least harmful, most effective solution.

--Karen Rourke, West Miramar — Rubbermaid makes a vermin-proof trash can. Maybe the County could look into a partnership with Rubbermaid to solve the trash can raids of raccoons and other animals. This might be a part of the solution.

A: Tina Sebay — Thank you. We will get a sample and take a look at it.

--Leonard Woren, Granada Sanitary District (GSD) — Recology, the company that GSD contracts to handle solid waste, does not want people to use cans that require manual action. Recology is looking to automate their solid waste pickup, so this could be a conflict.

--Dan Haggerty, MCC — Education efforts on this subject need to be greatly expanded. Members of the public need to use better garbage cans. Didn't see anything in the MVCD literature about proper food storage in homes.

A: Tina Sebay — This is an oversight in the literature. During the free residential inspections we provided for citizens, we do provide education about food storage and best practices. Will have the literature updated to address food storage.

--Dan Haggerty, MCC — Does MVCD have any literature for the bird-feeding community? If there is a known issue in a neighborhood, is there any system for notifying/educating the people in the neighborhood?

A: Tina Sebay — Yes, we go door to door to notify people if there is an issue. During this time, we ask residents if they would like a free residential inspection. We can go to cities and work with them to develop ordinances on bird feeding. We have a brochure on pigeons.

--Lisa Ketcham, MCC chair — Requested three things from MVCD.

1) Educate public on danger of secondary rodenticide poisoning. Include this info on your website section on Rodents (currently no mention of it). Select wording

from CA Dept of Fish & Wildlife: Rodenticides can harm wildlife.

<http://www.dfg.ca.gov/education/rodenticide/>.

2) Keep a referral list of pest control companies who offer chemical-free rodent control service. Or note on your referral list whether a company will provide this service. Discuss this issue with pest control companies at the May 29, 2014, Rodent Forum.

3) Discontinue MVCD use of rodenticides on Coastside and near County open space areas.

A: Tina Sebay — MVCD just hired a public information officer to redo the website. MVCD does have a referral list, but it needs to be updated. This list offers chemical and nonchemical options. MVCD is currently working toward 100 percent non-poisonous bait. In unincorporated areas, MVCD can move to non-poisonous solutions within this calendar year.

--Erin Deinzer, MCC — Mentioned three points.

1) The WildCare website notes that the process of changing to nonpoisonous solutions can happen quickly. Cited case from Marin County from 2007.

2) Changing the mindset is a good way to start the process in order to interrupt traditional usage patterns.

3) Encourage discussion about the use of raptors as part of the solution.

5. Council Activity

--MCC Treasurer Laura Stein reported that the applicants for open Coastside Design Review Committee (CDRC) positions are of a very high-level caliber.

--MCC Chair Lisa Ketcham mentioned several items.

-On May 20, 2014, there was a Coastal Erosion Plan Public Workshop for Santa Cruz Littoral Cell (Pillar Point to Moss Landing). MCC councilmembers Dave Olson and Lisa Ketcham attended. Supervisor Horsley and Aide Chris Hunter also attended. A draft plan is expected in September when more public input will be sought. The target date for the final plan is December 2014.

-On May 22, 2014, MCC councilmembers Dave Olson, Laura Stein, and Lisa Ketcham attended a Fitzgerald Marine Reserve (FMR) Creek and Forest Habitat Management meeting. Natural Resource Manager Ramona Arechiga gave a presentation (which is posted online). The project has been scaled down; hope to get approvals and complete work by the end of 2014.

-Plan Princeton – Phase 2 is complete, and an Existing Conditions Report has been posted online. Phase 3 is Alternatives Evaluation. TAC & Steering Committee reviews/meetings on Project Alternatives will occur during mid- to late June, then brought to the MCC in July. A public workshop will be held in late July-early August for the community to discuss, analyze, and comment on the conceptual alternatives prior to developing a preferred Princeton area land use plan.

--MCC councilmember Erin Deinzer asked if the public speaker protocol should be announced at the beginning of every meeting. MCC Chair Lisa Ketcham confirmed that this is a good idea.

6. Future Agendas

--TBD (mid-June/early July) — County will host two public workshops to review Design Alternatives for Midcoast Highway 1 pedestrian crossing, left-turn pockets, and raised medians.

Adjournment — 9:18 p.m.