

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
FAX (415) 904-5400

**Th16****NORTH CENTRAL COAST DISTRICT
DEPUTY DIRECTOR'S REPORT**

For the

December Meeting of the California Coastal Commission

MEMORANDUM

Date: **December 10, 2009**

TO: Commissioners and Interested Parties

FROM: Charles Lester, North Central Coast District Deputy Director

SUBJECT: **Deputy Director's Report**

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the **December 10, 2009**, Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Central Coast District.

NO ITEMS TO REPORT THIS MONTH

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
 45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE AND TDD (415) 904-5260
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**Memorandum****December 8, 2009**

To: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
 North Central Coast District

Re: **Additional Information for Commission Meeting**
Thursday, December 10, 2009

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COMMITTEE FOR
GREEN FOOTHILLS

November 28, 2009

Agenda Item TH 18.a
Lennie Roberts

Bonnie Neely, Chair, and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

**Re: San Mateo County LCP Amendment No. SMC-MAJ-1-07
(Midcoast LCP Update)**

Dear Chair Neely and Members of the Commission,

On behalf of Committee for Green Foothills (CGF), I write in support of the Staff Recommendation for Approval of the San Mateo County Midcoast LCP Update with suggested modifications.

The San Mateo County LCP was the first County LCP certified by the Coastal Commission (in 1981). The San Mateo County coastal zone is 55 miles long and up to five miles wide; most of the coastal zone is rural. The Midcoast area comprises a relatively small portion of the county's coastal zone that shares critical infrastructure (roads, sewer, water, schools) with the City of Half Moon Bay.

There was a tremendous amount and intensity of work involved in drafting and certifying the LCP, which included both the Land Use Plan (LUP) policies and the Implementation Program (IP). Although the LCP, as certified, was a far-reaching and comprehensive document, CGF has long been concerned that significant gaps in LCP policies and data needed to be addressed through a comprehensive LCP Update.

In the urban Midcoast area, the cumulative impacts of new development in the City of Half Moon Bay as well as the unincorporated communities of El Granada, Princeton, Miramar, Moss Beach, and Montara have raised significant issues of adequacy of the infrastructure to serve buildout without adversely impacting coastal resources and/or public access to and along the shore.

CGF commends the collaborative effort by Commission and County staff in working to resolve most of the significant issues that have been at issue regarding the Update's conformity with the Coastal Act.

Of the few remaining issues under discussion as of the 11/20/09 Staff Report, CGF has the following specific comments:

- a. **Annual Growth Rate:** CGF supports the Coastal staff's recommended growth rate limit of 40 (approximately 1%) residential units per year. The County Planning Commission also recommended this limit, and it is consistent with Half Moon Bay's annual limit on residential units. Over the past five years an average of 38 residential units have been approved annually, and County Planning staff concedes that the limit of 40 residential units

should not have a significant impact on the current rate of development. CGF does not support or understand the rationale for exceptions to the growth limit for Princeton caretaker units or for second units, as they also contribute to the infrastructure demand.

- b. **Private Drinking Water Wells and Septic Systems:** CGF strongly supports the prohibition of new drinking water wells and septic systems in the urban midcoast area. Allowing private wells within the boundaries of public water agencies threatens the economic viability of the public agencies, and places an undue economic burden on their customers. Moreover, locating individual wells in an urban area in close proximity to sewer lines and old septic tanks increases the potential for contamination of these wells. The groundwater basins are very limited in this area of the coast. Already some wells have failed, and in drought cycles we can expect many more to fail. Similarly, it makes no sense to allow private septic systems within the boundaries of public wastewater treatment agencies, unless there are no public hookups available.
- c. **Public Works Capacities:** The County's certified LCP already requires new public works facilities to be phased with each other and to be sized so as to serve, but not exceed, the buildout allowed by the LCP. Coastal staff is recommending that for public works expansion projects aimed at solving existing deficiencies for existing development (i.e. to serve existing development on private wells or new infrastructure to solve the wet weather flow problem), other public works deficiencies do not need to be solved first. If the public works project were sized to accommodate estimated buildout, the permit for the project could be conditioned to allow the phasing of new sewer or water connections, for example. CGF supports this approach as being consistent with Sections 30250 and 30254 of the Coastal Act.
- d. **Prioritizing Service Capacities for Affordable Housing:** Although affordable housing is not a Coastal Act priority land use, San Mateo County has made affordable housing a County LCP priority land use. To ensure the continued reservation of public works capacity for Coastal Act priority land uses, Coastal staff is proposing that a second tier of LCP priority uses, such as affordable housing, be reserved. CGF supports this approach.
- e. **Traffic/Transportation Mitigation:** CGF supports the Coastal staff's recommendation that new land divisions require merger or retirement of the same number of existing lots as new lots created by the land division. CGF could support an exception to the traffic mitigation for conditional COC's that are necessary to legalize lots (per the Witt and Abernathy decisions) that are also conditioned to ensure consistency with current zoning and other applicable LCP requirements, inasmuch as these lots have already been accounted for in the certified LCP's buildout numbers. The County has not yet adopted a traffic mitigation fee structure for new development in the urban midcoast, similar to Half Moon Bay's. Such a traffic mitigation fee would help fund necessary traffic and safety improvements.
- f. **Rezoning of Bypass Lands:** CGF supports the rezoning of the former Caltrans Right of Way for the Devil's Slide Bypass as Linear Park and Trail as an important step to ensure that these lands will become a trail and park system that will provide public access and a scenic non-motorized transportation route. The issues of access to private property and/or areas needed by Caltrans for staging and maintenance purposes could be addressed by the zoning standards. Given all of the infrastructure and buildout issues discussed previously, particularly as those issues apply to the former Right of Way area, CGF does not understand or support the zoning of any portion of the Right of Way for housing purposes.

Thank you for consideration of our comments. We urge your approval of the LCP Amendment with the suggested modifications per staff.

Sincerely,

Signature on File

Lennie Roberts, Legislative Advocate
Committee for Green Foothills

Jonathan Wittwer
William P. Parkin
Ryan D. Moroney

WITTWER & PARKIN, LLP
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TH 18a
OF COUNSEL
Gary A. Patton

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November 30, 2009

DEC 01 2009

California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, CA 94105

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**RE: Granada Sanitary District Comments for Coastal Commission Public Hearing
on 12-10-09 regarding San Mateo County Midcoast LCP Update**

Dear Chair Neely and fellow Commissioners:

The Granada Sanitary District ("GSD") submits the following comments in support of the Coastal Commission Staff Report for the San Mateo County Midcoast LCP Update ("LCP Update"). GSD has participated in the LCP Update process during the past several years, on its own behalf and as a member agency of the Sewer Authority Mid-Coastside ("SAM"), and has submitted extensive comments on the LCP Update both to the County of San Mateo ("County") and to the Commission. This letter summarizes GSD's most critical areas of support for the Coastal Commission staff report.

1. Suggested Modification No. 6 – New Adequacy of Public Services Policy

GSD urges adoption of Staff Suggested Modification No. 6 - Policy 1.18.1.a.i. Adoption of this policy would better enable SAM and its member agencies (including GSD) to comply with State and Federal discharge requirements and reduce the risk of unsafe sewage spills into the coastal environment. Past Sewage Stormwater Overflow events ("SSOs") have resulted in an August 18, 2006 U.S. EPA Region 9 NPDES Compliance Evaluation Report which found that although SAM and its member agencies are **taking appropriate steps** to address the collection capacity insufficiency **and have already made "major improvements,"** but that nevertheless "[t]he SAM Sewer System does not have sufficient capacity to convey peak flows during the winter rains."

GSD urges adoption of Staff Suggested Modification No. 6 - Policy 1.18.1.a.v. Adoption of this policy prohibiting new private septic systems unless there is no public sewer hook-up available and all required permits for a compliant system have been obtained is supported by GSD. GSD qualifies as an "other applicable authority" and the County has agreed not to object to GSD's position in this regard and GSD's jurisdiction is acceptable to the Regional Water Quality Control Board staff.

2. Suggested Modification No. 1 - Buildout Table

GSD urges adoption of Staff Modification No. 1 – Buildout Table. Adoption of Staff's proposed buildout table as (opposed to the County's) will further reduce the risk of wet weather SSOs due

to limited capacity. SAM and its member agencies (and the individuals who fund them) simply cannot afford the infrastructure improvements necessary for zero tolerance requirements for SSOs if build-out levels are increased as proposed by the County. Compounding this problem is the fact that the County's proposed LCP Update assumes that the substandard lots will all be merged rather than built upon as separate legal parcels. If this does not occur, then the buildout figure will be substantially higher than estimated, and will place the District (as sewer service provider) in an even more untenable position. Recent appellate precedent established by the First District Court of Appeal, as well as the County's new approach to dealing with substandard lots,¹ and elimination of residential uses on the Burnham Strip, offers an opportunity for the Commission and the County to revisit the LCP Update buildout numbers and adopt an approach that integrates the *Abernathy* decision and the County's new approach to substandard lots and Burnham Strip lots. GSD supports the adoption of Buildout Tables which take these recently adopted County positions and the *Abernathy* case into account.

3. Suggested Modification No. 41 – Sewage Treatment Demand Table

GSD urges adoption of staff Suggested Modification No. 41 - Table 2.3. The County's proposal to lower sewage generation estimates to 66.8 gallons per day (gpd) per person based on a single instance of lowered sewage generation (sewage generation for the year 2001) should be replaced with SAM's figure for sewage generation of 85 gpd which accounts for wet weather flows, and variations in residential sewage generations and non-residential uses.

4. Suggested Modification No. 9 – Phasing Public Works Development

GSD urges inclusion of the conditional exceptions of the phasing requirement set forth at page 2.18.b and c. The modifications required by the Coastal Commission staff report do not appear to further limit the capacity of GSD or SAM public works projects other than to require phasing for consistency with water supply, roadway capacity and etc. The Coastal Commission staff report specifically reduces the impacts of the phasing requirement on GSD by providing that it **would not** apply to new sewer improvements to solve existing deficiencies for existing development (e.g. wet weather sewage overflow problems), so long as the permit for the infrastructure project is conditioned to phase new sewer connections consistent with availability of other public works (e.g. roadways, etc.) and all other applicable LCP policies. In addition, the Coastal Commission staff report excepts recycled water projects from such phasing requirements as long as the project is shown not to be growth-inducing.

5. Suggested Modification No. 6.5 – Grandfathering of Projects

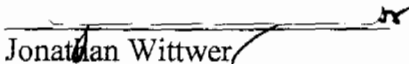
GSD adoption of staff Suggested Modification No. 6.5. Limited grandfathering further supports GSD and SAM efforts to reduce and eliminate wet weather sewage overflows.

¹ See, 6/16/2009 County of San Mateo Interdepartmental Memorandum re: Impact on Local Coastal Program Amendments of Recent Court Decisions in *Witt Home Ranch Inc. v. County of Sonoma* (2008) 173 Cal.App.4th 543 and *Abernathy Valley, Inc. v. County of Solano* (2009) 173 Cal.App.4th 42.
http://www.co.sanmateo.ca.us/Attachments/planning/PDFs/LCP/witt_abernathy_memo_070709.pdf

Thank you for the opportunity to provide our support for Staff's recommendations on these important issues. GSD would also like to express its appreciation for the substantial efforts by the County and the Coastal Commission to reach an agreement which would enable final approval of the LCP Update.

Sincerely,
WITTWER & PARKIN, LLP
District General Counsel

Signature on File


Jonathan Wittwer

cc: GSD Board of Directors (via E-mail)
San Mateo County Board of Supervisors (via E-mail)
Charles Lester, California Coastal Commission, Senior Deputy Director
Ruby Pap, California Coastal Commission, District Supervisor (via E-mail)
Lisa Grote, County of San Mateo Planning Director (via E-mail)
Steve Monowitz, County of San Mateo, Long Range Planning Services Manager
(via E-mail)

CALIFORNIA
COASTAL COMMISSION

655 California Street
Mountain View, CA 94041
December 2, 2009

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Agenda Item TH 18.a

Bonnie Neely, Chair, and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: San Mateo County LCP Amendment (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission,

I have followed the San Mateo County Midcoast LCP update process for many years because although I do not live in the area, I place great value on the important resources that the area provides to all residents and visitors to California.

Having reviewed the Commission's staff report on the LCP Amendment, I fully support their recommendation for Approval with Modifications, and I support the modifications that they recommend.

Thank you for consideration of my comments, and thanks as well for your actions to protect and preserve the California Coast.

Regards,

Jeff Segall

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COASTAL COMMISSION



San Mateo County Harbor District

Board of Harbor
Commissioners

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CALIFORNIA
COASTAL COMMISSION

Leo Padreddii, President
Sally Campbell, Vice President
Pietro Parravano, Treasurer
James Tucker, Secretary
Ken Lundie, Commissioner

Peter Grenell, General Manager

Agenda Item No.: Th18a
LCP Amendment No.: SMC-MAJ-1-07
Peter Grenell
Oppose Staff Recommendation

December 2, 2009

Ruby Pap
North Central Coast District Supervisor
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Ref: Oppose Commission staff recommendation that Commission adopt suggested modifications 6.5, 45, 47, 50, 59, 67 and 70 deleting the provisions of the LCP Update which "grandfather" pending CDP applications which have been submitted and for which all fees have been paid

Dear Ruby:

With respect to the above-referenced item, we urge that the Coastal Commission postpone action to approve and certify Suggested Update Modification Nos. 6.5, 45, 47, 50, 59, 67, and 70 and associated findings and declarations until such time as the Granada Sanitary District's CDP application in connection with the SAM storm water overflow storage project be approved by San Mateo County and the escrow closes on the Sanitary District's purchase of the San Mateo County Harbor District's El Granada property.

As you know, the Harbor District remains concerned that the provisions of the proposed San Mateo County Local Coastal Program Midcoast Update ("Update") that would create a new El Granada Gateway (EG) zoning



San Mateo County Harbor District

Board of Harbor Commissioners

Leo Padreddi, President
Sally Campbell, Vice President
Pietro Parravano, Treasurer
James Tucker, Secretary
Ken Lundie, Commissioner

Peter Grenell, General Manager

district which eliminates the one single family residence use (presently included in the existing COSC zoning district), would effectively downzone the Harbor District's El Granada parcel and thereby eliminate most of its economic value.

The Harbor District has executed a purchase/sale agreement of its parcel to the Granada Sanitary District, based on a property valuation using the existing COSC zoning. Close of escrow is pending County approval of the Sanitary District's CDP application. As you are aware, the Sanitary District, a member of Sewer Authority Mid-Coastside, seeks to have installed a storm water overflow storage facility on this site, with the surface use to remain as open space and no intention of erecting any residential use. The Harbor District concurs with these proposed uses.

Further, the Harbor District has executed a tolling agreement with San Mateo County which acknowledges the Harbor District's claim that the filing of its own CDP application and payment of applicable fees entitles it to the benefit of the "grandfathering" provisions of the County's EG zoning regulations. Coastal Commission action to approve and certify Suggested Update Modification Nos. 6.5, 45, 47, 50, 59, 67, and 70 would eliminate the grandfathering provisions.

We have no problem with the County's and the Commission's desired open space use for the District's Burnham Strip parcel as called for in the Update and Commission staff's recommendations, as long as the Harbor District can obtain fair market value for its property under the existing zoning. This is provided for in the purchase/sales agreement between the two Districts and acknowledged by the tolling agreement.



San Mateo County Harbor District

Board of Harbor Commissioners

Leo Padreddi, President
Sally Campbell, Vice President
Pietro Parravano, Treasurer
James Tucker, Secretary
Ken Lundie, Commissioner

Peter Grenell, General Manager

A brief postponement of Commission action on the above-referenced Modifications would enable and stimulate the County to expedite completion of its review and approval of the Sanitary District's CDP

application. Following this, the purchase/sale escrow can close and the Modifications can be adopted without concern.

In the absence of Commission ability to defer action on the selected Modifications, the Harbor District's position would have to remain opposed to the Commission staff's recommendation to certify the LCP Update.

Thank you for your attention to this matter. Please forward this letter to the Coastal Commission for their consideration.

Sincerely,

~~SAN MATEO~~ COUNTY HARBOR DISTRICT

Signature on File

Peter Grenell
General Manager

Cc: Board of Harbor Commissioners
Granada Sanitary District
California Coastal Commission

Wayne Impink
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El Granada, CA 94018
415.613.9709
E-mail: wimpink@comcast.net
November 30, 2009

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CALIFORNIA
COASTAL COMMISSION

Agenda #Th18a

Opposing the LCP update

California Coastal Commission
North Central Coast District
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Re: San Mateo County LCP update

Dear Commissioners:

I have lived on the Coastside since 1961. I am married and currently living and raising my family in Half Moon Bay. In 1998 I submitted plans and applied for a use permit and a CDP (CDP# 98-0078) to build a home on my property located on Ave. Alhambra in El Granada, APN#047-251-100. I paid all of the required fees to San Mateo County.

Since that time, the Planning Commission denied the negative declaration for the project and Granada Sanitary District has revoked my paid for sewer connection permit and then adopted two ordinances specifically targeting my project.

The proposed changes to the LCP, particularly the COSC zoning change and the grandfathering provision have an enormous impact on me and my family, effectively "taking" my property by changing the minimum building size to 3.5 acres, a size to which only one of the several properties in that zoning meets and is currently being sauté after by the GSD for the use of it's underwater storage tanks, and making all private uses, essentially disallowed, I have no uses remaining that would allow me my Constitutional rights.

Further, staff recommends that grandfathering is disallowed. That means that I would no longer be allowed to pursue my existing permit process.

These two changes will in effect, make the entire zoning area ineligible for buildings for private uses on all of the remaining individually owned private properties.

I have been patient with the permitting authorities with the understanding that I would eventually be able to build on my property. If the Commission approves these changes, my rights will have been taken and I will have no choice but to take legal action, which I have no doubt will be successful. That will be a waste of all of our time and energy. Please consider the implications of your discussion.

Respectfully,
Wayne Impink

Signature on File

**Steven Hyman
2120 Saint Andrews Road
Half Moon Bay, CA 94019**

December 2, 2009

Dear Members of California Coastal Commission:

RE: San Mateo County LCP Update

I am a 26 year resident of San Mateo County. I have also been very involved in the preparation of the proposed update to our Local Coastal Plan. I want you to know that I fully support the proposal approved by our esteemed Board of Supervisors. I strongly believe that the proposal put forth by them should be approved by you. Thank you very much for your consideration of this plan and all your hard work in keeping our area beautiful.

Sincerely,
Signature on File
Steven Hyman

Agenda Item TH18.a

Carolyn A. Straub

Stephen L. McHenry

Dec. 2, 2009

Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Fax: 415-904-5400

Dear Chair and California Coastal Commission Members:

Looking to your meeting on Dec. 10, 2009, in San Francisco, we support the Staff Recommendation for Approval with Modifications. We agree with approving the update of the Local Coastal Program (LCP) for the San Mateo Midcoast, and with the suggested modifications to ensure that the LCP policies are consistent with the Coastal Act.

We are members of the Committee for Green Foothills and are writing as members, and we support the actions of the Committee, as many of its actions past and present are in the best interest of us, the residents of San Mateo and Santa Clara counties, and the state – and are good for the environment.

Our character as coastal Californians comes first. Our landscapes are what define us, and we are invigorated by wise use of them, not too much development and not too much under development.

Wise use of our coast in San Mateo County's Midcoast area is important so that over population does not blot out the character of our coastal state.

For many years, Highway One on the coast has beckoned visitors from all over the country and the world, and has been an economic boon for us.

Thank you for your interest.

Sincerely,

Signature on File

Signature on File

Carolyn Straub

Steve McHenry

439 Chateau LaSalle Dr.

San Jose, CA 95111

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DEC 03 2009

CALIFORNIA
COASTAL COMMISSION

Patricia M. Maines
355 Ambar Way
Menlo Park, California 94025

December 3, 2009

Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Fax: 415-904-5400

Dear California Coastal Commission,

I have great concern that the Local Coastal Program for the San Mateo Midcoast is certified as consistent with the Coastal Act. Please note my concern and vote "Yes".

Thank you,

Signature on File

Patricia M. Maines

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CALIFORNIA
COASTAL COMMISSION

December 3, 2009.....Agenda Item TH18.a. Jack Sutton

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-6400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:


As a resident of California living in Moss Beach, I support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago. There are now several developmental threats on the coast side that blatantly fly in the face of the original intent of the Coastal Act, in particular the Big Wave project.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

I strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely,

Signature on File



Jack Sutton
123 Bonita St.
Moss Beach, CA 94038

JODY E. QUINTEROS

108 La Granada lane
Moss Beach, CA 94038

December 3, 2009.....Agenda Item TH18.a, Jody Quinteros

VIA FAX: 415-904-5400

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lesler, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

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CALIFORNIA
COASTAL COMMISSION

Subject: San Mateo County LCP
Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As a California resident living in Moss Beach, I support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

I strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely,

(Signature on File)

Jody E. Quinteros
108 La Granada Lane
Moss Beach, CA 94038

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DEC 03 2009

CALIFORNIA
COASTAL COMMISSION

Fax No. 415-904-5400

December 3, 2009.....Agenda Item TH18.a, [John F and Jule Lynch

Bonnie Neely, Chair & Members California Coastal Commission c/o
North Central Coast District Office Charles Lester, Senior Deputy
Director 45 Fremont Street, Suite 2000 San Francisco, CA 94105-
2219 Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07
(Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As residents of California living in Half Moon Bay, I support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

I strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely,

John and Jule Lynch
2098 Touraine Lane
Half Moon Bay, CA 94019
650-726-9280

December 3, 2009

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

RECEIVED

DEC 03 2009

CALIFORNIA
COASTAL COMMISSION

**Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07
(Midcoast LCP Update)**

Dear Chair Neely and Members of the Commission:

As a resident of California living in Daly City, I support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

I strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely, 

Signature on File

176 Culebra Ln
Moss Beach, CA 94038

December 3, 2009

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

RECEIVED

DEC 03 2009

CALIFORNIA
COASTAL COMMISSION

**Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07
(Midcoast LCP Update)**

Dear Chair Neely and Members of the Commission:

As a resident of California living in Daly City, I support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

I strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely,

Signature on File

176 Culebra Ln
Moss Beach, CA 94038

December 3, 2009

Agenda Item TH18.a

Lisa Ketcham

Bonnie Neely, Chair & Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

Re: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

I write on behalf of the Pillar Ridge Homeowners Association, an affordable housing community of 227 manufactured homes in Moss Beach, CA. We support your Staff Recommendation for Approval of the San Mateo County Midcoast LCP Update with suggested modifications.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

We strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local public hearings.

Sincerely,

Signature on File

Lisa Ketcham, President
Pillar Ridge Homeowners Association
175 Culebra Ln
Moss Beach, CA 94038
www.PillarRidge.com

December 3, 2009.....Agenda Item TH18.a, [Deborah L. & Michael A. Wong]

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As residents of California living in Moss Beach and working in Half Moon Bay, we support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years, and will help to address the constraints and limited resources that exist in the Midcoast today.

We strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely,

Signature on File

Deborah L Wong

122 Barranca Lane
Moss Beach, CA 94038
650-728-5949
www.SpringMountainGallery.com

Michael A Wong

Signature on File

December 3, 2009

Agenda Item TH18.a
Sam Weinberg

To: Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: The update of the Local Coastal Program (LCP) for the San Mateo Midcoast

I am writing to let you know that I support the Commission's staff recommendation for approval with modifications.

Thank you

Signature on File

Sam Weinberg
115 Culebra St.
Moss Beach, CA 94038

December 2, 2009

Agenda Item TH 18.a
Kevin L. Cooke

Bonnie Neely, Chair, and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission,

I am writing in support of the Commission's staff recommendations including suggested modifications that would reduce the growth rate to 40 residential units per year, prohibit new private drinking water wells in areas served by public water agencies, require traffic mitigation plans for major new developments and retirement of lots for new land divisions, better protect the "Burnham Strip" open space in El Granada, and more effectively implement the transfer of the surplus Caltrans Devil's Slide Bypass lands to the county for a Linear Park and Trail.

In the urban Midcoast area, new development in the City of Half Moon Bay, plus the unincorporated communities of El Granada, Princeton, Miramar, Moss Beach, and Montara have raised significant questions about adequacy of the infrastructure to serve buildout without a major negative impact upon coastal resources and public access to the shore.

I urge your approval of the LCP Amendment with the suggested modifications per staff.

Sincerely,

Signature on File

Kevin L. Cooke
111 Derecho Ln.
Moss Beach, CA 94038

December 3, 2009.....Agenda Item TH18.a, Lisa and Tom Mc Caffrey

Bonnie Neely, Chair & Members

California Coastal Commission

c/o North Central Coast District Office

Charles Lester, Senior Deputy Director

45 Fremont Street, Suite 2000

San Francisco, CA 94105-2219

Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As a resident of California living in El Granada, I support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the San Mateo County Board of Supervisors professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

I strongly urge you to adopt the San Mateo County Board of Supervisor's staff's recommendations based on the will of the majority of the residents of the Midcoast.

Thank You
Lisa Mc Caffrey
Tom Mc Caffrey
Po Box 2384
El Granada Ca 94018

Signature on File

December 3, 2009

RE: Agenda Item TH18.a

Bonnie Neely, Chair & Members

California Coastal Commission

c/o North Central Coast District Office

Charles Lester, Senior Deputy Director

45 Fremont Street, Suite 2000

San Francisco, CA 94105-2219

Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As a resident of the Midcoast, I am writing in response to the County Staff report on the few remaining points in need of resolution between the County and the Coastal Commission in the Local Coastal Program Update process. I appreciate the Board of Supervisors keeping the public involved over the past ten years.

a. Growth Rate

Building and Planning Department's acknowledges that "...over the past five years (2004-2008), an average of 38 units have been approved annually." In light of this fact, and the strain on resources already pushing road and highway infrastructure beyond their limits, I do not find a compelling basis for raising the growth rate beyond the CCC's proposed 40 unit limits.

I do not support the Building and Planning Department's request for "deletion of the requirement that second units document an affordable sale or rental price in order to be exempt from the growth limit." The argument that "...second units can be assumed to be affordable due to limits on their size, and because documenting and monitoring the affordability of second units places unnecessary administrative demands and challenges on limited staff resources" falls flat because the County has not yet accounted for the number of existing second units, permitted and unpermitted. While these future units may be affordable, they still create infrastructure demands that must be met.

b. Private Wells

I support the Coastal Commission staff recommendation for a temporary moratorium on private wells in the urban area extending from Miramar through Montara. Half Moon Bay does not allow new private wells to be drilled for residential development. The Midcoast Ground Water Study, Phase II shows that all of our aquifers are at risk from saltwater intrusion and overdraft from the 946 wells that have been drilled since 1989. There are over 1,000 if we count those that existed previous to 1989. Families dependent on wells have no guarantee from the County that their water supply is reliable. I recommend that the County work with Coastsides County Water District and Montara Water and Sanitary District to create a sustainable supply to meet all the planning needs at buildout.

How many new houses can be developed on wells existing on undeveloped lots? What effect will these wells have on coastal resources and the aquifers once they start drawing water from the aquifers?

c. Public Works Capacities

I disagree with the County Staff's assertion that "the need to ensure that public works projects do not generate growth that will result in significant adverse impacts or that conflicts with the County's land use plans can be effectively addressed through the environmental review and permitting process." Case in point would be the (lack of limitations put on the Coastal Development Permit for the El Granada Water Transmission Pipeline for Coastsides County Water District. It took the Coastal Commission many years of hard work to create CDP conditions that allowed CCWD to have its gravity fed pipeline and not induce growth from it. I recommend that each special district not expand beyond its current service area and that the LCP Update tables be modified to detail the number of connections and capacity allowed for each category of service allowed for buildout. Each CDP for public works expansion should follow the model created by Coastal Commission staff in the El Granada Water Transmission Pipeline CDP.

d. Prioritizing Service Capacities for Affordable Housing

I disagree with County staff's assertion that "CCC staff changes which delete this additional set aside, and that revise the table to give existing priorities for affordable housing lower standing than Coastal Act priorities, are neither necessary nor appropriate." The CCC changes are both necessary and appropriate, especially in light of increasing traffic congestion, lack of adequate park facilities, trails, water supply, and storm drainage systems.

Under the County staff's own admission, it will assume that second units fall under the affordable housing designation and yet it has no knowledge of how many second units exist. Further, the County added 227 affordable housing units to the coastsides inventory and has yet to include them in it. Perhaps one or more of the other three affordable PUD's can be reexamined with attention paid to ESHA resources and reduced in size. In short, the CCC's proposed changes here are well placed and should not be revisited.

e. Lot Retirement

I oppose County Staff's assertion that "CCC staff revise the lot retirement requirement so that it will only apply to land divisions that create five or more new parcels" Here again, County Staff is engineering an unnecessary and unwise way to increase development and the resulting traffic problems when both the LCP and its own policies specifically discourage subdivisions. The Update accounted for quite few substandard lots that would not have been allowed to be developed when the LCP was initially adopted. Not allowing further subdivision of lots deemed to not have been subdivided according to Abernathy and Witt will reduce the need to expand urban infrastructure services the lot retirement policy would be best served by rejecting the County Staff's developer-friendly proposed loophole.

f. Rezoning of Bypass Lands

I recognize County Staff's assertion that "... determining the rights-of-way that need to be reserved to provide access to private property, delineating areas needed by CalTrans for staging and maintenance purposes, and differentiating between areas that provide good opportunities for recreation and open space preservation and those that make sense for infill development" as those that are in "our mutual best interests" is disingenuous at best.

Preserving development rights at the expense of open space may be in the interests of some, but is not in the best interest of residents of the Midcoast who enjoy the open space afforded by this naturally scenic landscape, nor in the interest of the County, which should be seeking to create parks and play areas for the growing population to serve at buildout. CalTrans' staging and maintenance needs do not rise to a superior claim on those lands trumping the broad policy favoring the preservation of open space that serves as the foundation of the LCP to create a state resource for residents and visitors alike.

3. New Issue Regarding "Grandfather Provision"

I find fault with the County's current grandfather provision as it relates to the County's own efforts to "streamline" a proposed major new development, the Big Wave Project, to fall under this grandfather provision. The County should not be allowed to usher in a project with projected future development timeline of up to 15 years (assuming no further legal challenges or delays which would add to this timeframe) under a grandfather clause in existence today. This would be inherently unfair as it would place developments completed many years ahead of Big Wave, for example, under more stringent requirements than a major development that will not be completed for many years to follow. The grandfather provision should be found inapplicable and patently unfair and I request that the County heed the Coastal Commission recommendations.

At several points county staff has noted the financial limitations that limit the ability to monitor conditions regarding affordable housing and other county interests. Many of the Midcoast's unmet infrastructure needs are those that the County is responsible for. As

San Mateo County is not structured to meet the urban demands of this community, it seems unwise for it to be allowing development that creates even greater infrastructure needs and environmental deficits. I hope that keeping the growth at its present rate will allow San Mateo County the opportunity to find solutions for the traffic congestion, lack of parks and trails, and underdeveloped storm water systems.

I recommend that the decisions on these issues be made with the interests of residents and visitors as the priority.

Sincerely Yours,

Laslo Vespremi,

190 Arbor Lane

Moss Beach CA 94038

650-302-0894

December 5, 2009

Agenda Item TH18.a, Dorothy Norris

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As a resident of California living in Moss Beach, I support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

I strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely,

Signature on File

Dorothy Norris

112 Codo Ave

Moss Beach, CA 94038

December 3, 2009

Agenda Item TH18.a, Diane Bergin

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

RECEIVED
DEC 03 2009
CALIFORNIA
COASTAL COMMISSION

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07
(Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As a resident of California living in Half Moon Bay, I support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

I strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely,

Signature on File

Diane Bergin
195 Creekside Dr.
Half Moon Bay, CA

Ruby Pap

From: Nature Watch [nature_watch@hotmail.com]
Sent: Thursday, December 03, 2009 5:08 PM
To: Ruby Pap; Charles Lester
Subject: Critical Info. re: CCC Hearing on SM County's "LCP Update" / Barb Mauz

I think it is important to make it clear that the Mirada Surf Greenbelt/Open Space Area, Burnham Buffer Strip Greenbelt/Open Space Area and the rest of the Mid-Coast's RURAL DESIGNATED LANDS that reach up into Moss Beach & Montara need to REMAIN a part of the Mid-Coast's LCP Policies 1.5 (a) & (b) with the original density as Coastal Commission stated in their previous Modification & the following policies/laws be enforced - See information below. Gordon/Holland/Len Erickson, et al's CEQA Exempt SB 375 "Multi-Modal Bike/Ped Trail" "Charrete" CHARADE needs to get totally stopped.

Please do whatever you need to do to protect the Mirada Surf Greenbelt/Open Space & the Burnham Buffer Strip Greenbelt/Open Space Areas along with the Community of El Granada's identity & beautiful physical state as well --- note that the County's destructive SR 1 Widening Plans & Urbanization planned for El Granada would slide straight into the rest of the Mid-Coast and Half Moon Bay. These RURAL DESIGNATED LANDS are integral components of the Mid-Coast's Open Space Element which San Mateo County has totally left out of their exploitive fraud of an "LCP Update" --- an Open Space Element is a requirement to have an LCP certified in the first place.

The Mirada Surf East Greenbelt/Open Space Area is a part of Daniel Burnham's One-Of-A-Kind Designed Community of El Granada and it is a Chiguan-Ohlone Settlement Area - Click on the Link Below to see. I think this fact and the information below needs to be brought out into the open - the County is doing their best to ignore & bypass all the laws and policies that protect the Mirada Surf Greenbelt/Open Space, the Burnham Buffer Strip and all of the Mid-Coast's other Rural Designated Areas that make up the Mid-Coast's Open Space Element. It is a hugely important County Scenic Corridor and the County should be enforcing the protective General Plan Policies shown below.

Thank-you for all your work and for noting Gary Crispell & my Coastal Commission Appeal where Jonathan Wittwer was our attorney in our lawsuit against Judy Taylor/Linda Banks' 25' Sub-Standard Lot proposal at 910 Ventura in El Granada - Gary has passed away but I know he would be very proud that the Coastal Commission is taking a strong stand against development of these tiny, vulnerable lots in the Mid-Coast --- I am very glad that you brought out that at our lawsuit, the judge's determination was that the matter of Antiquated 25' Sub-Standard Lot Issues would be "dealt with in the LCP Update" - that is exactly what she said!

Best Regards, Barb Mauz - (nature_watch@hotmail.com)

Image 6070

<http://www.californiacoastline.org/cgi-bin/image.cgi?image=6070&mode=sequential&flags=0&year=2002>

Not only is the Mirada Surf Greenbelt/Open Space a Chiguan-Ohlone Settlement Area inside the Community of El Granada but, El Granada is a ONE-OF-A-KIND Designed Community by famed architect,

Daniel H. Burnham, in 1906 and, according to author/historian, Barbara VanderWerf - El Granada, including the Mirada Surf Lands - Field, Tree Grove and Hillside Areas which is, by law* (See below), a strategically located Greenbelt to separate El Granada from Miramar one developed area from another) and is also a highly remarkable County Scenic Corridor is a County Historic Resource where California Environmental Quality Act (CEQA) Regulations are TRIGGERED if there is anything proposed that would either intrude into El Granada or out of El Granada with special emphasis on the original Burnham Street Plan areas involving Santiago and all of its side streets as this area is the only area that has actually carried out the intent of Burnham's terraced streets so that everyone would have a view of the ocean or at least a nice view of some sort in front of them.

All information I am providing here I copied directly & word for word from Barbara VanderWerf's materials in the Mirada Surf Final EIR done by EIP that was published & given out in 1998 re: Ex-County Attorneys Byers & McCracken's defunct plan to put monster houses in Mirada Surf.

The Final EIR regarding McCracken/Byers now defunct "Mirada Surf Residential Development contained materials drawn up by previous Coastal Commission LCP Analyst, Jack Liebster that should be on file at the Coastal Commission along with his lengthy letter to the San Mateo County Board of Supervisors regarding major wetland issues in Mirada Surf - THAT is what put a stop to that project where McCracken/Byers and the Board of Supervisors knew full well was RURAL DESIGNATED LAND and held wetland/riparian/ESHA areas. That Final EIR drawn up by EIP Associates for the Supervisors Public Hearing in November of 1999 held all the people from the Coastside's letters & also attorney, Saralynne Mandel's, who was my neighbor at the time, legal brief she wrote for us & Barbara VanderWerf's materials - it has all kinds of historical & legal information in it & people need to get it out & go through it again. Also see Barbara VanderWerf's book --- "El Granada, A Synonym for Paradise" --- that it is --- & as she used to repeatedly tell people, "El Granada is a ONE-OF-A-KIND Designed Community by Daniel Burnham" --- the Coastal Commission needs to realize just how precious a place El Granada & the Mirada Surf are.

Can you please pull out of your files this Final EIR out & go to page 7 of Letter 53 which is Michael Murphy's (County Counsel) March 27, 1992 letter re: Density Requirements for McCracken/Byers previous proposed Mirada Beach Park Project and use the materials therein plus the materials below to stop San Mateo County (Supervisor Gordon, Park Director, Dave Holland, et al from all of their destructive plans involving their so-called "Multi-Modal Bike/Ped Trail" & plans to put destructive culverts under SR1 along with their plans to pub Urbanized Park/Rec Development in the Mirada Surf Greenbelt/Open Space? It has been consistently maintained as a PASSIVE Park for over 100 years and needs to be retained in that manner.

Included in the County's LCP Amendment #2-97 was reference to County Counsel, Michael Murphy's Letter of March 27, 1992 that was Clarified/Confirmed by the Coastal Commission stating that:

"In a few specifically limited cases, rurally designated and zoned lands were included within the urban/rural boundary under Policy 1.3(b). As reflected in Table 1.2, such land was to be treated for density purposes, AS IF IT WERE ON THE RURAL SIDE OF THE URBAN/RURAL BOUNDARY. ... Under such circumstances, the specific provisions which provide for a limited amount of open space lands in urban areas should PREVAIL OVER general provisions which define urban and rural areas."

"The current land use designations on the property were originally incorporated into the Montara/Moss Beach/El Granada Community Plan, adopted in 1978. That plan recognized that general open space areas were appropriate to "STRENGTHEN the Community, by PRESERVING OPEN SPACE between developed areas and maintaining distinct urban limits." (Community Plan, p. 10) The Conservation and Open Space plan WAS ADOPTED to "maintain [] PHYSICAL SEPARATION of the individual communities by parks, agriculture, and general open space." (Community Plan, p. 30) The Montara/Moss Beach/El Granada Community

Plan was incorporated into the Local Coastal Program upon its adoption in 1980. (LCP Policy 1.5 (a) & (b))."

These Rural, "Open Space"/"Park"/"Community Open Space Conservation" Designations are part of the General Plan to meet requirements of Section 65910 of Gov't. Code of the State of California requiring formulation of an OPEN SPACE ORDINANCE aka OPEN SPACE ELEMENT and to ensure consistency between the General Plan and the Zoning Ordinance (Section 6906 of the County's Zoning Regulations) and are in place in LCP Pol. 1.5 (a) & (b) and also in LCP Pol. 1.3 (b) as reflected in Table 1.2. Click on the following url for Map showing the OPEN SPACE ELEMENT for the Mid-Coast:

<http://gsd.sanmateo.org/ordinances/ordinance149-map.pdf>

The Coastal Commission CLARIFIED & CONFIRMED that Rural Designated Land within the Urban areas of the Mid-Coast are to be treated AS IF THEY ARE ON THE RURAL SIDE OF THE URBAN/RURAL BOUNDARY IS CONSISTENT with the General Plan/Zoning & LCP Pol. 1.5 (a) & (b) & LCP Pol. 1.3 (b) - Table 2 in the Coastal Commission's Analysis & Rulings on LCP Amendment #2-97 - (County's RESUBMITTAL of 1-97-C related to proposals in the Coastside Protection Initiative of 1994).

In order for a Local Coastal Plan (LCP) to be certified by the Coastal Commission there MUST BE an Open Space Element - the Mid-Coast's LCP was certified WITH our Open Space Element and was Re-certified by the Coastal Commission in 1994 as stated above. The County has TOTALLY LEFT OUT of their so-called "LCP Update" the Mid-Coast's OPEN SPACE ELEMENT --- the Coastal Commission could and should disqualify the County's "LCP Update" for this failure.

Further, County voters in 1986 mandated and enacted Measure A, which included the key provision of the LCP which would require a county-wide vote to:

- (a) extend urban services outside the urban boundary,
- (b) the conversion of prime soils to another use,
- (c) allow a change in intensity of use of the land, or
- (d) rezone the lands for any of the above

Per Barbara VanderWerf, the State Office of Historic Preservation considers both the 1906 Daniel H. Burnham General Plan for the town of Granada and the 1907-1909 Shoreline Investment Company implementation of the Burnham General Plan as a SIGNIFICANT HISTORICAL RESOURCE.

Specifically, the Street Plan of Granada as designed by Daniel H. Burnham and implemented by Shore Line Investment Company is defined as the Historic Resource.

The San Mateo County Department of Environmental Management also has determined that the town design of Granada is a Historic Resource. The Cultural Resources Inventory States that "The town design is unique as it is the only one of its type in the County and is the work of the famous Architect and City Planner Daniel Burnham."

As a Historic Resource, El Granada FALLS UNDER THE PROTECTION of the SAN MATEO COUNTY HISTORIC

PRESERVATION ORDINANCE, specifically Section 7730.1, Section 7730.2 and Section 7730.4. The last Section states that the purpose of the Ordinance is to "integrate the preservation of Historic Resources into public and private land management and development processes."

El Granada is listed as a Historic Resource at the County level. Any resource listed in a Local Historic Resource is presumed to be historically significant for the purposes of CEQA Review.

The PUBLIC RESOURCES CODE REQUIRES that significant Historic Resources be protected from substantial adverse change. Substantial adverse change to an Historic Resource is defined as "demolition, destruction, relocation, or alteration such that the significance of an Historical resource would be impaired."

Daniel Burnham's SPATIAL ORGANIZATION of El Granada INCLUDED LARGE ACREAGES designated Rural Land, Greenbelt/Open Space Areas* INCLUDING the MIRADA SURF FIELD, TREE GROVE AND HILLSIDE AREAS along with the beautiful, dish-like field area below. The tree-lined streets are also a part of his plan.

[Note, Daniel Burnham's One-Of-A-Kind Designed Community of El Granada IS DESIGNED FOR PEOPLE TO BE ABLE TO WALK IN A NATURAL SURROUNDING --- Burnham beat out Gordon's Sacramento yocals with his NATURAL WALKING PLAN by over 100 years!]

Because El Granada is listed as a Historic Resource at the County Level, CEQA REQUIRES the lead agency to carefully consider possible Impacts when a proposed development project may adversely affect, impact or otherwise involve the Historic Resource and to require mitigation measures.

Further, under HISTORICAL & ARCHAEOLOGICAL RESOURCE POLICIES in the GENERAL PLAN - it says, in part, that the County SHALL:

5.1 Protect County Historic Resources for their historic, cultural, social and educational values and the enjoyment of future generations.

5.2 Encourage the rehabilitation, preservation and use of historically significant structures.

5.5 Integrate historical preservation into the planning process of the County.

5.15a Encourage the preservation and protection of historic resources, districts and landmarks on sites which are proposed for new development

5.15b Ensure that new development in historic districts is compatible in bulk, height, material and design with that of the historic character and qualities of the district.

These are required General Plan Policies that County is not enforcing.

Also note that Mirada Surf as a Prominent County Scenic Corridor has the following protective laws that the Gordon/Holland/Erickson need to be reminded of them.

The laws below are meant to protect the Mirada Surf Greenbelt/Open Space Area which is also protected by County Mandated Measure A that states that a County Wide Vote would be required if there are any plans to increase the INTENSITY OF LAND USE which in this case is PASSIVE, RURAL, GREENBELT/OPEN SPACE LAND that is there to separate one developed area (El Granada) from another (Miramar) and El Granada from SR 1 and is also a critical part of a COUNTY HISTORIC RESORCE --- El Granada and the Burnham Steet Plan.

Under Visual Quality Policies in the General Plan it states: "THE COUNTY SHALL:

4.2 (a) Protect and enhance the visual quality of and from shorelines of bodies of water including lakes, reservoirs, streams, bays, ocean, sloughs. (b) Maximize the PRESERVATION of significant public ocean views." LCP Policy 8.28 states that County Scenic Corridor are the visual boundaries of the landscape abutting a scenic

highway (SR1) and which contain outstanding views, flora, and geology ... affording pleasure and instruction to the highway traveler.

LCP Policy 8.31b states "Apply Section 6325.1 (Primary Scenic Resources Areas Criteria) of the Resource Management (RM) Zoning District as specific regulations protecting scenic corridors in the Coastal Zone." Mirada Surf - East & West sides are Resource Management/Coastal Zone (RM/CZ), Rural Designated Land, Park/Open Space, Scenic Greenbelt and a County Scenic Corridor.

Section 4.12 of the General Plan Visual Quality Policies defines a scenic corridor as " --- land adjacent to a scenic road right-of-way which, when seen from the road, provides outstanding views of natural landscapes and attractive man-made development."

Mirada Surf, East and West Bluff that holds very prominent ocean views are a COUNTY SCENIC CORRIDOR on COUNTY GENERAL PLAN MAP 4.1M - note that EIP Associates Draft EIR of August 1998/Final EIR done in November 1998 (Note that BOTH of these documents are at the Coastal Commission records) in connection with McCracken/Byer's attempt to put Monster Houses on the East side Mirada Surf stated that they would have had to make an Amendment to the General Plan/LCP to get that status removed & the same thing applies to Gordon/Holland/Erickson's CHARADE thing & what they really intend to use it for.

What is going on now includes an attempt to diminish/remove that status by a plan by the County - Gordon/Herzberg/Holland - Co. Park/Rec. Dept./CCWD/CUSD Boards & associated build anything, anywhere builders/realtors & greedy land owners to destroy the scenic qualities of Mirada Surf (East Side).

The County needs to be made to comply with & ENFORCE the Policies & Laws stated above.

This is the description from the Draft EIR of the Visual Assets that Mirada Surf East & West Sides provide:

"The West side provides outstanding Ocean Views along with views of Mavricks and the Harbor Areas going North & to the South, the beautiful half moon for which Half Moon Bay is named -- the East side provides an extremely scenic backdrop, with its Hillside Eucalyptus Forest and Six Acres of Eucalyptus Tree Grove along with the sloping terrain of Wetlands/Grasslands, make this an extremely scenic area for those who travel along SR1 and residents alike."

"The Eucalyptus covered Hillside and Tree Grove along with the Shoreline Parcel forms a CONTINUOUS BAND of OPEN SPACE from East to West is a CONTINUOUS GREENBELT AREA that separates El Granada from overbuilt Miramar. Because of the elevated aspect of the hillside, the forest serves as a SIGNIFICANT Green Scenic Backdrop and it forms a VISUALLY IMPORTANT band of hillside vegetation in contrast to low and open grasslands."

Ernest Goitein

167 Almendral , Atherton, California 94027

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CALIFORNIA
COASTAL COMMISSION

December 2, 2009

Agenda Item TH 18.a

Ernest Goitein

Bonnie Neely, Chair, and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

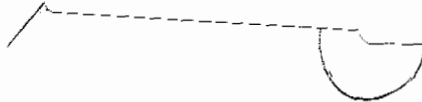
**Re: San Mateo County LCP Amendment No. SMC-MAJ-1-07
(Midcoast LCP Update)**

Dear Chair Neely and Members of the Commission,

I urge the commissioners to approve the San Mateo County Local Coastal Plan
Amendment with the modifications suggested by staff.

Cordially,


Signature on File



DEPARTMENT OF TRANSPORTATION**OFFICE OF THE DIRECTOR**

111 GRAND AVENUE

P.O. BOX 23660

OAKLAND, CA 94623-0660

PHONE (510) 286-5900

FAX (510) 286-5903

TTY 711

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DEC 03 2009

CALIFORNIA
COASTAL COMMISSION

December 3, 2009

Executive Director, Peter Douglas
Senior Deputy Director, Charles Lester
District Supervisor, Ruby Pap
CALIFORNIA COASTAL COMMISSION
North Central Coast District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Douglas, Mr. Lester, and Ms. Pap:

The California Department of Transportation (Department) respectfully submits this letter regarding the California Coastal Commission Staff's November 20, 2009 recommendations for the "County of San Mateo Local Coastal Program (LCP) Amendment No. SCM-MAJ-1-07 (Midcoast LCP Update) [Agenda Item TH-18a]." The Department also asks the Coastal Commission to review all of the concerns set forth in this letter both before and during the Coastal Commission's consideration of these proposed amendments at the upcoming Thursday, December 10, 2009 meeting in San Francisco, California. If the Coastal Commission cannot address the Department's concerns at this time, then the Department requests either a continuance or postponement of this item to allow further discussion and resolution of the Department's concerns.

The Department has previously stated its concerns and provided suggested revisions to proposed amendments regarding the California Coastal Trail (CCT) and public access related issues. However, having completed its review of the Commission Staff's November 20, 2009 report and recommendations, the current version of proposed amendments has not adequately addressed a majority of the Department's identified concerns. Certain of these CCT and access-related proposed amendments seek to force San Mateo County to impose certain requirements upon the Department by means of Coastal Development Permit (CDP) conditions, consistent with the LCP, as amended.

Pursuant to Public Resources Code section 31408, the Department has and will continue to fully comply and discharge all of its legal obligations under AB1396. However, Public Resources Code section 31408 also states, "[t]o the extent feasible, and consistent with their individual mandates, each agency, board, department or commission of the state with property interests or regulatory authority in coastal areas shall cooperate with the conservancy with respect to planning and making lands available for completion of the trail, including constructing trail links, placing signs and managing the trail." (Emphasis added.) In the context at hand, the Department's mandate pertains to the construction, operation, and maintenance of state highways.

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37

Moreover, the State Constitution, Article XIX, Section 1(a), only authorizes the use of state motor vehicle fuel taxes for the "research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for non-motorized traffic), including the mitigation of their environmental effects,...and the administrative costs necessarily incurred in the foregoing purposes." (Emphasis added.) Street and Highways Code Section 167 lists the priorities for the expenditure of the State Highway Account funds (SHA)—use of SHA for environmental mitigation and enhancement is permitted after funds are allocated for operation, maintenance, and rehabilitation of the state highway system, safety improvements, and transportation capital improvements to increase capacity or to reduce congestion. Moreover, Street and Highways Code section 92 permits the use of SHA for environmental mitigation, but again, only so long as the benefits are related to the improvement, construction, maintenance and use of the state highway system and their related public facilities for non-motorized traffic as indicated in the State Constitution, Article XIX, Section 1(a).

Consequently, unless there is a nexus between a State highway project and interference with coastal access, CCT improvements or obligations should not be included as a condition in a CDP. Further use of SHA, as well as SHOPP funds, to fund the CCT is restricted to public facilities for non-motorized traffic related to the project. If the project interferes with coastal access, or with public recreation opportunities on the coast, and no alternative exists, then as recognized by California case law, in-lieu fees may be used to mitigate for loss of a coastal resource. (Ocean Harbor House Homeowners Association v. California Coastal Commission 163 Cal.App.4th 215 (2008)). However, there must be a nexus between the project and the loss of coastal access for a CCT permit condition to be imposed.

The Department has noted that certain proposed amendments seek to impose, as a permit condition, a requirement that the Department assure completion of the CCT without demonstrating the requisite nexus that the project interferes with coastal access. Similarly, certain proposed amendments appear to seek use of Departmental funding for the CCT. However, the use of State Highway Account monies to fund the CCT is restricted to public facilities for non-motorized traffic related to the project. Therefore, this also requires a nexus between the project and the loss of coastal access.

Based on its legislative mandates set forth above, the Department asserts that the following previously requested criteria (**see bolded text**) apply and should be included to ensure compliance with the Department's legislative mandates as to each of the following proposed amendments:

- "Suggested Modification No. 36-Bicycle Pedestrian trails: 2.56 Improvements for Bicycle and Pedestrian Trails subsections (d), (f), (g)(1 through 4); and (h);
- "Suggested Modification No. 48-California Coastal Trail (CCT), subsection b.5.a"
- "Suggested Modification No. 53-Trails and Recreational Development: 11.26 Requirements for Trail Recreational Development, subsections (c), (d), (f)(1 and 2); and (g):

"Consistent with AB 1396, the County should require the Department to incorporate the identified improvements for bicycle and pedestrian trails—unless a suitable off-highway alternative already exists or is being provided—as part of any new, major construction highway project on Highway 1 located within the Coastal

Zone in San Mateo County that interferes with coastal access, but only if all of the following conditions are met:

- (a) funding is available;**
- (b) the right of way is technically feasible;**
- (c) the right of way meets the Department's safety, design and operational standards; and**
- (d) the acquisition of any needed right-of-way is legally permissible under State and Federal constitutions, statutes, and law."**

The Department appreciates this opportunity to formally submit its concerns to the Coastal Commission regarding these certain proposed amendments. As stated in its letter to San Mateo County, a copy of which is enclosed, the Department believes that its continued partnership with San Mateo County, the Metropolitan Transportation Commission, the California Coastal Commission, Department of Parks and Recreation, and the California State Coastal Conservancy is and will continue to be cooperative and productive, as we all work towards achieving common goals within our respective legislative mandates.

Sincerely,

Signature on File

BIJAN SARTPI
District Director

Enclosure (Attachment of Department's 12/3/09 letter to San Mateo County Supervisor Gordon)

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
111 GRAND AVENUE
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December 3, 2009

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CALIFORNIA
COASTAL COMMISSION

Mr. Peter Douglas
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Dear Mr. Douglas:

The State of California Department of Transportation (Department) would like to take this opportunity to comment on the proposed amendments to the San Mateo County's Midcoast Local Coastal Plan (LCP) and in particular, the proposed amendments to the LCP as they relate to the Department's real property rights in the community of Montara and in the vicinity of Devil's Slide.

The Department fully supports San Mateo County's (County) position that a rezoning of Department-owned property (Bypass properties) in Montara is premature and that any action as to the rezoning should be postponed at this time. This postponement is necessary given the number of State-owned parcels affected by the proposed amendments in conjunction with the absence of a county comprehensive land use and management plan.

Among those issues are the need to identify the appropriate properties that can be offered to the County by the State for acquisition as park and recreational space, and determining the Department's obligations to ensure access to existing public streets for property owners whose access to their property is through the State's property. The State and the County have initiated work and discussions about these and other issues, but the parties would require additional time – estimated to be six months to one year – to resolve some new questions affecting not only the State and the County, but also numerous private owners in this area, in view of the proposed changes by the Commission. One example of specific concern to the Department relates to access to private property above the State's property located along and to the north of Cedar Street and Alta Vista that presently is accomplished by traversing State property. Deeding this area to the County for park purposes would affect the property owners' access to their properties, potentially giving rise to future obligations to the Department and the County.

Director Douglas
December 3, 2009
Page 2

In addition, any proposed amendments need to address the impact on the Department's improved and leased properties located within the Bypass related to zoning and disposition of these properties. As discussed with County staff, State law dictates the Department offer long-term tenants the opportunity to acquire their leased State property first before the property is made available for acquisition by another party. Furthermore, the impact of the changes in ownership and zoning on the proposed linear park has yet to be assessed, which ideally should precede the adoption of any of the proposed amendments.

Resolving these issues at this point would benefit the Department and the County, and would advance the proposed linear park. We share the desire of the Commission and the County to have in place as much of the public access plan as possible by the time the Devil's Slide tunnel is operational, and we are making steady progress toward this goal. Because the tunnel is projected to be operational in 2012, we feel there is sufficient time to achieve the desires of the Commission without the need to rezone the property.

At this time, the Department stands committed to working with the County and other interested parties in their effort to develop and implement an effective plan that meets the desires and needs of the residents of Montara. Therefore, we encourage the Commission to accept the County's recommendation to allow the rezoning to occur after the aforementioned issues are resolved and the County has developed its land use plan.

Sincerely,

Signature on File

BLIAN SARTIPI
District Director

cc: Supervisor Richard S. Gordon, San Mateo County Board of Supervisors

Date: December 3, 2009

Re: Agenda Item TH18.a

Name: *Edmundo Lorenzo*
Town: Moss Beach, CA

To: Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Fax: 415-904-5400

Dear Commissioners,

I understand that the California Coastal Commission will consider whether to certify the LCP as consistent with the Coastal Act. I respectfully request that on 12/10/2009 the Coastal Commission approves the Staff Recommendations with the specified Modifications.

These proposed modifications will help to:

- > protect the coast open spaces
- > encourage sound land management practices
- > help protect limited ground water
- > allow for sustainable growth
- > encourage responsible development

All of these are critical if we want to protect open space, coastal resources, and maintain the character of the coast for residents and visitors.

Sincerely,

Ed Signature on File *JS*

P O Box 1034 (301 NEVADA AVE)
Moss Beach CA
94038

Date: 12-3-09

Re: Agenda Item TH18.a

Name: Barbara KossyTown: Moss Beach

To: Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Fax: 415-904 5400

Dear Commissioners,

I strongly support the Coastal Commission Staff recommendations for your approval - plus the recommended modifications.

Our resources are public & must be protected. Water here is vulnerable to contamination & drawdown. Intelligent, limited development is appropriate to the coastal zones. Building should be encouraged in redevelopment zones & where infrastructure already exists.

Signature on File

Signature on File

Moss Beach

Date:

Dec 12, 2007

Re: Agenda Item TH18.a

Name:

Jawila Rust

Town:

Marina

To: Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Fax: 415-904-5400

Dear Commissioners,

Dear Commissioners

I strongly urge you to support the
Staff recommendations for approval with
the proposed modifications. There has
been ten years of review and
all of that work we need
these critical LCP policies to
guide development as well as
open space preservation.

Theresa...

Signature on File

Date: 12/3/2009

Re: Agenda Item TH18.a

Name: Mary Larcenas

Town: Moss Beach

To: Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Fax: 415-904-5400

Dear Commissioners,

In order to protect our coastal resources and
openspace and to promote responsible development
I am asking you to please support the staff
recommendations for Approval with Modifications
proposed by Commission staff.

Strong LCP policies will help guide land use
decisions that will ensure the future and
sustainability of our coastal communities, for
the present and for the future.

Sincerely,

Mary Larcenas, PsyD

Signature on File

Date:

12/3/09

Re: Agenda Item TH18.a

Name: Matt BrownTown: Moss Beach

To: Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Fax: 415-904-5400

Dear Commissioners,

Please support the staff recommendations
for approval with modifications proposed by
Commission staff regarding the LCP

Thank You

Signature on File _____

Date: 12-3 09

Re: Agenda Item TH18.a

Name: GARY HOBAN

Town: MOSS BEECH

To: Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Fax: 415-904-5400

Dear Commissioners,

I am in support of the Commission Staff Recommendations
and their modifications. These strong measures are needed to
keep the mid coast vibrant as well as protecting programs
for the open space areas.

 Signature on File 

Date: 12/4/2009

Re: Agenda Item TH18.a

Name: Linda and Dave
Theroff

Town: Moss Beach, CA

To: Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

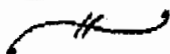
Fax: 415-904-5400

Dear Commissioners,

We are respectfully requesting that the Coastal Commission support the Staff Recommendations for Approval with the specified Modifications. We feel the proposed modifications will help to protect the coast open spaces and encourage sound land management practices, help protect limited ground water, and sustainable growth.

Thank you for your attention and efforts,

Signature on File



Date: December 3, 2009

Re: Agenda Item TH18.1

Name: Betty Loman
Town: Moss Beach, CA

To: Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Fax: 415-904-5400

Dear Commissioners,

I understand that the California Coastal Commission will consider whether to certify the LCP as consistent with the Coastal Act. I respectfully request that on 12/10/2009 the Coastal Commission approves the Staff Recommendations with the specified Modifications.

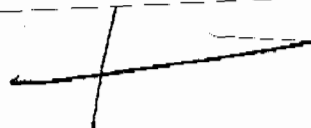

These proposed modifications will help to:

- > protect the coast open spaces
- > encourage sound land management practices
- > help protect limited ground water
- > allow for sustainable growth
- > encourage responsible development

All of these are critical if we want to protect open space, coastal resources, and maintain the character of the coast for residents and visitors.

Sincerely,


Signature on File

December 3, 2009.....Agenda Item TH18.a, Connie & Paul Gerster

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As a residents of California living in Half Moon Bay we support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today. These amendments also echo the majority view of the Half Moon Bay residents for a 1 percent growth limit.

We strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely, Signature on File

Connie & Paul Gerster
785 Railroad Ave.
Half Moon Bay, CA 94019

12-3-2009

Bonnie Neely, Chair and Commissioners,
FAX 415-904-5400

CPR supports the efforts of the CCC to preserve our environment, but in the case of the Midcoast LCP, Californians for Property Rights more strongly supports the proposed amendments of the SMC Supervisors.

Californians for Property Rights supports the San Mateo County position on all of those remaining unresolved issues except one (A temporary restriction on new wells within certain groundwater basin areas)

CPR is concerned that any restriction or prohibition of private wells will harm private property rights, and that if the interim urgency ordinance is enacted and extended it will impact Agricultural operations. Furthermore, accommodating the Coastal Commission's desire to prohibit private wells will diminish the role of our Supervisors in our local government. Apparently the California Farm Bureau Federation has very similar concerns which they conveyed to the Coastal Commission at the Workshop in San Francisco on August 12, 2009.

CPR strongly urges the Coastal Commission to adopt the recommendations of the SMC Supervisors for the Midcoast LCP.

Respectfully submitted,

Signature on File

Signature on File

Terry Gossett
Director, Californians for Property Rights

December 3, 2009.....Agenda Item TH18.a, James Henderson

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As a resident of California living in [your town], I support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

I strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely,

Signature on File

James Henderson
85 Creekside Drive
Half Moon Bay, CA 94019

December 4, 2009.....Agenda Item TH18.a, Jennifer Harden

Bonnie Neely, Chair & Members , California Coastal Commission, c/o North
Central Coast District Office, Charles Lester, Senior Deputy Director 45
Fremont Street, Suite 2000 San Francisco, CA 94105-2219 Via Fax: (415)
904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast
LCP Update)

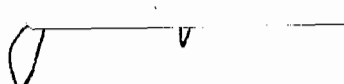
Dear Chair Neely and Members of the Commission: As a 48 year resident of
California living in El Granada for the past 27 years, I support the LCP
amendment proposed for San Mateo County.

The preservation of our state's coastal resources for the enjoyment of current
and future generations. We owe a tremendous debt to the wisdom and foresight
of the many dedicated people who worked together to enact the California
Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by
the Commission's professional staff, will update this important planning
document to reflect the many changes that have occurred over the past 20
years and will help to address the constraints and limited resources that exist in
the Midcoast today.

Please preserve the coast for ALL visitors and residents, as it is a national
scenic treasure in danger of clutter, congestion, and poorly planned
development. I strongly urge you to adopt the staff's recommendations, which
are consistent with the proposals of the County's own Planning Commission,
based on numerous local hearings.

Sincerely, Jennifer Harden, 210 Royal Palm Ave, El Granada (phs) , Half Moon
Bay (mail) 94019. Signature on File - 12/4/09



Fax No. 415-904-5400

December 3, 2009.....Agenda Item TH18.a, [John F and Julie Lynch]

Bonnie Neely, Chair & Members California Coastal Commission c/o
North Central Coast District Office Charles Lester, Senior Deputy
Director 45 Fremont Street, Suite 2000 San Francisco, CA 94108-
2219 Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MA3-L-07
(Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As residents of California living in Half Moon Bay, I support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

I strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Signature

Signature on File

Signature on File

John and Julie Lynch

2098 Fournaine Lane

Half Moon Bay, CA 94019

650-726-9280

December 4, 2009

Agenda Item TH18.a (Myhre)

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As a residents of California living in Half Moon Bay, we support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

We strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely,

Signature on File

Signature on File

David and Ruth Myhre

762 First Avenue

Half Moon May CA 94019

December 4, 2009

Agenda Item TH18.a (Blackwood)

Bonnie Neely, Chair & Members
California Coastal Commission
170 North Central Coast District Office
Charles Lester, Senior Deputy Director
17 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As residents of California living in Half Moon Bay, We strongly support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

We strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely,

Signature on File

Steve and Carol Blackwood

355 Filbert Street

Half Moon Bay CA 94019

December 4, 2009

Agenda Item TH18.a (Lansing)

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

I strongly support the California Coastal Commission (CCC) staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Retain the CCC staff's recommended annual residential growth rate of approximately 1 percent based on population, along the lines of Half Moon Bay's Measure D.

A 1 percent growth rate limit was recommended by the San Mateo County Planning Commission following numerous local public hearings. Moreover, this growth rate limit is consistent with Half Moon Bay's Measure D, which was recently approved by the Coastal Commission. The County's proposed 75-unit annual limit would have the effect of concentrating new residential development in the Midcoast relative to that taking place to the North in Pacifica and the South in Half Moon Bay. Excess new development in the Midcoast absorbs the capacity of limited infrastructure elements (roads, schools, water, and sewer) that have been commonly-financed with other neighboring communities. Moreover, the County's proposed 75-unit annual would exempt several categories of new housing units from the growth limit (e.g., second units) which means that the true growth rate could be higher than 75 units. The exempt units would place just as much stress on the area's infrastructure as any other type of residential unit. It's also worth noting that these proposed growth limits apply only to residential units; they do not in any way restrain the rate of commercial development that will also impose demands on the infrastructure. The 2006 closure of Devil's Slide for four months demonstrated that Coastside roadways cannot handle a large increase in traffic coming south from the Midcoast through Half Moon Bay. Adopting the staff's recommended approximate 1 percent growth limit will allow time for roadway capacity and other infrastructure elements (such as schools) to be improved prior to reaching full build-out.

Retain the CCC staff's recommended policy for demonstration of adequate public service capacities prior to approval of new development

The County's envisioned doubling of residential units at build-out could turn out to be even larger, given the strong likelihood that the number of vacant non-conforming parcels on the Midcoast has been undercounted. The County's proposed LCP amendment would allow approval of development that could bring about severe traffic congestion on Highways 1 and 92, thus denying coastal access to the visiting public in violation of the Coastal Act and also preventing the neighboring City of Half Moon Bay from complying with its own LCP. Another limiting aspect of the area's infrastructure is the capacity of the Cabrillo Unified School District which already suffers from overcrowding, antiquated facilities, limited methods of increasing funding, and problems meeting federal academic performance standards. To comply with the Coastal Act, the County should adopt the policy recommendation of the CCC staff regarding demonstration of adequate public service capacities prior to approval of new development.

Sincerely,

Signature on File

Kevin J. Lansing
359 Filbert Street
Half Moon Bay CA 94019

December 4, 2009

RE: Agenda Item TH18.a
Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office

Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast
LCP Update)

Dear Chair Neely and Members of the Commission:

As a resident of the Midcoast, I am writing in response to the County Staff report on the few remaining points in need of resolution between the County and the Coastal Commission in the Local Coastal Program Update process. I appreciate the Board of Supervisors keeping the public involved over the past ten years.

a. Growth Rate

Building and Planning Department's acknowledges that "...over the past five years (2004-2008), an average of 38 units have been approved annually." In light of this fact, and the strain on resources already pushing road and highway infrastructure beyond their limits, I do not find a compelling basis for raising the growth rate beyond the CCC's proposed 40 unit limits.

I do not support the Building and Planning Department's request for "deletion of the requirement that second units document an affordable sale or rental price in order to be exempt from the growth limit." The argument that "...second units

can be assumed to be affordable due to limits on their size, and because documenting and monitoring the affordability of second units places unnecessary administrative demands and challenges on limited staff resources" falls flat because the County has not yet accounted for the number of existing second units, permitted and unpermitted. While these future units may be affordable, they still create infrastructure demands that must be met.

b. Private Wells

I support the Coastal Commission staff recommendation for a temporary moratorium on private wells in the urban area extending from Miramar through Montara. Half Moon Bay does not allow new private wells to be drilled for residential development. The Midcoast Ground Water Study, Phase II shows that all of our aquifers are at risk from saltwater intrusion and overdraft from the 946 wells that have been drilled since 1989. There are over 1,000 if we count those that existed previous to 1989. Families dependent on wells have no guarantee from the County that their water supply is reliable. I recommend that the County work with Coastsides County Water District and Montara Water and Sanitary District to create a sustainable supply to meet all the planning needs at buildout.

How many new houses can be developed on wells existing on undeveloped lots? What effect will these wells have on coastal resources and the aquifers once they start drawing water from the aquifers?

c. Public Works Capacities

I disagree with the County Staff's assertion that "the need to ensure that public works projects do not generate growth that will result in significant adverse impacts or that conflicts with the County's land use plans can be effectively addressed through the environmental review and permitting process." Case in point would be the lack of limitations put on the Coastal Development Permit for the El Granada Water Transmission Pipeline for Coastsides County Water District. It took the Coastal Commission many years of hard work to create CDP conditions that allowed CCWD to have its gravity fed pipeline and not induce

growth from it. I recommend that each special district not expand beyond its current service area and that the LCP Update tables be modified to detail the number of connections and capacity allowed for each category of service allowed for buildout. Each CDP for public works expansion should follow the model created by Coastal Commission staff in the El Granada Water Transmission Pile Line CDP.

d. Prioritizing Service Capacities for Affordable Housing

I disagree with County staff's assertion that "CCC staff changes which delete this additional set aside, and that revise the table to give existing priorities for affordable housing lower standing than Coastal Act priorities, are neither necessary nor appropriate." The CCC changes are both necessary and appropriate, especially in light increasing traffic congestion, lack of adequate park facilities, trails, water supply, and storm drainage systems.

Under the County staff's own admission, it will assume that second units fall under the affordable housing designation and yet it has no knowledge of how many second units exist. Further, the County added 227 affordable housing units to the coastside inventory and has yet to include them in it. Perhaps one or more of the other three affordable PUD's can be reexamined with attention paid to ESHA resources and reduced in size. In short, the CCC's proposed changes here are well placed and should not be revisited.

e. Lot Retirement

I oppose County Staff's assertion that "CCC staff revise the lot retirement requirement so that it will only apply to land divisions that create five or more new parcels" Here again, County Staff is engineering an unnecessary and unwise way to increase development and the resulting traffic problems when both the LCP and its own policies specifically discourage subdivisions. The Update accounted for quite few substandard lots that would not have been allowed to be developed when the LCP was initially adopted. Not allowing further subdivision of lots deemed to not have been subdivided according to

Abernathy and Witt will reduce the need to expand urban infrastructure services the lot retirement policy would be best served by rejecting the County Staff's developer-friendly proposed loophole.

f. Rezoning of Bypass Lands

I recognize County Staff's assertion that "... determining the rights-of-way that need to be reserved to provide access to private property, delineating areas needed by CalTrans for staging and maintenance purposes, and differentiating between areas that provide good opportunities for recreation and open space preservation and those that make sense for infill development" as those that are in "our mutual best interests" is disingenuous at best.

Preserving development rights at the expense of open space may be in the interests of some, but is not in the best interest of residents of the Midcoast who enjoy the open space afforded by this naturally scenic landscape, nor in the interest of the County, which should be seeking to create parks and play areas for the growing population to serve at buildout. CalTrans' staging and maintenance needs do not rise to a superior claim on those lands trumping the broad policy favoring the preservation of open space that serves as the foundation of the LCP to create a state resource for residents and visitors alike.

3. New Issue Regarding "Grandfather Provision"

I find fault with the County's current grandfather provision as it relates to the County's own efforts to "streamline" a proposed major new development, the Big Wave Project, to fall under this grandfather provision. The County should not be allowed to usher in a project with projected future development timeline of up to 15 years (assuming no further legal challenges or delays which would add to this timeframe) under a grandfather clause in existence today. This would be inherently unfair as it would place developments completed many years ahead of Big Wave, for example, under more stringent requirements than a major development that will not be completed for many years to follow. The

grandfather provision should be found inapplicable and patently unfair and I request that the County heed the Coastal Commission recommendations.

At several points county staff has noted the financial limitations that limit the ability to monitor conditions regarding affordable housing and other county interests. Many of the Midcoast's unmet infrastructure needs are those that the County is responsible for. As San Mateo County is not structured to meet the urban demands of this community, it seems unwise for it to be allowing development that creates even greater infrastructure needs and environmental deficits. I hope that keeping the growth at its present rate will allow San Mateo County the opportunity to find solutions for the traffic congestion, lack of parks and trails, and underdeveloped storm water systems.

I recommend that the decisions on these issues be made with the interests of residents and visitors as the priority.

Sincerely Yours,

Signature on File

Peggy M. Bechtell

1125 Tamarind St.

Montara, CA 94037

December 4, 2009

RE: Agenda Item TH18.a

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

Noting that the Board of Supervisors has taken a final position on this topic, the Midcoast Community Council -- as advisory to the BoS -- is not allowed to take a contrary position, so the undersigned current or former elected of the community are signing as individual private citizens, although it should be noted that some of us are also elected to other local boards. We appreciate the Board of Supervisors keeping the public involved over the past ten years.

a. Growth Rate

Building and Planning Department acknowledges that "...over the past five years (2004-2008), an average of 38 units have been approved annually." In light of this fact, and the strain on resources already pushing road and highway infrastructure beyond their limits, we do not find a compelling basis for raising the growth rate beyond the CCC's proposed 40 unit limits.

We do not support the Building and Planning Department's request for "deletion of the requirement that second units document an affordable sale or rental price in order to be exempt from the growth limit." The argument that "...second units can be assumed to be affordable due to limits on their size, and because documenting and monitoring the affordability of second units places unnecessary administrative demands and challenges on limited staff resources" falls flat because the County has not yet accounted for the number of existing second units, permitted and unpermitted. While these future units may be affordable, they still create infrastructure demands that must be met.

b. Private Wells

We support the Coastal Commission staff recommendation for a temporary moratorium on private wells in the urban area extending from Miramar through Montara until the County adopts a groundwater management plan as a certified part of the LCP. Half Moon Bay does not allow new private wells to be drilled for residential development.

The Midcoast Ground Water Study, Phase II shows that all of our aquifers are at risk from saltwater intrusion and overdraft from the 946 wells identified in the study. Families dependent on wells have no guarantee from the County that their water supply is reliable. We recommend that the County work with Coastsides County Water District and Montara Water and Sanitary District to create a sustainable supply to meet all the planning needs at buildout.

How many new houses can be developed on wells existing on undeveloped lots? What effect will these wells have on coastal resources and the aquifers once they start drawing water from the aquifers?

c. Public Works Capacities

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Under the County staff's own admission, it will assume that second units fall under the affordable housing designation and yet it has no knowledge of how many second units exist. Further, the County added 227 affordable housing units to the coastsides inventory and has yet to include them in it. Perhaps one or more of the other three affordable PUD's can be reexamined with attention paid to ESHA resources and reduced in size. In short, the CCC's proposed changes here are well placed and should not be revisited.

e. Lot Retirement

We oppose County Staff's assertion that "CCC staff revise the lot retirement requirement so that it will only apply to land divisions that create five or more new parcels." Here again, County Staff is engineering an unnecessary and unwise way to increase

development and the resulting traffic problems when both the LCP and its own policies specifically discourage subdivisions. The Update accounted for quite a few substandard lots that would not have been allowed to be developed when the LCP was initially adopted. Not allowing further subdivision of lots deemed to not have been subdivided according to Abernathy and Witt will reduce the need to expand urban infrastructure services. The lot retirement policy would be best served by rejecting the County Staff's proposed loophole.

f. Rezoning of Bypass Lands

We recognize County Staff's assertion that "... determining the rights-of-way that need to be reserved to provide access to private property, delineating areas needed by CalTrans for staging and maintenance purposes, and differentiating between areas that provide good opportunities for recreation and open space preservation and those that make sense for infill development" as those that are in "our mutual best interests" is disingenuous at best.

Preserving development rights at the expense of open space may be in the interests of some, but is not in the best interest of residents of the Midcoast who enjoy the open space afforded by this naturally scenic landscape, nor in the interest of the County, which should be seeking to create parks and play areas for the growing population to serve at buildout. CalTrans' staging and maintenance needs do not rise to a superior claim on those lands trumping the broad policy favoring the preservation of open space that serves as the foundation of the LCP to create a state resource for residents and visitors alike.

CalTrans has known since the Devil's Slide Bypass project received its Coastal Development Permit that the previous right-of-way would become surplus property. It has known that a rezoning to open space and park uses has been proposed by the Midcoast Community Council and Planning Commission as part of the Midcoast LCP Update, although that recommendation was removed by the Board of Supervisors. CalTrans has definitely known about the Commission staff's recommendation since their June 15, 2009 letter (Exhibit No. 18, page 13). With all this time to decide what areas are needed for staging and maintenance purposes, etc., when is CalTrans going to act? This appears to just be a delaying tactic. CalTrans could have researched these needs years ago, if they were valid.

3. New Issue Regarding "Grandfather Provision"

We find fault with the County's current grandfather provision as it relates to the County's own efforts to "streamline" a proposed major new development, the Big Wave Project, to fall under this grandfather provision. The County should not be allowed to usher in a project with projected future development timeline of up to 15 years (assuming no further legal challenges or delays which would add to this timeframe) under a grandfather clause in existence today. This would be inherently unfair as it would place developments completed many years ahead of Big Wave, for example, under more stringent requirements than a major development that will not be completed for many years to follow. The grandfather provision should be found inapplicable and patently unfair and

we request that the County heed the Coastal Commission recommendations.

At several points county staff has noted the financial limitations that limit the ability to monitor conditions regarding affordable housing and other county interests. Many of the Midcoast's unmet infrastructure needs are those that the County is responsible for. As San Mateo County is not structured to meet the urban demands of this community, it seems unwise for it to be allowing development that creates even greater infrastructure needs and environmental deficits. We hope that keeping the growth at its present rate will allow San Mateo County the opportunity to find solutions for the traffic congestion, lack of parks and trails, and underdeveloped storm water systems.

We recommend that the decisions on these issues be made with the interests of residents and visitors as the priority.

Sincerely Yours,

Signature on File

David Vespremi and on behalf of

Kathryn Slater-Carter

Sabrina Brennan

Paul Perkovic

Leonard D. Woren

Deborah Lardie

December 04, 2009

Agenda Item TH18.a, Eda Cook

**Bonnie Neely, Chair and Members, California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105**

Via FAX 415-904-5400

**Subject: San Mateo County LCP Amendment no. SMC-MAJ-1-07
(Midcoast LCP Update)**

Dear Chair Neely and Members of the Commission:

**I am writing in support of the San Mateo County Board of Supervisors
staff recommendations to the San Mateo County LCP.**

**The proposed amendments are necessary updates to the current
planning documents, and will support the preservation of our state's
coastal resources for future generations.**

Please vote to adopt the staff recommendations. Thank you.


Sincerely,

Eda Cook

171 Turnberry Road

Half Moon Bay, CA 94019

edacook@aol.com


Signature on File

December 4, 2009

RE: Agenda Item TH18.a
Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office

Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast
LCP Update)

Dear Chair Neely and Members of the Commission:

As a resident of the Midcoast, I am writing in response to the County Staff report on the few remaining points in need of resolution between the County and the Coastal Commission in the Local Coastal Program Update process. I appreciate the Board of Supervisors keeping the public involved over the past ten years.

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can be assumed to be affordable due to limits on their size, and because documenting and monitoring the affordability of second units places unnecessary administrative demands and challenges on limited staff resources" falls flat because the County has not yet accounted for the number of existing second units, permitted and unpermitted. While these future units may be affordable, they still create infrastructure demands that must be met.

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I recommend that the decisions on these issues be made with the interests of residents and visitors as the priority.

Sincerely Yours,

Signature on File

William R. Bechtell

1125 Tamarind St.

Montara, CA 94037

December 4, 2009.....Agenda Item TH18.a

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast
LCP Update)

Dear Chair Neely and Members of the Commission:

As a resident of California living in Moss Beach, I support the preservation of our state's coastal resources for the enjoyment of current and future generations. We owe a tremendous debt to the wisdom and foresight of the many dedicated people who worked together to enact the California Coastal Act more than thirty years ago.

The proposed amendments to the San Matco County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today.

I strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely,

Julian Martinez
P.O. Box 682, Moss Beach, Ca, 94038
A

Signature on File

December 4, 2009

Agenda Item TH 18.a
Sally Rathbun

Chair Bonnie Neely and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, Ca. 94105-2219

Re: San Mateo County LCP Amendment No. SMC-MAJ-1-07
(Midcoast LCP Update.

Dear Chair Neeley and Members of the Commission,
I am writing to urge you to support the Staff Recommendation for
Approval with Modifications as expressed by the Committee for
Green Foothills. The protection of the Midcoast matters very much
to most residents of San Mateo and Santa Clara Counties. Your
support is of the utmost importance. Thank you.

Sincerely,

Signature on File

Sally Rathbun
Resident Santa Clara County

Sharon Dove, Property Owner, Montara, PH. 605-847-4949

December 4, 2009

Agenda Item TH18.a, [Sharon Dove]

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As a Montara, California property owner, I support the careful planning and preservation of our state's coastal resources for the enjoyment of current and future generations.

The proposed amendments to the San Mateo County LCP, as recommended by the Commission's professional staff, will update this important planning document to reflect the many changes that have occurred over the past 20 years and will help to address the constraints and limited resources that exist in the Midcoast today. The Coastal Commission staff's recommendations include the following:

- An allowable growth rate for the Midcoast of 1 percent, as recommended by the San Mateo County Planning Commission on the basis of numerous local public hearings, and consistent with Half Moon Bay's 1 percent growth limit.
- A requirement for traffic analysis and mitigation for new development.
- • A prohibition against new private residential water wells and new private septic systems until San Mateo County adopts a comprehensive groundwater management plan for the Midcoast.
- A rezoning of the Burnham Strip in El Granada to allow public parking, trails, and public restrooms with an appropriate permit.

I strongly urge you to adopt the staff's recommendations, which are consistent with the proposals of the County's own Planning Commission, based on numerous local hearings.

Sincerely, **Signature on File**

Sharon Dove

December 4, 2009

Via Fax: (415) 904-5400

RE: Agenda Item TH18.a
Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office

Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As a resident of the Midcoast, I am writing in response to the County Staff report on the few remaining points in need of resolution between the County and the Coastal Commission in the Local Coastal Program Update process. I appreciate the Board of Supervisors keeping the public involved over the past ten years.

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How many new houses can be developed on wells existing on undeveloped lots? What effect will these wells have on coastal resources and the aquifers once they start drawing water from the aquifers?

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Under the County staff's own admission, it will assume that second units fall under the affordable housing designation and yet it has no knowledge of how many second units exist. Further, the County added 227 affordable housing units to the coastsides inventory and has yet to include them in it. Perhaps one or more of the other three affordable PUD's can be reexamined with attention paid to ESHA resources and reduced in size. In short, the CCC's proposed changes here are well placed and should not be revisited.

e. Lot Retirement

I oppose County Staff's assertion that "CCC staff revise the lot retirement requirement so that it will only apply to land divisions that create five or more new parcels" Here again, County Staff is engineering an unnecessary and unwise way to increase development and the resulting traffic problems when both the LCP and its own policies specifically discourage subdivisions. The Update accounted for quite a few substandard lots that would not have been allowed to be developed when the LCP was initially adopted. Not allowing further subdivision of lots deemed to not have been subdivided according to Abernathy and Witt will reduce the need to expand urban infrastructure services the lot retirement policy would be best served by rejecting the County Staff's developer-friendly proposed loophole.

f. Rezoning of Bypass Lands

I recognize County Staff's assertion that "... determining the rights-of-way that need to be reserved to provide access to private property, delineating areas needed by CalTrans for staging and maintenance purposes, and differentiating between areas that provide good opportunities for recreation and open space preservation and those that make sense for infill development" as those that are in "our mutual best interests" is disingenuous at best.

Preserving development rights at the expense of open space may be in the interests of some, but is not in the best interest of residents of the Midcoast who enjoy the open space afforded by this naturally scenic landscape, nor in the interest of the County, which should be seeking to create parks and play areas for the growing population to serve at buildout. CalTrans' staging and maintenance needs do not rise to a superior claim on those lands trumping the broad policy favoring the preservation of open space that serves as the foundation of the LCP to create a state resource for residents and visitors alike.

3. New Issue Regarding "Grandfather Provision"

I find fault with the County's current grandfather provision as it relates to the County's own efforts to "streamline" a proposed major new development, the Big Wave Project, to fall under this grandfather provision. The County should not be allowed to usher in a project with projected future development timeline of up to 15 years (assuming no further legal challenges or delays which would add to this timeframe) under a grandfather clause in existence today. This would be inherently unfair as it would place developments completed many years ahead of Big Wave, for example, under more stringent requirements than a major development that will not be completed for many years to follow. The grandfather provision should be found inapplicable and patently unfair and I request that the County heed the Coastal Commission recommendations.

At several points county staff has noted the financial limitations that limit the ability to monitor conditions regarding affordable housing and other county interests. Many of the Midcoast's unmet infrastructure needs are those that the County is responsible for. As San Mateo County is not structured to meet the urban demands of this community, it seems unwise for it to be allowing development that creates even greater infrastructure needs and environmental deficits. I hope that keeping the growth at its present rate will allow San Mateo County the opportunity to find solutions for the traffic congestion, lack of parks and trails, and underdeveloped storm water systems.

I recommend that the decisions on these issues be made with the interests of residents and visitors as the priority.

Regards,

Signature on File

Susan Lee
PO Box 370362
Montara, CA 94037

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12-3-2009

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CALIFORNIA
COASTAL COMMISSION

Bonnie Neely, Chair and Commissioners,
FAX 415-904-5400

CPR supports the efforts of the CCC to preserve our environment, but in the case of the Midcoast LCP, Californians for Property Rights more strongly supports the proposed amendments of the SMC Supervisors.

Californians for Property Rights supports the San Mateo County position on all of those remaining unresolved issues except one (A temporary restriction on new wells within certain groundwater basin areas)

CPR is concerned that any restriction or prohibition of private wells will harm private property rights, and that if the interim urgency ordinance is enacted and extended it will impact Agricultural operations. Furthermore, accommodating the Coastal Commission's desire to prohibit private wells will diminish the role of our Supervisors in our local government. Apparently the California Farm Bureau Federation has very similar concerns which they conveyed to the Coastal Commission at the Workshop in San Francisco on August 12, 2009.

CPR strongly urges the Coastal Commission to adopt the recommendations of the SMC Supervisors for the Midcoast LCP.

Respectfully submitted,

Lisa Mc Caffrey

Signature on File

Signature on File

P.O. Box 2387

El Encino

CA

94018



MONTARA WATER & SANITARY DISTRICT

Serving the Communities of Montara and Moss Beach

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Agenda Item: Th18a

December 4, 2009

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CALIFORNIA
COASTAL COMMISSION

Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office
Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Via Fax: (415) 904-5400

re: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

MWSD submits the following comments for Coastal Commission consideration on the LCP update:

Water and Sewer Systems: MWSD recommends that the Commission use the type of conditions applied to the El Granada Water Transmission Pipeline Coastal Development Permit to keep sewer and water capacity from inducing growth and further overwhelming the traffic, stormwater management, and local parks systems. Keeping districts within their existing service areas, for each service provided, and within the expected number of connections and volume capacity, are required to serve adopted planning numbers. Verifiable conditions attached to CDPs allow districts to meet the engineering and environmental requirements they also must adhere to.

Affordable Housing: MWSD serves the Pillar Ridge community, a recently designated affordable housing site, and many existing second units, identified by San Mateo County as affordable housing units – yet this level of service is not recognized in the requirement to set aside capacity to serve affordable housing needs. MWSD requests that the Coastal Commission reduce the mandated priority capacity set aside that must be maintained by MWSD by the 227 residential units in Pillar Ridge and by 100 second-unit water equivalents. The second-unit water equivalents can be amended once the County has completed a second unit survey to determine how many second units currently exist in Montara/Moss Beach.

Rezoning CalTrans Lands in East Montara: MWSD requests that the Coastal Commission include in the rezoning recommendations for the CalTrans area in the east side of Montara a policy providing that the area can be utilized by MWSD for ground water supplies and necessary infrastructure to utilize the groundwater for a potable water supply by MWSD. Balance Hydrologics has identified sites within that area that appear to have the ability to serve the water needs for the Montara / Moss Beach community for the foreseeable future. Community water supply wells, properly operated and with good environmental oversight, are the water supply most protective of coastal and California resources, using less energy than imported water. This option is preferable to desalination.

Temporary Moratorium on Drilling New Residential Wells: MWSD supports the Coastal Commission recommendation for a temporary moratorium on the drilling of all new residential wells for the entire urban Midcoast. There are about 100 wells on vacant lots that will allow building to continue until a ground water management plan can be instituted. The Phase III of the ongoing Midcoast Groundwater Study will not generate data adequate for the formation of such a plan. There is much more data required to be collected. The County should begin working with MWSD and CCWD to create a plan, as has been previously proposed by MWSD.

Attached to this letter is an analysis of issues related to groundwater resources and private wells in the Midcoast, prepared following the December 1, 2009 Board of Supervisors hearing on the Midcoast LCP Update and a proposed Interim Urgency Ordinance prohibiting new wells in certain portions of the Midcoast (which was not adopted by the Board of Supervisors).

Sincerely yours,

Signature on File

Paul Perkovic, President
MWSD Board of Directors

Attachment: MWSD December 4, 2009, Analysis of Groundwater and Private Wells Issues

Agenda Item: Th18a

Attachment to MWSD December 4, 2009 letter to California Coastal Commission

**Analysis Regarding Water Supplies, Groundwater, and Private Wells Related to
Midcoast Local Coastal Program Update (SMC-MAJ-1-07) and
County Proposed Urgency Ordinance Prohibiting Certain Water Wells in Midcoast**

On December 1, 2009, MWSD testified to the San Mateo County Board of Supervisors regarding the Midcoast Local Coastal Program Update and the County's proposed addition of a temporary well moratorium for the community of Montara / Moss Beach via an interim urgency ordinance. This analysis expands on our brief comments. On behalf of our Board, we would like to present some background information and address the following points for the Coastal Commission to consider:

- Midcoast groundwater resources require long-term management
- MWSD serves the needs of our community as a public water supplier
- Coastal Commission priorities and LCP provisions govern new connections
- No water is available from San Francisco Public Utilities Commission sources
- Pipeline transmission capacity is not available from SFPUC to MWSD
- Public water supply wells already meet rigorous environmental review standards
- If enacted, an interim urgency ordinance should cover all Midcoast urban areas

We analyze each of these points in greater detail in the remainder of this document.

Midcoast groundwater resources require long-term management

MWSD agrees that proper management of groundwater resources in the San Mateo County Midcoast is critical to preservation of coastal resources and the economic vitality of the region (see Coastal Act goals, Public Resources Code ["PRC"] §30001.5). Even before acquiring the water system formerly owned by Citizens Utilities Company of California ("CUCC") in August, 2003, MWSD has worked diligently to increase water supplies, improve storage capacity, and upgrade the distribution system to meet the needs of urban users. Exhibit "A" is a copy of MWSD Resolution No. 1397, recounting all of the actions the Board of Directors has taken to increase water supply for the community.¹

The County has responsibility, under the Local Coastal Program ("LCP") and its Well Ordinance, to monitor water use and obtain annual consumption information. Previous studies and EIRs since 1979 make recommendations for aquifer monitoring. MWSD has requested water use data from the County for properties on private wells, in support of our Sewer Service Charge, which is based on water consumption for all other customers. The District has enacted its own ordinance requiring a District-approved remote-read water meter on all new construction using private wells, to enable water use monitoring and accurate Sewer Service Charge billing.² While the County has required meters on new wells on the midcoast, it has no program to track water extractions from individual wells.

On May 14, 2002 – more than 7½ years ago – the Board of Supervisors received a status report on wells and aquifers, and a review of Phase I of the current Midcoast Groundwater Study. As the staff report notes, "Individual groundwater wells have come into increasing use as a source of domestic water supply in the urban Midcoast over the past several years, primarily due to the unavailability of public water supplies. Wells have been controversial due to their potential unreliability as a long-term source of domestic water in an urban setting and their potential to impact coastal resources."

¹ See MWSD Resolution No. 1397, "Resolution of the Montara Water and Sanitary District Recounting All of the Actions the Board of Directors Has Taken to Increase Water Supply for the Community," adopted June 21, 2007, attached as Exhibit "A".

² See MWSD Ordinance No. 154, adopted March 6, 2008, attached as Exhibit "B".

Attachment to MWSD December 4, 2009 letter to California Coastal Commission – Page 2

The 2002 County staff report continues: "Phase 1 was to be a literature and data review summarizing all known information about groundwater in the urban Midcoast area. Phase 2 was to be a technical effort to gather missing data necessary to determine a safe yield of Midcoast aquifers, their ability to support further development and an environmental impact report on the effects of development to those levels." The Midcoast Groundwater Study, Phase II, did not fulfill these essential goals.

Unfortunately, the lack of historical water use data from private wells severely hampered the Phase II Kleinfelder Midcoast Groundwater Study. A current well meter reading to determine total pumpage since each well was put into use would have allowed Kleinfelder to calculate the average annual extraction for each well (rather than using assumed values based on public utility water users), as recommended in the prior 1989 Kleinfelder Montara-Moss Beach Water Well EIR for the area.

Phase II of the recent Kleinfelder Study did not look at the effects of multitudes of wells on coastal aquatic resources, nor nearby Environmentally Sensitive Habit Areas ("ESHA"). As an initial part of the LCP Update a new ESHA maps was drafted, but never finalized. Thus there is no current inventory of ESHAs near the locations of urban residential wells.

MWSD appreciates that careful stewardship of surface and groundwater resources is essential to meeting both the environmental needs of coastal species and the economic needs of our growing urban communities. To promote long-range planning, MWSD applied for an AB 303 grant for Fiscal Year 2003/2004, and again for 2004/2005, to develop an integrated regional groundwater management plan, and invited San Mateo County, Coastside County Water District ("CCWD"), and the San Mateo County Resource Conservation District to join in this effort. The County and CCWD failed to participate. If this regional planning had gone forward at that time, we would be several years closer to a solution to groundwater problems in the Midcoast. We would like to again offer participation in a joint regional groundwater planning effort with the County and CCWD.³

MWSD supports the California Coastal Commission staff recommendation on the pending Midcoast Local Coastal Program Update (San Mateo County LCP Amendment No. SMC-MAJ-1-07) to permit new private water wells in the Midcoast area only in conjunction with an approved groundwater management plan adopted by San Mateo County in coordination with other affected public agencies such as CCWD and MWSD and incorporated into the LCP.

MWSD is the public water supplier for our community and serves the needs of our community

Resolution No. 53059 adopted by the Board of Supervisors on September 12, 1989, allows "the use of water wells in urban areas only when no other water is available from existing public water systems and directs the Planning Director and Environmental Health Director to implement this policy in the Coastal Zone by conditioning all appropriate permits in the urban Mid-Coastside area to require connection to a public water system when such water supplies are available."⁴

The Planning Department includes and has historically included, as a condition of approval for new construction depending on individual wells, this requirement to connect to the public water system. It is not conditioned on any future remodeling or other action by the property owner. The County has the ability, which it has failed to use, to require these connections. The resolution specifically mentions the Crystal Springs Pipeline Project constructed by CCWD as an indication of future water supplies, and every property developed on an individual well had an opportunity to participate in that project. The County has not yet required those properties to actually connect to CCWD's system

³ See Resolution 1397 (Exhibit "A"), pp. 4-5.

⁴ See copy of San Mateo County Board of Supervisors Resolution 53059, attached as Exhibit "C".

Attachment to MWSD December 4, 2009 letter to California Coastal Commission – Page 3

following completion of the Crystal Springs project or the more recently completed El Granada Water Transmission Pipeline expansion project.

MWSD adopted provisions into the District's Ordinance Code requiring new development to agree to connect to the public water system when water supplies are available.⁵ As a condition of approval of a MWSD sewer permit, homes in the Montara / Moss Beach community have been required to agree to connect to the public water system when water is available. This is required to be a deed restriction so every property owner subsequent to the developer is aware to this requirement.

We are ready to move forward on policies to implement a transition from private wells to public water supplies as soon as the Midcoast LCP Update is certified by the Coastal Commission and accepted by San Mateo County, and after our Alta Vista Well can go into full production – provided MWSD can also obtain long-term assurance of water supplies from the existing wells located at the Half Moon Bay Airport.

Coastal Commission priorities and LCP provisions govern new connections

When MWSD is ready to lift the moratorium on new water connections, we are limited by conditions in our Public Works Plan, Phase I ("PWP"), to serve only existing developed properties within our service area. Our community approved a general obligation bond by over 80%, but that was intended to finance the acquisition and improvement of the water system to serve the *existing* community, not to provide for new development. Our PWP was approved based on its assurances that it would not be growth inducing or involve water supplies to new development that would exceed other public infrastructure capacity, such as roads and highways. The Coastal Commission also requires water capacity to be set aside for Coastal Act priority land uses, as enumerated in the LCP.

The County staff report on the Midcoast LCP Update presented at the Board of Supervisors December 1 meeting argued that there should be no distinction between Coastal Act and local County priorities on public utility resources. However, this ignores many years of Coastal Commission policy, including a specific provision in a Condition of Approval for Citizens Utilities Company of California's Coastal Development Permit for Airport Well No. 3. That condition reads: "Any additional extraction by CUC based on this permit shall be used first to make up any shortfalls within its system as regulated by the Public Utilities Commission, second to supply Coastal Act priority uses, third to supply LCP priority uses and last, for non-priority uses with valid coastal development permits."⁶

MWSD has done preliminary studies on use of desalination to meet future growth needs, as well as the possible exchange of recycled water (originating from our District's wastewater flows) for potable water, by allowing Coastside County Water District agricultural, floricultural, horticultural, and irrigation customers to substitute recycled water and thus free up drinking water. Sewer Authority Mid-Coastside is making good progress towards a pilot project producing recycled water to meet regional water needs.

Other water supply alternatives include exploration for additional groundwater. The Half Moon Bay Airport / Pillar Point Marsh aquifer, however, already has an annual extraction limit established by the Board of Supervisors and the California Coastal Commission, which limits the total amount of water that can be extracted by all community water systems (CCWD, MWSD, and the small system

⁵ See MWSD Ordinance No. 154 (Exhibit "B"), pp 3-4.

⁶ See condition 5(e) on page 13 of the Coastal Commission staff report for the hearing on Condition Compliance for Permit A-3-SMC-86-155 and Permit A-3-SMC-155A, Citizens Utilities Company, dated December 2, 1992.

Attachment to MWSD December 4, 2009 letter to California Coastal Commission – Page 4

serving Pillar Ridge). Further studies would be required to show that there is sufficient recharge for any further pumping and to protect that aquifer from the effects of climate change sea level rise.

Pipeline transmission capacity is not available from SFPUC to MWSD

San Francisco Public Utilities Commission ("SFPUC") water is not available. Even if water were available from the SFPUC, transporting it to serve the needs of the Montara / Moss Beach community is not possible. "Water wheeling" allows one agency to purchase water from a distant source, and take delivery via a network of intermediate agencies, all of which are connected. However, the weak links in this approach are the Crystal Springs Pipeline and the El Granada Water Transmission Pipeline ("EGWTP"), which were constructed without adequate transport capacity to serve the needs of the Montara / Moss Beach area. MWSD sought Coastal Commission approval of a condition on the EGWTP project to require set-aside of transport capacity to meet MWSD's future build-out needs, but this provision was rejected by CCWD and not adopted by the Commission.

If enacted, an interim urgency ordinance should cover all Midcoast urban areas

Adoption of the Coastal Commission staff recommendation in the Midcoast Local Coastal Program Update provides superior protection for coastal resources. The Commission's proposed modification covers exactly the areas at risk, specifically the urban areas where dense development of wells threatens all users and existing ESHA's.

The Midcoast Groundwater Study supports the Commission staff recommended moratorium for the entire Midcoast, not just a portion of it. Compare the findings of the Kleinfelder Study for the El Granada Terrace Subarea, which is omitted from the County's proposed interim urgency ordinance; to that for Lower Moss Beach Subarea, which is included.

The conclusion of the water balance assessment for the El Granada Terrace Subarea reads:

Under current pumping demands (about 94 ac.-ft./year), the water balance model suggests that average terrace-wide groundwater levels would have dropped near (within five feet) or below sea level six times during the 55-year period of rainfall record used in this analysis (representing a 11 percent return frequency). For comparison purposes, if pumpage were to almost triple or increase to about 259 ac-ft per year (to buildout, increase of 590 domestic wells, with sewer connections at each new site), the frequency of groundwater falling to levels near or below sea level would increase to about 24 percent. A prolonged drop in groundwater levels in the El Granada terrace area to levels below sea levels may have detrimental impacts due to salt-water intrusion.⁷

The conclusion of the water balance assessment for the Lower Moss Beach Subarea reads:

Using the 55-years of precipitation data and assuming current pumping rates the water-balance modeling indicates that water levels in the Lower Moss Beach Subarea will vary from year to year but have not approached sea level and currently is in general balance. . . . Assuming current pumping demand, the model indicates that average Lower Moss Beach subarea-wide groundwater would not have dropped lower than about 15 feet above sea level during the 55-year period of rainfall record used in this analysis. Although there is much uncertainty in model parameters used in this analysis, model results suggest that additional groundwater may be available for pumping in this subarea without significant salt water intrusion. Before additional pumping is carried out, estimates on the inputs and outputs to the groundwater basin should be refined and confirmed, particularly the volume of water that enters the subbasin from the San Vicente watershed.⁸

⁷ San Mateo County Midcoast Groundwater Study, Phase II, revised October 2008 ("Kleinfelder Study"), p. 66.

⁸ Kleinfelder Study, p. 69.

Attachment to MWSD December 4, 2009 letter to California Coastal Commission – Page 5

The potential for overdrafting and salt water intrusion is the same, or worse, in subareas that have been improperly excluded from coverage by the County's proposed draft interim urgency ordinance.

Perhaps of greatest importance to the health and safety of Midcoast residents, the Commission staff proposed LCP amendment modification includes the Seal Cove area, which was omitted entirely from the Kleinfelder Study. "Kleinfelder was not permitted by well owners in the Seal Cove area to measure water levels or to conduct pump tests. Because we could not measure groundwater parameters in the Seal Cove area, and other hydrogeologic data were lacking, groundwater conditions were not evaluated in this location."⁹

In analyzing the regional geologic setting, the Study describes the Upper Seal Cove area as follows:

The strip of raised coastsides west of the Half Moon Bay Airport and west of the Seal Cove / San Gregorio fault where Pillar Point and the community of Seal Cove are located is geologically referred to as a 'horst.' This area has been tectonically uplifted west of the Seal Cove / San Gregorio faults. The barrier caused by earthquake forces along the Seal Cove / San Gregorio fault, to some extent, has hydrogeologically isolated this uplifted land west of the fault from the mainland groundwater sources. Because the Seal Cove / San Gregorio fault acts as a partial groundwater barrier, only minor quantities of water are believed to flow from the Airport Subarea to the uplifted block west of the fault.¹⁰

An earlier Kleinfelder Montara-Moss Beach Water Well EIR prepared for the San Mateo County Department of Environmental Management in 1989 discusses the Upper Seal Cove area as follows:

The Upper Seal Cove sub-unit represents an isolated 40 acre block uplifted along the Seal Cove fault zone. As shown on geologic cross-section C-C' (Figure 10), the area is underlain by faulted blocks of Purisima Formation and granitic bedrock overlain by a variable thickness of marine terrace deposits. No wells are known to exist in the area and estimates of water production potential are entirely speculative.

The eastern portion of the block consists of a thin terrace deposit cover underlain by granitic bedrock. Geotechnical boring by Leighton & Associates (1974) indicate that in this area, ground water is sometimes present as a perched zone at the terrace-granite contact. Future wells in this area will need to be completed in the granitic bedrock.

To the west, thicker deposits of marine terrace sediments are present, overlying the Purisima Formation. Estimating water production potential in this area is problematic for several reasons. First, recharge of ground water supplies in this area appears to be limited to rainfall infiltration. As an increasing number of wells draw from the same limited reservoir, available supplies may be readily depleted during extended drought cycles. Second, deepening wells to obtain additional supplies from the Purisima Formation may not be sufficient to support a relatively high-density clustering of wells, and may result in production of poor-quality water.

As Plate 6 of the 2008 Phase II Kleinfelder Study shows, since 1989 the County has allowed wells to be developed in this area, ignoring the very limited recharge potential.

One further comment is important. In reviewing the 1989 Kleinfelder draft EIR, the California Department of Health Services ("DHS"), Public Water Supply Branch, commented as follows:

The wells may encounter two failure possibilities that may impact the water supply situation in the Montara-Moss Beach area. First, it is possible that well production may initially be plentiful and then diminish significantly after a period of time [such] that it could no longer supply the needed water.

⁹ Kleinfelder Study, pp. 72-73

¹⁰ Kleinfelder Study, p. 8.

Attachment to MWSD December 4, 2009 letter to California Coastal Commission – Page 6

Second, it is possible that the water quality of the wells may, at first, be acceptable and then deteriorate to the extent the wells cease to be viable sources of domestic water.

If these occur, the Department is concerned that the Citizens Utilities Company of California would be forced to provide emergency water supply to the users of the affected wells, thus aggravating the problem of inadequate water supply that now exists in the area.

The above possibilities should be addressed and their impact be mitigated.¹¹

Unfortunately, rather than accepting the advice of the California Department of Health Services, many more wells were permitted than the 64 anticipated by the 1989 Kleinfelder EIR. And, just as predicted, there is a recent example of a failed well in the Moss Beach area, exhibiting exactly the conditions predicted by DHS. This among other reasons is strong support for the Commission staff's recommended modifications requiring a groundwater management plan prior to allowing more wells.

There is no justifiable reason to include only subareas or subbasins within the MWSD service area, and exclude those within the CCWD service area, as the County's draft interim urgency ordinance proposes. Furthermore, including the other Midcoast subareas and subbasins does not pose any additional hardship for property owners, because CCWD states that it has adequate water connections available to serve new development.

The purpose of the County's proposed interim urgency ordinance is to protect the health and safety of Midcoast residents by prohibiting development on additional wells until adequate groundwater studies are completed and a groundwater management plan is in place. However, as drafted, the proposed ordinance fails to fully accomplish this goal. It prohibits the permitting of new wells, but it does nothing to prevent use of existing wells on otherwise undeveloped parcels for new construction. A well that was installed but not placed into service represents exactly the same health and safety risk as a new well. Development should be prohibited in both cases.

Finally, we refer the Commission to the 1991 Half Moon Bay / Pillar Point Marsh Ground-Water Basin Report, Phase II, performed for Citizens Utilities Company and Coastside County Water District in conjunction with a request by CUCC for an increase in the extraction permitted from the Half Moon Bay Airport / Pillar Point Marsh aquifer. This study has been transmitted to Commission staff by electronic mail and is available on MWSD's web site at:
http://mwsd.montara.org/documents/1991.10.28_CUCCPillarPointMarshGroundwaterBasinReportPhaseII.pdf

Exhibits: "A" – MWSD Resolution No. 1397
 "B" – MWSD Ordinance No. 154
 "C" – San Mateo County Resolution No. 53059

Reference: Pillar Point Marsh Groundwater Basin Report Phase II, Luhdorff & Scalmanini, 1991

Note: Exhibits and Reference transmitted electronically as separate documents.

¹¹ Letter dated April 24, 1989, from Peter A. Rogers, Chief, Public Water Supply Branch, Department of Health Services, commenting on Kleinfelder Montara-Moss Beach Water Well EIR, at page 8 of FEIR. We observe that an appropriate mitigation by the County would have been an LCP amendment to provide priority water allocation to serve failed wells, something that was not considered until requested by MWSD after acquiring the former Citizens Utilities water system in August 2003.

Exhibits for Attachment to MWSD December 4, 2009 letter to California Coastal Commission

Exhibit "A"

Resolution No. 1397

Resolution of the Montara Water and Sanitary District recounting all of the actions the Board of Directors has taken to increase water supply for the community

Available electronically at:

<http://mwsdfiles.montara.org/2007%2006%2021%20MWSD%20Res%201397.pdf>

Exhibit "B"

Ordinance No. 154

Ordinance of the Montara Water and Sanitary District amending Sections 3-3.600 and 3.9.200 of the Montara Water and Sanitary District Code relating to conditions upon sewer connection permits for property served by wells and for property served by public sewers at risk of failure by natural causes, respectively

Available electronically at:

<http://mwsdfiles.montara.org/2008%2003%2006%20MWSD%20Ord%20154.pdf>

Exhibit "C"

Resolution No. 53059

Board of Supervisors, County of San Mateo, State of California

Policy Regarding the Use of Water Wells in the Urban Mid-Coastside

[See following two pages]

Reference

Half Moon Bay / Pillar Point Marsh Ground-Water Basin Report, Phase II
Prepared for: Citizens Utility Company of California and Coastside County Water District
Prepared by: Luhdorff and Scalmanini, Consulting Engineers, and Earth Sciences Associates
(September 1991)

Available electronically at:

http://mwsd.montara.org/documents/1991.10.28_CUCCPillarPointMarshGroundwaterBasinReportPhaseII.pdf

RESOLUTION NO. 53059

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

* * * * *

POLICY REGARDING THE USE OF WATER WELLS IN
THE URBAN MID-COASTSIDE

* * * * *

WHEREAS, on November 18, 1986, the Board of Supervisors approved the General Plan for San Mateo County; and

WHEREAS, the General Plan contains policies which address the preferred method of water supply in urban areas; and

WHEREAS, it is the policy of the Board of Supervisors that private water wells be allowed in urban areas only when no water is available from public water systems; and

WHEREAS, on April 3, 1987, the Board of Supervisors approved a Coastal Development Permit to allow the construction of a pipeline to transport municipal water supplies from Crystal Springs Lake to the urban Mid-Coastside area; and

WHEREAS, the Crystal Springs pipeline will assure adequate supplies of municipal water consistent with the approved levels of development allowed in the Local Coastal Program for San Mateo County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of San Mateo County hereby reaffirms its existing policy of allowing the use of water wells in urban areas only when no other water is available from existing public water systems and directs the Planning Director and Environmental Health Director to implement this policy in the Coastal Zone by conditioning all appropriate permits in the urban Mid-Coastside area to require connection to a public water system when such water supplies are available.

Regularly passed and adopted this 12th day of September, 1989.

AYES and in favor of said resolution:

Supervisors: MARY GRIFFIN

TOM HUENING

ANNA G. ESHOO

TOM NOLAN

WILLIAM J. SCHUMACHER

NOES and against said resolution:

Supervisors: NONE

Absent Supervisors: NONE

MARY GRIFFIN

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.


ELAINE S. WALTON, Assistant
Clerk of the Board of Supervisors

December 4, 2009

RE: Agenda Item TH18.a
Bonnie Neely, Chair & Members
California Coastal Commission
c/o North Central Coast District Office

RECEIVED

DEC 07 2009

CALIFORNIA
COASTAL COMMISSION

Charles Lester, Senior Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Via Fax: (415) 904-5400

Subject: San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)

Dear Chair Neely and Members of the Commission:

As a resident of the Midcoast, I am writing in response to the County Staff report on the few remaining points in need of resolution between the County and the Coastal Commission in the Local Coastal Program Update process. I appreciate the Board of Supervisors keeping the public involved over the past ten years.

a. Growth Rate

Building and Planning Department's acknowledges that "...over the past five years (2004-2008), an average of 38 units have been approved annually." In light of this fact, and the strain on resources already pushing road and highway infrastructure beyond their limits, I do not find a compelling basis for raising the growth rate beyond the CCC's proposed 40 unit limits.

I do not support the Building and Planning Department's request for "deletion of the requirement that second units document an affordable sale or rental price in order to be exempt from the growth limit." The argument that "...second units can be assumed to be affordable due to limits on their size, and because documenting and monitoring the affordability of second units places unnecessary administrative demands and challenges on limited staff resources" falls flat because the County has not yet accounted for the number of existing second units, permitted and unpermitted. While these future units may be affordable, they still create infrastructure demands that must be met.

b. Private Wells

I support the Coastal Commission staff recommendation for a temporary moratorium on private wells in the urban area extending from Miramar through Montara. Half Moon Bay does not allow new private wells to be drilled for residential development. The Midcoast Ground Water Study, Phase II shows that all of our aquifers are at risk from saltwater intrusion and overdraft from the 946 wells that have been drilled since 1989. There are over 1,000 if we count those that existed previous to 1989. Families dependent on wells have no guarantee from the County that their water supply is reliable. I recommend that the County work with Coastside County Water District and Montara Water and Sanitary District to create a sustainable supply to meet all the planning needs at buildout.

How many new houses can be developed on wells existing on undeveloped lots? What effect will these wells have on coastal resources and the aquifers once they start drawing water from the aquifers?

c. Public Works Capacities

I disagree with the County Staff's assertion that "the need to ensure that public works projects do not generate growth that will result in significant adverse impacts or that conflicts with the County's land use plans can be effectively addressed through the environmental review and permitting process." Case in point would be the lack of limitations put on the Coastal Development Permit for the El Granada Water Transmission Pipeline for Coastside County Water District. It took the Coastal Commission many years of hard work to create CDP conditions that allowed CCWD to have its gravity fed pipeline and not induce growth from it. I recommend that each special district not expand beyond its current service area and that the LCP Update tables be modified to detail the number of connections and capacity allowed for each category of service allowed for buildout. Each CDP for public works expansion should follow the model created by Coastal Commission staff in the El Granada Water Transmission Pipeline CDP.

d. Prioritizing Service Capacities for Affordable Housing

I disagree with County staff's assertion that "CCC staff changes which delete this additional set aside, and that revise the table to give existing priorities for affordable housing lower standing than Coastal Act priorities, are neither necessary nor appropriate." The CCC changes are both necessary and appropriate, especially in light increasing traffic congestion, lack of adequate park facilities, trails, water supply, and storm drainage systems.

Under the County staff's own admission, it will assume that second units fall under the affordable housing designation and yet it has no knowledge of how many second units exist. Further, the County added 227 affordable housing units to the coastside inventory and has yet to include them in it. Perhaps one or more of the other three affordable PUD's can be reexamined with attention paid to ESHA resources and reduced in size. In short, the CCC's proposed changes here are well placed and should not be revisited.

e. Lot Retirement

I oppose County Staff's assertion that "CCC staff revise the lot retirement requirement so that it will only apply to land divisions that create five or more new parcels" Here again, County Staff is engineering an unnecessary and unwise way to increase development and the resulting traffic problems when both the LCP and its own policies specifically discourage subdivisions. The Update accounted for quite a few substandard lots that would not have been allowed to be developed when the LCP was initially adopted. Not allowing further subdivision of lots deemed to not have been subdivided according to Abernathy and Witt will reduce the need to expand urban infrastructure services the lot retirement policy would be best served by rejecting the County Staff's developer-friendly proposed loophole.

f. Rezoning of Bypass Lands

I recognize County Staff's assertion that "... determining the rights-of-way that need to be reserved to provide access to private property, delineating areas needed by CalTrans for staging and maintenance purposes, and differentiating between areas that provide good opportunities for recreation and open space preservation and those that make sense for infill development" as those that are in "our mutual best interests" is disingenuous at best.

Preserving development rights at the expense of open space may be in the interests of some, but is not in the best interest of residents of the Midcoast who enjoy the open space afforded by this naturally scenic landscape, nor in the interest of the County, which should be seeking to create parks and play areas for the growing population to serve at buildout. CalTrans' staging and maintenance needs do not rise to a superior claim on those lands trumping the broad policy favoring the preservation of open space that serves as the foundation of the LCP to create a state resource for residents and visitors alike.

3. New Issue Regarding "Grandfather Provision"

I find fault with the County's current grandfather provision as it relates to the County's own efforts to "streamline" a proposed major new development, the Big Wave Project, to fall under this grandfather provision. The County should not be allowed to usher in a project with projected future development timeline of up to 15 years (assuming no further legal challenges or delays which would add to this timeframe) under a grandfather clause in existence today. This would be inherently unfair as it would place developments completed many years ahead of Big Wave, for example, under more stringent requirements than a major development that will not be completed for many years to follow. The grandfather provision should be found inapplicable and patently unfair and I request that the County heed the Coastal Commission recommendations.

At several points county staff has noted the financial limitations that limit the ability to monitor conditions regarding affordable housing and other county interests. Many of the Midcoast's unmet infrastructure needs are those that the County is responsible for. As San Mateo County is not structured to meet the urban demands of this community, it seems unwise for it to be allowing development that creates even greater infrastructure needs and environmental deficits. I hope that keeping the growth at its present rate will allow San Mateo County the opportunity to find solutions for the traffic congestion, lack of parks and trails, and underdeveloped storm water systems.

I recommend that the decisions on these issues be made with the interests of residents and visitors as the priority.

Sincerely Yours,

Signature on File

Bill Serra
PO Box 370362
Montara, CA 94037

Fran Pollard
PO Box 832
El Granada, CA 94018
LPFP@comcast.net

Leni Schultz
PO Box 85
El Granada, CA 94018
Leni@sanmateo.org

RECEIVED

DEC 07 2009

CALIFORNIA
COASTAL COMMISSION

Dec. 5, 2009

Bonnie Neely, Chair, and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

**Re: San Mateo County LCP Amendment No. SMC-MAJ-1-07
(Midcoast LCP Update) In support of CCC Staff's recommendations**

Dear Chair Neely and Members of the Commission,

Rather than trying to restate the many points made by a majority of Coastsiders and other supporters of the California Coastal Act, we wish to support the excellent points made in the letters by several organizations and individuals already submitted, especially:

The Nov. 30, 09 letter by Jonathan Wittwer on behalf of the Granada Sanitary District
The Nov. 28, 09 letter of The Committee for Green Foothills
The Dec. 04, 09 letter by David Vespremi, et al.

The David Vespremi letter covers all the points we are most concerned with, including the additional point of the "grandfathering provision" especially as it concerns the "Big Wave Project" which is enormous, monstrous and totally out of character with the low density and semi rural character of the San Mateo County Midcoast.

There are two other recommendations we wish to make:
The first is:

The Burnham Strip, which we have been very actively working on for several years as part of the Burnham Strip Committee of the Midcoast Park Lands Board of Directors.

We are grateful that San Mateo County finally removed private homes from our public Community Open Space Land, and have spoken in support of the Burnham Strip to be designated a park for the whole Coastal Community to enjoy. We've attached a vision of what it could be and presented this to the County at their July hearing. We have since seen where others agree with the park plan, including trails, but we are against parking and restrooms on the strip. These items should be placed on the west side of Highway One and are being proposed there. It is completely illogical and dangerous to place parking on the east side of the highway. We are also against permanent structures.

The second is:

The LAFCo letter which recommends consolidation of existing districts and creating another district for parks and recreation, insinuating this would be more efficient and less expensive. Nothing could be further from the truth. We are against this. LAFCo made this assertion without any factual evidence. They have been the cause of the holdup of resolving the park & rec. issues we have been trying to solve for years. The Communities have consistently expressed the desire to remain separate with local control within their own Communities. The logical and simplest and most cost efficient resolution is to allow the existing Granada Sanitary District and Montara Water and Sanitary District to add park and rec. services to the existing districts which already have staff and organization and buildings in place. This would prevent the cost of total reorganization and avoid the overhead of adding a new single function district to the Coast. This would also be consistent with LAFCo policies of not creating new single function districts, but allowing existing districts to add the very services their Communities need and desire.

Thank you in advance,

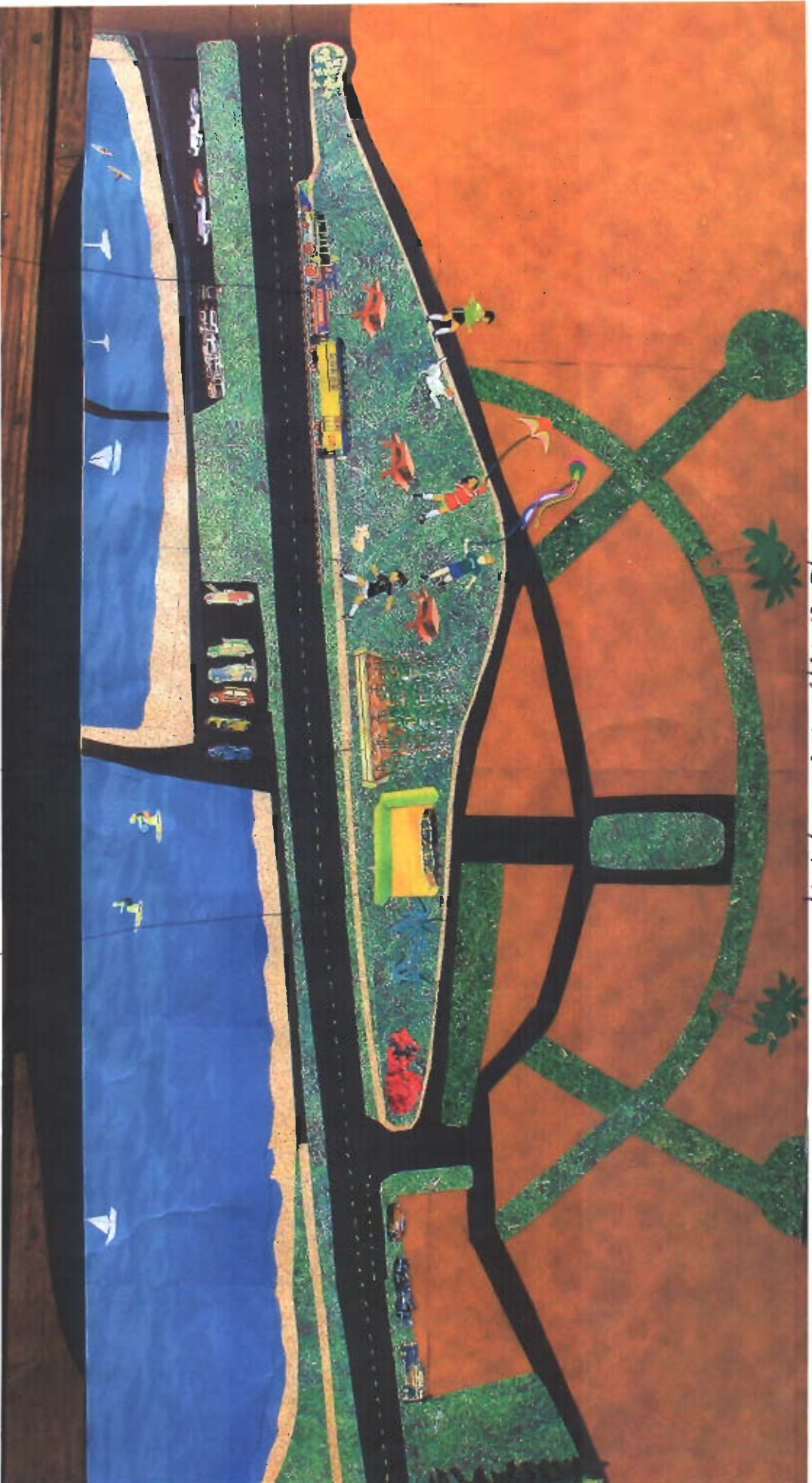
Signature on File

Fran Pollard, Midcoast Park Lands Director, Burnham Strip Committee member,
Former Granada Sanitary District Director, Former Midcoast Chair
of "Save the Coast"/ Prop 20, 1972 which created the CCC, and
Former Community member with S.M.Co. Planners that created
the Montara, Moss Beach, El Granada Community Plan which
became the Local Coastal Plan (LCP).

Signature on File

Leni Schultz, Midcoast Park Lands Director, Burnham Strip Committee Co-Chair
Former Granada Sanitary District Director

A Vision of: "Fun in the Park" on the Burnham Strip



Return of the
 Train
 or
 Trolley

Running
 Track

Community
 Garden

Town Square
 +
 stage

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.: Item T18a San Mateo County LCP
Amendment No. SMC-MAJ-1-07
(Midcoast Update)

Date and time of receipt of communication: 12/2/09, 1:00 pm

Location of communication: Board of Supervisor's Office, Santa
Cruz, California

Type of communication: In person meeting and teleconference

Person(s) initiating communication: Grant Weseman
Lennie Roberts
Sarah Corbin
Margie Kay

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

I received a copy of a letter that had been given to staff. They outlined the seven outstanding issues between Commission Staff and the County. They are supportive of the Staff's recommendations, though negotiations are continuing and they are not sure of the outcomes. I was also told that there is a project called the Big Wave that presents some coastal resource issues and the project proponents do not want to be considered a part of this update.

Date: 12/2/09 Signature of Commissioner: Mark Stone

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication:
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

December 2, 2009, 10:00 a.m.

Location of communication:
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Commissioner Neely's Eureka Office

Person(s) initiating communication:

Maggy Herbelin, Local ORCA Representative

Person(s) receiving communication:

Commissioner Bonnie Neely


Name or description of project:

Agenda Item Th18a - San Mateo County LCP
Amendment

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

This item was originally scheduled for the March, 2009 meeting but was postponed at the request of San Mateo County. Ms Herbelin states that ORCA supports the staff recommendation to approve with modifications. Though San Mateo County and Commission staff have reached agreement on several contentious issues, several key suggested modifications remain at issue.

Date: December 2, 2009


Commissioner Bonnie Neely

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceedings and provide the Executive Director with a copy of any written material that was part of the communication.

Coastal Commission Fax: 415 904-5400

Name of project: San Mateo County LCP Amendment No. SMC-MAJ-1-07
Date and time of receipt of communication: Dec 4th 9am
Location/Type of communication: Conference Call
Persons in attendance: Lennie Roberts, Mike Ferreira - ORCA
Person receiving communication: Steve Blank

Detailed description of the communication:

Lennie noted that there are seven areas of disagreement between the County's position and the Coastal Staff's recommendation. ORCA supports the Coastal Staff's suggested modifications as more fully meeting the requirements of the Coastal Act. As Staff has thus far successfully negotiated several items with the County (that were thought not too long ago to have been show-stoppers) they were hopeful that continuing negotiations will result in a unified position.

They also sent me a Committee for Green Foothills letter which summarizes the specific issues covered during our call. (attached) They said the letter was sent to the Commission staff on Monday.

Date: Friday, Dec 5, 2009

Signature of Commissioner:

A handwritten signature in black ink, appearing to read "Steve Blank", written in a cursive style.

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Agenda Item Th.18.a. San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast Update)

Time/Date of communication: Friday, December 4th, 2009, 9:30 am

Location of communication: La Jolla

Person(s) initiating communication: Dave Grubb, ~~Gabriel Solmer~~ ^{OK}

Person(s) receiving communication: Patrick Kruer

Type of communication: Meeting

This item was originally scheduled for the March, 2009 meeting, but was postponed at the request of San Mateo County.

The County and Commission staff have reached agreement on several contentious issues, but several key suggested modifications remain at issue.

Key points:

- Inadequate infrastructure
- Rate of growth is too high
- Private wells should not be allowed on small lots
- Illegal lots are being legalized, there should be retirement of lots

Support the staff recommendation to approve with modifications.

Date: December 4, 2009



Patrick Kruer

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Agenda Item Th.18.a. San Mateo County LCP Amendment No. SMC-MAJ-1-07 (Midcoast Update)

Time/Date of communication: Monday, December 7th, 2009, 9:00 am

Location of communication: Oceanside

Person(s) initiating communication: Dave Grubb

Person(s) receiving communication: Esther Sanchez

Type of communication: Meeting

This item was originally scheduled for the March, 2009 meeting, but was postponed at the request of San Mateo County.

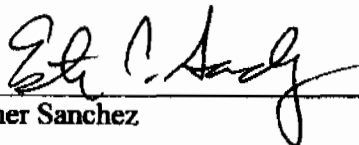
The County and Commission staff have reached agreement on several contentious issues, but several key suggested modifications remain at issue.

Key points:

- Inadequate infrastructure
- Rate of growth is too high
- Private wells should not be allowed on small lots
- Illegal lots are being legalized, there should be retirement of lots

Support the staff recommendation to approve with modifications.

Date: December 7, 2009



Esther Sanchez



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building Department



DATE: November 16, 2009
BOARD MEETING DATE: December 1, 2009
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors and Interested Parties
FROM: Lisa Grote, Director of Community Development
SUBJECT: EXECUTIVE SUMMARY: Final Recommendations on the Midcoast Update Local Coastal Program Amendments

RECOMMENDATION

1. Receive staff's presentation and public comments regarding the Coastal Commission staff's revised recommendations on the Midcoast Update Local Coastal Program amendments.
2. Provide guidance to staff about presenting the County's position on the revised recommendations to the California Coastal Commission at the public hearing scheduled for December 10, 2009 in San Francisco.

BACKGROUND

The upcoming California Coastal Commission (CCC) hearing on the Midcoast Local Coastal Program (LCP) Update is one of the final and most important steps in obtaining CCC certification of the amendments. It is the culmination of a ten-year effort to improve the policies and standards for development in the urban areas of El Granada, Princeton, Moss Beach, and Montara. If approved by the CCC, the County will, in most likelihood, need to accept changes determined by the CCC to be necessary to achieve Coastal Act consistency in order for the amendments to take effect. An initial version of the recommended modifications was released by CCC staff in February 2009, and followed by two Board of Supervisors hearings to consider the significant issues raised by these changes.

Of the nineteen issues of concern identified by the County, thirteen have been resolved and six remain unresolved. In addition, a new issue has been raised by CCC staff, which brings the count of unresolved issues to seven. These include:

- A reduction in the County's proposed 75 residential units per year growth limit to 40 units per year. It remains unclear how this growth rate relates to new policies recommended by CCC staff that prohibit any new development, except single-family residences and visitor-serving uses, until traffic conditions improve.
- The prohibition of private wells in the urban area until a groundwater management plan is incorporated into the LCP. County staff has proposed an alternative, to be considered by the Board on December 1, 2009, that amends the County well ordinance to establish a temporary restriction on new wells within certain groundwater basin areas that may be at risk.
- Restrictions on the size of public works that limit their capacity based on the existing or reasonably foreseeable capacity of other infrastructure. This policy has the potential to impede needed water and roadway projects, and is unnecessary in light of the existing environmental review and permitting requirements for public works.
- The deletion of a requirement to reserve additional water supplies for affordable housing, and the revision of existing priorities for affordable housing that gives affordable housing lower standing than Coastal Act priorities.
- The requirement that new land divisions retire an equivalent amount of development potential through lot retirement, particularly its application to subdivisions processed for the purpose of legalizing existing landholdings.
- Rezoning the Devil's Slide bypass lands prior to the resolution of issues regarding underlying rights-of-way, areas needed for staging and maintenance purposes, and differentiating between portions of the bypass lands that provide good opportunities for recreation and open space preservation and those that may be better suited for infill development.
- CCC staff has recently identified concerns about the "grandfather provisions" of the amendment. It is unclear whether this concern will result in a recommendation from CCC staff that would require the County to adjust its long-standing policy toward projects already in the pipeline, which would raise issues of fairness and represents a departure from standard County procedures.

Staff of the Planning and Building Department will coordinate with the District 3 Supervisor's Office to present the County's position on these unresolved issues to the CCC at the December 10, 2009 hearing in San Francisco. This presentation will identify the concerns and requested changes described in Section 2 of the staff report, as they may be refined and supplemented based on the feedback provided by the Board at its December 1, 2009 meeting. The County's participation in the CCC hearing on the Midcoast Update will help avoid changes by the CCC that run counter to the County's 2025 Shared Vision for a livable community, such as changes recommended by CCC staff that limit growth near transit and create impediments for projects that will result in more livable and connected communities.

FISCAL IMPACT

The County has committed significant staff and financial resources towards developing the Midcoast Update and completing the Coastal Commission certification process. A timely and successful resolution of the issues identified by this report, as necessary to obtain certification of the amendments, is needed to realize the objectives of this investment and avoid further strains on limited County staffing and financial resources.



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building Department



DATE: November 16, 2009
BOARD MEETING DATE: December 1, 2009
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors and Interested Parties
FROM: Lisa Grote, Director of Community Development
SUBJECT: Final Recommendations on the Midcoast Update Local Coastal Program Amendments

RECOMMENDATION

1. Receive staff's presentation and public comments regarding the Coastal Commission staff's revised recommendations on the Midcoast Update Local Coastal Program amendments.
2. Provide guidance to staff about presenting the County's position on the revised recommendations to the California Coastal Commission at the public hearing scheduled for December 10, 2009 in San Francisco.

BACKGROUND

The upcoming California Coastal Commission (CCC) hearing on the Midcoast Local Coastal Program (LCP) Update is one of the final and most important steps in obtaining CCC certification of the amendments. It is the culmination of a ten-year effort to improve the policies and standards for development in the urban areas of El Granada, Princeton, Moss Beach, and Montara. If approved by the CCC, the County would, in most likelihood, need to accept changes determined by the CCC to be necessary to achieve Coastal Act consistency in order for the amendments to take effect.

For the past three years, the County has been working with CCC staff and other interested parties to resolve as many outstanding issues as possible. In February of this year, CCC staff released an initial recommendation that prompted a request by the County to postpone a March 2009 CCC hearing on the Update, and was followed by Board of

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Supervisors hearings on June 16 and July 7 to consider the significant revisions contained in the CCC staff's recommendation. At the conclusion of the July 7 hearing, the Board of Supervisors authorized the Community Development Director to send a letter to the California Coastal Commission staff that identified the County's concerns about CCC staff's recommendation and requested a number of revisions (Attachment 1).

In accordance with the direction received from the Board, Planning and Building staff has continued to meet with the CCC staff and many issues have been resolved as a result of this collaborative effort. Although CCC staff's final recommendation is not available at the time of this report, Planning and Building staff has been informed about much of what it will contain, and where the major points of disagreement remain. The CCC staff report will be published prior to the December 1, 2009 Board of Supervisors meeting, and an update on the status of unresolved issues will be provided at that time.

DISCUSSION

The following sections of this report identify the issues of concern that have been resolved by anticipated revisions to the CCC staff's recommendation, and describe the issues that remain unresolved, including a new issue raised by CCC staff regarding the "grandfather" provisions of the amendment. The table included as Attachment 2 provides a summary of these issues.

Staff of the Planning and Building Department will coordinate with the District 3 Supervisor's Office to present the County's position on the unresolved issues to the CCC at the December 10, 2009 hearing in San Francisco. This presentation will identify the concerns and requested changes described in Section 2 of this report, as they may be refined and supplemented based on the feedback provided by the Board at its December 1, 2009 meeting. The County's participation in the CCC hearing on the Midcoast Update will help avoid changes by the CCC that run counter to the County's 2025 Shared Vision for a livable community, such as changes recommended by CCC staff that limit growth near transit and create impediments for projects that will result in more livable and connected communities.

1. Resolved Issues

Of the nineteen major issues identified by the County in response to the CCC staff's initial recommendation, thirteen have been resolved to the point that CCC and County staff are in general agreement. This is a result of the revisions to the CCC staff's prior recommendation, as well as County staff's recommended acceptance of certain changes that were previously identified as issues of concern, as detailed below.

a. Stormwater Treatment and Control

As originally drafted, the CCC staff's suggested modifications replaced the County's proposed use of Countywide stormwater standards with seven new policies that would apply in the Coastal Zone only. This raised concerns about maintaining a consistent approach for protecting all watersheds in the County,

and introduced policy language that was ambiguous, redundant, and out of place. As requested by the County, the CCC will be revising its recommendation to maintain the single policy and appendix approach proposed by the County, and will insert some additional language to ensure that it will effectively address Coastal Act requirements. Planning and Building staff has identified the need for some minor clarifications to the revised language, and anticipates that these changes will be included in the CCC staff's final recommendation.

b. Conflict Resolution

CCC staff has declined to accept the County's request to delete the modification that removes a new policy allowing the County to resolve LCP policy conflicts in a manner that is most protective of significant resources. This is based on their interpretation that the Coastal Act limits the use of such a conflict resolution policy to Coastal Commission decisions. Although Planning and Building staff does not agree with this interpretation, we recommend that the Board of Supervisors accept the modification in the interest of moving the amendment forward, and because deleting this policy will not interfere with LCP implementation. Deletion of this policy maintains the status quo, under which the County retains the ability to balance policy conflicts in specific instances, including those related to the application of visual resource policies.

c. Roadway Capacity

In an effort to carry out Coastal Act policies that require limited public service capacities to be reserved for priority land uses, the Commission staff previously proposed new policy language that would require the reservation of roadway capacities. CCC staff has agreed to delete this policy in response to County concerns about the method and feasibility of implementing such a policy.

d. Formation and Expansion of Special Districts

CCC staff has agreed to either revise or delete the suggested modification that would allow the formation and expansion of special districts only if public service capacity issues such as water, sewer, and transportation are resolved. If retained, the suggested modification will be revised to match the Coastal Act policy language regarding special districts and avoid redundancy with existing LCP Policy 2.15.

e. Use of Recycled Water

In the interest of increasing opportunities to conserve water resources, CCC staff has agreed to revise its recommendation in a manner that allows any type of development, rather than just existing and Coastal Act priority uses, to be provided with recycled water for irrigation purposes, in the event such water becomes available in the future. CCC staff's concern about the possibility that the use of recycle water may be growth inducing will be addressed through the

standards for the development of a water recycling project, including the method for allocating recycled water.

f. Replacement of Private Wells with Municipal Services

As requested by the County, CCC staff will revise its recommendation to allow new water supply projects that serve properties currently on private wells irrespective of traffic volumes. (CCC staff's previous recommendation prohibited any new water supply project until levels of service along Highways 1 and 92 improve to Level D or better during peak commuter times, and to Level E or better during peak recreation times.) CCC staff has agreed to this change based on an understanding that a water supply project to replace wells with municipal water supplies will facilitate better monitoring and management of groundwater resources, and that the potential growth inducing impacts can be addressed during the review and approval of the water supply project.

g. Desalination

CCC staff has proposed new standards for desalination plants, including the requirement that they must provide a public source of water. The County has expressed concern that the proposed policy language is not clear about the type of facility that constitutes a "desalination plant" and therefore must conform to the new standards. For example, it is unclear whether private reverse osmosis systems would need to comply with the proposed requirements. The CCC staff has agreed to revise this modification to identify the type and size of desalination facilities that would trigger the new requirements so that they do not unnecessarily burden appropriate individual systems.

h. Traffic Monitoring and Reporting

CCC staff has agreed to delete a suggested modification that would have required the County to submit annual traffic monitoring reports. This change recognizes the fact that the County does not currently conduct traffic monitoring, and that information regarding traffic volumes and levels of service along Highways One and Ninety Two are available through the California Department of Transportation.

i. Public Access Along Highway 1

The CCC staff's recommendation prepared for the March 2009 CCC hearing included two policy changes regarding public access improvements along Highway 1 that raised two concerns for the County and CalTrans. The first was a new policy requiring the County to open and operate a public access trail 365 days a year along the section of Highway 1 that will be abandoned once the Devil's Slide tunnel is completed, if there is no other plan for accepting and managing this section of the California Trail. Although the policy was based on conditions of the Coastal Development Permit for the tunnel, it did not address

the potential need for temporary closures due to habitat or safety concerns. The CCC staff will revise their recommendation to address this concern by referencing the fact that access along this trail is to be managed in accordance with the operations plan developed by the County and CalTrans in coordination with the Devil's Slide Access Task Force.

The second concern had to do with revisions to LCP policies proposed by CCC staff that would require CalTrans to provide a recreation trail parallel to Highway 1, as well as Highway 1 pedestrian crossings, as part of any new or improved roadway project. CalTrans objected to this policy language because it was unclear how it would be applied to repair, maintenance, and minor improvement projects. CCC staff will address this concern by revising their proposed policy language in a manner that clarifies these requirements do not apply to repair and maintenance projects, and that the size and scope of the trail and crossing improvements shall be commensurate with that of the proposed roadway project.

j. Transportation Management Plan

The Planning and Building Department agrees with the CCC staff's recommendation to develop a comprehensive transportation management plan that addresses the impacts on transportation from buildout of the LCP. The Department has been concerned, however, about policy language proposed by CCC staff that requires the plan to be based on a study commissioned by the County that identifies the cumulative traffic impacts at buildout. These concerns are twofold. First, the Department would like to ensure that the focus of the plan be solution oriented, and that the required study will not detract from the limited resources available to identify and implement solutions. Second, to the degree that an updated evaluation of the traffic impacts at buildout is needed to develop appropriate solutions, that the County retain the ability to complete the analysis itself rather than having to commission a private entity to complete such a study. CCC staff has indicated its intention to revise the language of this suggested modification accordingly.

k. Coastal Trail Planning

The policy modifications originally suggested by CCC staff included a new policy that would require the County to pursue a grant or other funding to conduct a coastal trail alignment study within two years from the date on which the amendment is certified. This mandate raised concerns about the County's ability to independently allocate its limited resources in accordance with local needs and priorities. The CCC has agreed to revise this recommendation so that the County will not need to independently address the costs of planning and building the California Coastal Trail. The revised recommendation will retain the CCC staff's suggested standards for coastal trail design and implementation, with which the County is in general agreement.

l. Park Overlay for Burnham Strip

The CCC staff is continuing to recommend that the County revise its planning maps to include a "park overlay" for the Burnham Strip. Such an overlay has no direct relevance to the review of proposed development within this area because its only purpose is to identify areas where the acquisition of land for the development of park facilities should be considered. Nevertheless, the CCC staff is correct that the Montara, Moss Beach, and El Granada Community Plan established this overlay. Planning and Building staff therefore recommends that the County accept this modification.

m. Permitted Uses on the Burnham Strip

CCC staff has agreed to revise its previously proposed modification that deleted roadside stands as permitted uses on the Burnham Strip and that allow outdoor art centers on a temporary basis only. Instead, the CCC will recommend that *temporary* roadside stands be permitted, and will delete the modification that allowed outdoor art centers on a temporary basis only.

2. Unresolved Issues

a. Growth Rate

CCC staff continues to recommend a reduction in the County's proposed 75 residential units per year maximum growth rate to 40 units per year. This limit would apply to all forms of residential development except affordable housing units. CCC staff has agreed to the County's request to exempt secondary dwelling units, but only if they have a contract rent or price affordable by low and moderate income households.

Another concern about this recommendation is that the relationship between the growth rate and CCC staff's proposed new policies regarding adequate public services remains unclear. According to this new policy, no new development except single-family residences and visitor-serving uses may be permitted until levels of service along roads and highways exceed LOS D during peak commuter hours and LOS E during peak recreation periods. This would establish a moratorium on multi-family residential development (including affordable housing), office and neighborhood commercial uses, manufacturing or industrial uses, and coastal dependent uses until the flow of traffic improves on Highways 1 and 92.

In considering how to respond to this recommendation, it is useful to keep in mind that over the past five years (2004-2008), an average of 38 units have been approved annually. During this period, the maximum number of new units developed in one year was 50 in 2004, and the lowest number was 24 in 2008. The CCC staff's proposed reduction in the growth rate should not, therefore, have a significant impact on the current rate of development.

It could, however, become a significant restriction on new development if economic conditions improve. While the County will always have the right to request an amendment to the growth rate, it is clear that such an effort would take significant resources. For example, pursuant to new policies recommended by CCC staff, the County will need to complete a comprehensive traffic management plan and document the adequacy of wastewater collection infrastructure in conjunction with such an amendment. It is therefore appropriate to assume that the growth rate determined by this amendment will remain in effect for many years to come.

Based on the current rate of development, and in acknowledgement of the significant infrastructure improvements needed to accommodate growth, the numerical limit may not be as important as the method in which it is applied. In this regard, Planning and Building staff has requested CCC staff to delete or clarify the new public service capacity as it relates to the growth rate. Planning and Building staff has also requested deletion of the requirement that second units document an affordable sale or rental price in order to be exempt from the growth limit. This is because second units can be assumed to be affordable due to limits on their size, and because documenting and monitoring the affordability of second units places unnecessary administrative demands and challenges on limited staff resources.

b. Private Wells

CCC staff continues to recommend the prohibition of private wells in the urban area until a groundwater management plan is developed and incorporated into the LCP via future amendment, but has preliminarily agreed to remove the prohibition on septic systems that are built in accordance with County and Basin Plan standards. CCC staff has expanded their recommended policy regarding wells to require existing development served by wells to connect to a public water system, and abandon their well, once public water connections are available.

This recommendation remains problematic for a number of reasons, one of which is its application to the entire urban area. Staff from the County Department of Environmental Health has carefully reviewed the scientific data and analyses available to date, including the recent Kleinfelder report on Phase 2 of the Midcoast Groundwater Study, and concluded that it does not provide a basis for a temporary area-wide prohibition.

Another problem is the format in which the restriction on wells is imposed. The Government Code establishes procedures and requirements for enacting temporary moratoria, including findings, follow-up actions, and timelines. The LCP policy recommended by CCC staff does not address these requirements, and the process for amending this policy is not flexible or efficient enough to enable the County to effectively implement these requirements.

A third problem relates to the County's ability to enforce the requirement to abandon a well and connect to a public water system. Some property owners

may have a vested right to use well water. Others may not be able to afford the cost of the connection. Given the fact that the County adopted a resolution in 1989 that requires new well owners to connect to a public system when it becomes available, the policy recommended by CCC staff should be limited to wells constructed after the date on which this resolution was adopted. It should also be accompanied by language that identifies a trigger for enforcing this requirement (e.g., remodels of 50% or greater value than the existing structure).

Despite these problems, County staff is in general agreement that there should be a temporary restriction of new private wells in basins that have been documented to be at risk. Such a restriction should be implemented in accordance with the Government Code requirements referenced above and be accompanied by a plan for addressing the constraints that create the basis for the temporary moratorium. Phase 3 of the Midcoast Groundwater Study currently underway will provide valuable information in this regard.

In light of these circumstances, the Office of the County Counsel has drafted an ordinance amending the County's well regulations in a manner that will temporarily prohibit new wells within specified areas of Midcoast groundwater basins. In addition to addressing the requirements of the Government Code, this approach is superior to the CCC staff's proposed policy because it would apply in areas where development is excluded from coastal development permit requirements, which constitutes a significant portion of the urban area. Adoption of the ordinance, to be considered by the Board of Supervisors at its December 1, 2009 meeting, will render the CCC staff's proposed policy unnecessary and provide a sound basis for its deletion.

c. Public Works Capacities

The policy changes recommended by CCC staff continue to restrict the capacity of public works projects to that which can be supported by the existing or reasonably foreseeable capacity of other infrastructure. A new water supply project, for example, could not be designed to accommodate any growth until a level of service of D or better during peak commute hours, and a level of service of E or better during peak recreation periods, is reasonably foreseeable on Highways 1 or 92. Similarly, no roadway project that adds capacity for growth would be allowed until it is reasonably foreseeable that there are public water supplies available to accommodate such growth.

Planning and Building staff remains concerned about the challenges such a policy poses to the design, financing, permitting, and construction of major public works projects. We are particularly concerned about the potential impediments it would create for needed roadway improvements, and about restricting water supply projects needed to meet local needs based on recreational traffic problems generated outside of the region that may not be possible to resolve. The need to ensure that public works projects do not generate growth that will result in significant adverse impacts or that conflicts with the County's land use plans can be effectively addressed through the environmental review and

permitting process. The policy recommended by CCC staff unnecessarily complicates this issue and should be deleted.

d. Prioritizing Service Capacities for Affordable Housing

CCC staff continues to be concerned about the LCP table established in the 1980s to determine how limited public service capacities would be reserved for priority land uses. This table assumed that there would be two distinct phases to buildout, and that service capacity would be reserved for priority land uses in conjunction with the public works projects needed to accommodate a second phase of buildout.

The reality of the current situation is that the only public water supplies available to serve new development in the urban Midcoast are in the Coastside County Water District service area. This supply must be allocated in accordance with the coastal development permit approved by the CCC for the Crystal Springs pipeline project, which accounts for land use priorities. The remainder of the urban area is in the Montara Water and Sanitary District service area, where there are no service connections available to serve new residences.

As a result, the only application of the LCP policy and table that reserve water service capacity for priority land uses will be to the review of new water supply projects. As currently certified, the table requires such projects to set aside water for Coastal Act priorities as well as for affordable housing at three designated sites. The amendments proposed by the County would increase the amount of water that must be set aside for affordable housing by an additional 40 units. Planning and Building staff maintains that CCC staff changes which delete this additional set aside, and that revise the table to give existing priorities for affordable housing lower standing than Coastal Act priorities, are neither necessary nor appropriate.

e. Lot Retirement

CCC staff has agreed to modify their recommended policy on land divisions to exempt affordable housing projects from the requirement to retire an equivalent number of developable lots. They have not, however, made any revisions to address the County's concern about how this would apply to subdivisions that may be required to legalize an existing lot of record in light of the precedence set by the recent court decisions that limit the Subdivision Map Act grandfather provisions to subdivisions created after 1929.

Planning and Building staff is concerned that the CCC staff's proposed policy will place an unfair burden on property owners who must legalize existing holdings of land, and create significant new processing demands that exceed staffing resources. Existing County procedures for lot legalization include provisions that require such holdings to be brought into compliance with existing standards to the greatest extent feasible. Adding on an additional requirement to purchase

land with an equivalent amount of development potential, and to record legal documents that set it aside as open space, is not warranted. It will also require the Planning and Building Department to process complicated legal documents on a more frequent basis.

Due to these concerns, the County requested that CCC staff revise the lot retirement requirement so that it will only apply to land divisions that create five or more new parcels. Planning and Building staff has requested the Commission staff to reconsider their rejection of this suggestion, or develop an alternative form of exempting subdivisions that legalize existing holdings of land from the lot retirement requirement.

f. Rezoning of Bypass Lands

It is the County's stated intent to maximize open space and recreation uses on land acquired and no longer needed by the State as a bypass to Devil's Slide. However, neither the County nor CalTrans believes it is appropriate to rezone this land in a manner that limits development to those uses until certain issues are resolved. These include determining the rights-of-way that need to be reserved to provide access to private property, delineating areas needed by CalTrans for staging and maintenance purposes, and differentiating between areas that provide good opportunities for recreation and open space preservation and those that make sense for infill development.

State procedures for the disposal of excess lands provide the appropriate process for balancing these interests, and will be followed by the zoning changes that carry out these decisions. Nevertheless, CCC staff continues to recommend that these lands be rezoned for open space and recreation uses now. Planning and Building staff is currently working with CalTrans to refine the process and timeframe for the disposal and reuse plan in order to provide CCC staff with further assurance that rezoning at this point in time is not necessary or in our mutual best interests.

3. New Issue Regarding "Grandfather Provision"

As is typical with new County regulations, the resolutions and ordinances that comprise the Midcoast Update would only apply to applications received after the County adopted the new standards. CCC staff has recently identified their concerns regarding this "grandfather provision," which includes the extent and nature of project applications that were filed prior to the County's approval of the amendments, and a conflict with the CCC's policy that all coastal development permit applications should be held to the standard of review in effect at the time that a decision on the application is rendered.

It is unclear whether this concern will result in a recommendation from CCC staff that requires the County to adjust its grandfather policy. Planning and Building staff is working with CCC staff in an effort to avoid such a recommended modification

because it raises issues of fairness and represents a departure from standard County procedures.

REVIEWING AGENCIES

County Counsel
Environmental Health
Parks Department
Public Works

FISCAL IMPACT

The County has committed significant staff and financial resources towards developing the Midcoast Update and completing the Coastal Commission certification process. A timely and successful resolution of the issues identified by this report, as necessary to obtain certification of the amendments, is needed to realize the objectives of this investment and avoid further strains on limited County staffing and financial resources.

ATTACHMENTS

1. July 17, 2009 letter from the San Mateo County Community Development Director to CCC Deputy Director Charles Lester
2. Summary Table

ATTN: BONNIE NEECY

415 904-5400

RECEIVED

December 4, 2009

DEC 08 2009

CALIFORNIA
COASTAL COMMISSION

I support the efforts of the CCC to preserve our environment, but in the case of the Midcoast LCP, I more strongly support the proposed amendments of the SMC Supervisors.

As a taxpaying, resident individual, I strongly support the San Mateo County position on all of those remaining unresolved issues except one (A temporary restriction on new wells within certain groundwater basin areas). This restriction should be refocused on expeditious development of additional water sources within the Water districts jurisdiction, and not prolonged "research".

I am concerned that any restriction or prohibition of private wells will harm private property rights, and that if the interim urgency ordinance is enacted and extended it will impact Agricultural operations. Furthermore, accommodating the Coastal Commission's desire to prohibit private wells will diminish the role of our Supervisors in our local government. Apparently the California Farm Bureau Federation has very similar concerns which they conveyed to the Coastal Commission at the Workshop in San Francisco on August 12, 2009.

Please implement the Supervisor's recommendations with the exception noted above.

Respectfully,

Signature on File

Charles M. Gardner
350 5th Street
Montara, CA 94037

SMC-MAJ-1-07 (Midcoast Update)
SMC-MAJ-1-04-A (Midcoast Design Standards)

3 pm December 8, 2009

VIA FAX *82 1 415 904 5400 > CALIFORNIA COASTAL COMMISSION
@ SAN FRANCISCO, CALIFORNIA 94105-2219

SUBJECT: December 9, 2009 California Coastal Commission Meeting:

TO: Chair and All Commissioners

TO: Peter Douglas, Executive Director
TO: Charles Lester, Senior Deputy Director
TO: Ruby Pap, North Central Coast Supervisor

ATTN: Charles Lester, Senior Deputy Director

FROM: Larry Kay, Oakdale, California

Director Lester,

Thank you for the success the CCC, North Central Coast District, seems to be having in handling extreme workload. On December 1, 2009 you sent to me the entire agenda packet for this meeting by USPS priority mail which was delivered to me on the afternoon of December 3, 2009. "Thank you" and your staff. There is very much work done there.

I hope the Commissioners and Staff will make no decision, nor take any motioned vote on December 10, 2009. Please... this is my request that Commission will (following hearing) ADJOURN (or continue) to a future date to allow a period for needed further input by parties and public.

The dates mentioned above (first paragraph) do not give me, and perhaps no one else, a framework of time to reply to commissioners with information timely submitted, concise, and complete regarding these two items. There is much to told to Commissioners; such as the confusion created by San Mateo in their CURRENT Planning Commission Hearings as described in this factual type report printed in the Half Moon Bay Review

.....

News: Midcoast LCP nears state consideration

County hosts hearing on LCP, ground well ban

By Greg Thomas [greg@hmbreview.com]

Published/Last Modified on Wednesday, Nov 25, 2009 - 10:42:57 am PST

"Coastsiders have one last chance to speak to the county on pending changes to the Midcoast Local Coastal Program before the California Coastal Commission considers a series of proposed updates. At the same occasion, the county Board of Supervisors will take comments on a separate proposal to institute a potential two-year ban on new private ground wells in certain parts of Montara and Moss Beach.

The board has been in dialogue with commission staff all year, looking for common ground on policies affecting Midcoast residents in 19 key subject areas. Both sides say the revisions under discussion constitute the most extensive LCP update in the past two decades and will reverberate for decades to come. The LCP establishes precedents for long-term growth and infrastructure development in the area. Included in the critical discussion are possibilities of:

- t Reducing the number of allowable new home developments from 75 units to 40 units annually;
- t Barring residents from drilling private wells;
- t Restricting the allowable capacity for public works projects;
- t Reducing the amount of water on reserve for affordable housing;
- t Rezoning Devil's Slide as open space.

The county Board of Supervisors will accept comments on the proposed amendments at a hearing Tuesday, days before the proposal goes before the Coastal Commission.

.....
Coastal Commissioners are scheduled to consider the LCP update at a Dec. 10 meeting in San Francisco. Separate amendments to augment Midcoast design standards by restricting home landscaping to drought-resistant species only, and to restrict telecommunications towers to out-of-sight locations on the east side of Highway 1 are also on the commission agenda.

The commission could hold off on taking action until May 2010. At that point the commission is required to take a stance on the issues and send their proposal back to the county for a final word. The county then has six months to respond, with an option to extend that six-month period by one year, during which the Board of Supervisors can open up the discussion to public comment."

END 30

Further, Director Lester, of course, many other points of law exist in this matter. Your page 28 of 170, "suggested Modification No. 6 - New adequacy of public services"; 1.18.1 "Ensure Adequate Public Services and Infrastructure for New Development...". This seems to demand compliance with: (We hope so:)

This case is one that may be cited or published.

"An environmental impact report must contain thorough analysis of the amount of water actually available for a housing development project."

'The county helped prepare an environmental impact report for a housing development project. The report failed to state the amount of water actually available for the project. It included estimates as given by experts. The EIR was certified. Plaintiff environmental group alleged that estimates rather than actual water availability made the EIR invalid under the California Environmental Quality Act. The trial court denied plaintiff's petition.

The APPELLATE COURT REVERSED. An EIR must state accurately the amount of water available for a development project. A report that merely estimates the amount of water available does not inform the public and its officials of an environmental decision before it is made. It should at least attempt to discuss the differences between entitlement and actual supply."

Santa Clara Organization for Planning the Environment v. County of Los Angeles (Newhall) (2nd Dist., Div. 6, February 27, 2003) 106 Cal.App.4th 714 [131 Cal.Rptr.2d 186].

.....
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"Planning Commission hears both sides of Big Wave" was the HMBReview headline to their follow up story to their story shown above. It ended with actually mentioning "Big Wave", something the California Coastal Commissioners have not yet had given to them as information:

"The public comment period to weigh in on the project and the draft EIR ends Dec. 24. People can submit comments to county Planner Camille Leung at (650) 363-1826."

.....
Thus, there seems to be good reason for the California Coastal Commission to not take final action, yet, on these two items. I hope you will present this to Commissioners in your report even though it is last minute.

Larry Kay
997 East "J" St. Apt #2
Oakdale, California 95361

(209) 848 2014

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