

**COUNTY OF SAN MATEO
INTERDEPARTMENTAL CORRESPONDENCE**

To: Honorable Board of Supervisors
From: County Counsel
Subject: Options re Adoption of Resolution of Submittal of Local Coastal Program
Amendments to California Coastal Commission
Date: November 14, 2006

This memorandum presents four alternative forms of the resolution submitting proposed changes to the County's Local Coastal Program, and explains the effect of each alternative form of resolution:

1. Resolution No. 1 (Single Package, No Modification). This resolution, if adopted, would submit all of the proposed changes as a single amendment, and would contain a specific request that the Commission refrain from suggesting modifications. If this resolution is adopted, the Commission could either (1) certify the entire amendment (consisting of all of the proposed changes) without modification, in which case all of the proposed changes would become effective, or (2) deny certification of the entire amendment, in which case none of the proposed changes would become effective. The Commission would be precluded from suggesting modifications. In effect, this option is an "all or nothing" option, and would not allow for suggested modifications.

2. Resolution No. 2 (Single Package, Modifications Possible). This resolution, if adopted, would also submit the proposed changes as a single amendment, but would contain no request concerning modifications. If this resolution is adopted, the Commission could (1) certify the entire amendment (consisting of all of the proposed changes) without modification, in which case all of the proposed changes would become effective, or (2) deny certification of the entire amendment, in which case none of the proposed changes would become effective, or (3) deny certification of the entire amendment, but suggest modifications. If the Board accepted all of the modifications suggested by the Commission, the entire package of proposed changes would become effective. If the Board did not accept all of the modifications suggested by the Commission, none of the proposed changes would become effective. In effect, this option would also be an "all or nothing" option, but would allow for suggested modifications.

3. Resolution No. 3 (Separate Amendments, No Modification). This resolution, if adopted, would submit the proposed changes as individual amendments, and would contain a specific request that the Commission refrain from suggesting modifications. If this resolution is adopted, the Commission could either, as to each individual proposed change, (1) certify the proposed change without modification, or (2) deny certification of the proposed change. The Commission would be precluded from suggesting modifications. Only those individual changes certified by the Commission would become effective.

4. Resolution No. 4 (Separate Amendments, Modification Possible). This resolution, if adopted, would also submit the proposed changes as individual amendments, but would contain no request concerning modifications. If this resolution is adopted, the Commission could, as to each individual proposed change, (1) certify the proposed change without modification, or (2) deny certification of the proposed change, or (3) deny certification of the proposed change, but suggest modifications. Only those individual amendments for which the Board elected to accept the suggested modifications would become effective.

If the Board so chooses, Resolution No. 1 and Resolution No. 2 also contain a provision providing that none of the proposed changes that do not require Coastal Commission certification (“Non-LCP items”) shall become effective unless and until the all of the proposed changes requiring certification by the Coastal Commission have in fact been certified. These resolutions can also be modified so that the Non-LCP items can become effective immediately or a combination of delayed and immediate effective dates, depending upon the Board’s direction.

THOMAS F. CASEY III, COUNTY COUNSEL

By: Michael P. Murphy, Assistant County Counsel

cc: John L. Maltbie, County Manager
Lisa Grote, Community Development Director
George Bergman, Long Range Planning Manager

RESOLUTION NO. _____

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

* * * * *

RESOLUTION (1) AMENDING THE SAN MATEO COUNTY GENERAL PLAN/LOCAL COASTAL PROGRAM (LCP), AND (2) ENACTING COUNTY POLICY RESULTING FROM THE MIDCOAST LCP UPDATE PROJECT

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

WHEREAS, in November, 1980, the San Mateo County Local Coastal Program (LCP) was certified by the California Coastal Commission; and

WHEREAS, since its certification, LCP has been amended various times, to improve Coastal Act conformance or respond to local circumstances; and

WHEREAS, between 1995 and 1999, the Midcoast Community Council expressed its concern over LCP provisions related to buildout calculation, acceptable growth limits, regulating substandard lot development, design review, and facilitating job creation; and

WHEREAS, between 1995 and 1999, members of the Board of Supervisors and Coastal Commission requested that LCP policy be changed to discourage substandard lot development and reduce permit appeals; and

WHEREAS, in August, 1999, the Board of Supervisors approved Resolution 62999 authorizing the Midcoast LCP Update Project to (1) improve LCP-Coastal Act consistency, (2) update LCP baseline data and policies, and (3) reduce development permit appeals; and

WHEREAS, in September, 2000, the Board of Supervisors approved the new zoning controls to regulate house size, shape and scale; and

WHEREAS, between July and November, 2000, four community scoping sessions were held to identify other issues and changes that the participants wanted to be addressed by the Midcoast LCP Update Project. This community-driven process culminated in the project scope of study. Key tasks included recalculating residential buildout, evaluating the annual growth rate limit, reconsidering the controls on non-conforming parcel development, and preparing new Design Review standards; and

WHEREAS, in 2001, Planning staff prepared an Alternatives Report which analyzed issues, evaluated alternatives, and identified a preferred approach for each project task. The report became the basis for subsequent community workshops; and

WHEREAS, between April, 2002 and May, 2003, Planning staff convened 21 community workshops in the Midcoast to generate and refine policy proposals and identify general community preference; and

WHEREAS, between 2002 and 2003, the Coastside Design Review Committee prepared updated residential Design Review standards; and

WHEREAS, between August, 2003 and October, 2004, the San Mateo County Planning Commission held 15 public hearings (five in El Granada) to consider the Midcoast LCP Update Project, including to formulate and refine policy proposals; and

WHEREAS, Planning staff provided the Planning Commission with studies, analyses and illustrations to assess the implication of the project proposals on Midcoast properties; and

WHEREAS, members of the public representing many perspectives provided the Planning Commission with substantial testimony and correspondence; and

WHEREAS, maximum opportunity for public participation in the hearing process was provided through: (1) publication of all Planning Commission meeting announcements in the San Mateo County Times and Half Moon Bay Review newspapers, and (2) direct mailing of meeting announcements and reports to approximately 200 Midcoast participants; and

WHEREAS, in January, 2004, the Planning Commission separately recommended approval of the updated Midcoast residential Design Review standards; and

WHEREAS, in April, 2004, the Board of Supervisors held two public hearings to consider and approve the updated Design Review standards; and

WHEREAS, in October, 2004, the Planning Commission, after considering the merits of all concerns and issues presented during the public hearing process, and approved its project recommendation to the Board of Supervisors; and

WHEREAS, in January, 2005, the Board of Supervisors convened a study session to facilitate improved Board and public understanding of the proposed amendments; and

WHEREAS, between January and March, 2005, the Board of Supervisors held three public hearings to consider the Midcoast LCP Update Project, including to formulate and refine policy proposals and taking tentative action; and

WHEREAS, between March and June, 2005, the Board of Supervisors conducted a visioning process to provide a framework for future policy changes. This involved (1) constituting a subcommittee to coordinate the process, (2) preparing a set of principles to guide consideration of project proposals, (3) two public hearings to approve the principles, and (4) to assess alignment of project proposals with the principles; and

WHEREAS, between November, 2005 and October, 2006, the Board of Supervisors held five public hearings (one in Half Moon Bay) to revise and refine policy changes, and approve in concept the project proposals; and

WHEREAS, maximum opportunity for public participation in the hearing process was provided through: (1) publication of all Board of Supervisors meeting announcements in the San Mateo County Times and Half Moon Bay Review newspapers, (2) publication of a project advertisement at the beginning of the hearing process in the Half Moon Bay Review, (3) direct mailing to affected property owners for several key policy proposals, and (4) direct mailing of meeting announcements and reports to more than 250 Midcoast participants; and

WHEREAS, all interested parties were afforded the opportunity to be heard at the Board of Supervisors hearings.

WHEREAS, the matters described below in paragraphs 1, 2, 4, 5, 8, 10, 12a, 14, 15, 16, 17, 21, 24, 25, 26 and 27 are amendments to the Local Coastal Program and require certification by the Coastal Commission as being in conformity with the provisions of the California Coastal Act before the amendments can become effective; and

WHEREAS, the Board considers the various amendments presented for certification as an integrated package which balances the legitimate interests of property owners with the Coastal Act's objective of protection of Coastal resources; and

WHEREAS, because the various amendments represent an integrated package of regulations, it is the intent of the Board that these amendments be certified in their entirety, without modification, or not be certified at all.

NOW, THEREFORE, BE IT RESOLVED, that the San Mateo County Board of

LCP RESOLUTION SUBMITTAL NO. 1

Supervisors:

1. Amend the San Mateo County LCP Locating and Planning New Development Component Table 1 to include the updated estimate of Midcoast residential buildout, as shown in Exhibit “A” of this resolution.
2. Amend the San Mateo County LCP Locating and Planning New Development Component to add Map 1.3, Midcoast LCP Update Project Area, as shown in Exhibit “B” of this resolution.
3. Recognize that there are an unknown number of unpermitted second units and direct staff to develop a program to (a) identify the number of such units, and (b) facilitate their legalization and proper permitting without punitive fees. The program shall be developed within six months of the effective date of this resolution, and subsequently presented to the Board of Supervisors for approval. (Not an LCP amendment.)
4. Amend the San Mateo County LCP Public Works Component to revise Tables 2.3 and 2.4 to include the updated estimate of Midcoast sewage generation at buildout, as shown in Exhibit “C” of this resolution.
5. Amend the San Mateo County LCP Public Works Component to revise Tables 2.9 and 2.10 to include the updated estimate of Midcoast water consumption at buildout, as shown in Exhibit “D” of this resolution.
6. Complete the Midcoast Groundwater Study to determine the safe yield for Midcoast groundwater resources, and evaluate the need for policy changes based on that report. (Not an LCP amendment.)
7. Support Coastside County Water District and Montara Water and Sanitary District

LCP RESOLUTION SUBMITTAL NO. 1

in (a) continuing their efforts to secure water supply sources, and (b) applying for facility expansion to serve the Midcoast at buildout, i.e., Phase 2.

(Not an LCP amendment.)

8. Amend the San Mateo County LCP Public Works Component to revise Policy 2.8 and Table 2.17 to reserve water supply capacity (a) for residential wells deemed to have failed by the Environmental Health Division, and (b) for affordable housing units not located at the three designated Midcoast sites, as shown in Exhibit “E” of this resolution.

9. Coordinate with the City of Half Moon Bay and the San Mateo County Transportation Authority to propose projects that will improve roadway level of service at buildout on Highway 1 in the urban Midcoast and Half Moon Bay. The process would specify post-2008 Transportation Authority improvements of Highway 1. Projects could include adding new travel lanes, reconfiguring lanes, acceleration/deceleration lanes, and other operational and safety improvements, e.g., signals at major intersections, wider shoulders for emergency vehicle passage, turn pockets, and requiring trip reduction measures.
(Not an LCP amendment.)

10. Amend the San Mateo County LCP Locating and Planning New Development Component to revise Policy 1.22 to reduce the annual Midcoast residential growth rate limit from 125 to 75 new units per year, and clarify the application of this limit, as shown in Exhibit “F” of this resolution.

11. Adopt the policy authorizing a two-phased lot merger process whereby incentives are offered for voluntary merger of applicable substandard lots during Phase 1 period, followed by mandatory merger during Phase 2, as included in Exhibit “G” of this resolution.
(Not an LCP amendment.)

LCP RESOLUTION SUBMITTAL NO. 1

12. Amend the San Mateo County LCP Public Works Component to add Policy 2.51 to require additional traffic mitigation measures for Midcoast development projects generating more than 50 peak hour trips as included in Exhibit “H” of this resolution.

Retain the existing mitigation fee requirements for local road and drainage improvements, and continue implementing existing C/CAG requirements for transportation demand measures (TDMs) from new development that generates more than 100 peak hour trips.

(Not an LCP amendment.)

Study expanding shuttle service between the Midcoast and Bayside.

(Not an LCP amendment.)

13. Postpone consideration of all LCP land use and zoning amendment proposals for the CalTrans’ owned Devil’s Slide bypass property until either (1) the Montara Mountain tunnel project is complete or (2) such time that another public agency or entity assumes ownership of the property, whichever occurs first.

(Not an LCP amendment.)

14. Amend the San Mateo County LCP Public Works Component to revise Policy 2.50 to indicate intended future changes for the Devil’s Slide bypass property, as shown in Exhibit “I” of this resolution.

15. Amend the San Mateo County LCP Recreation and Visitor Serving Facilities Component to revise Policies 11.13 and 11.27 to update the designated trails list, and to support efforts to add the Devil’s Slide bypass property to adjoining park units, as shown in Exhibit “J” of this resolution.

16. Amend the San Mateo County LCP Public Works Component to revise Policy 2.56 and Recreation and Visitor Serving Facilities Component to revise Policy 11.26 to

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(a) promote coordination with CalTrans in developing a pedestrian/multi-purpose trail parallel to Highway 1, and above or below ground pedestrian crossings at locations along Highway 1, and (b) require that CalTrans' Highway 1 improvement projects be conditioned to require development of such pedestrian improvements, as shown in Exhibit "K" of this resolution.

17. Amend the San Mateo County LCP Housing Component to add Policy 3.17 to authorize incentives for voluntary development of affordable housing units on Midcoast parcels other than the designated affordable housing sites, including residentially zoned substandard lots that cannot be merged, as shown in Exhibit "L" of this resolution.
18. Retain the existing policy of waiving permit fees and expediting permit processing for new affordable housing units.

For affordable housing units built on substandard residentially zoned Midcoast lots that cannot be merged (<4,500 sq. ft.), to the extent feasible, provide access to (a) an assembled pool of pre-qualified buyers and (b) a reduced interest loan for construction costs.

(Not an LCP amendment.)

19. Direct staff to coordinate with the Midcoast Community Council, Coastside Design Review Committee and local builders to prepare a set of house designs that could be used for residences constructed on a substandard lot, e.g., smaller than 4,500 sq. ft. The house designs would be considered for pre-approval by the Planning Commission and Board of Supervisors.

If the Board of Supervisors accepts the pre-approved house designs, amend the Zoning Regulations to exempt future houses built in accordance with a pre-approved design from otherwise applicable design review and use permit requirements.

LCP RESOLUTION SUBMITTAL NO. 1

(Not an LCP amendment.)

20. Request the Granada Sanitary District to repeal its policy that adds regulatory barriers for a sewer connection to serve a house on a non-conforming parcel. This District policy serves to constrain the provision of Midcoast affordable housing.

(Not an LCP amendment.)

21. Amend the San Mateo County LCP Locating and Planning New Development Component to add Policy 1.35 and Appendix to incorporate the Countywide Stormwater Pollution Prevention Program (STOPPP) best management practices and performance standards/requirements which implement Federal NPDES and State Regional Water Quality Control Board requirements, as shown in Exhibit “M” of this resolution.

22. Form a Midcoast Stormwater Drainage Committee to be constituted and function, as shown in Exhibit “N” of this resolution.

(Not an LCP amendment.)

23. Direct staff to complete in a timely manner all partially completed responsibilities assigned to the County by LCP policies related to (a) notice of violations, (b) review of public works projects, (c) increased commuter transit use, (d) alternative housing techniques, and (e) access and development fund, as described in Exhibit “O” of this resolution.

(Not an LCP amendment.)

24. Amend the San Mateo County LCP Shoreline Access Component to revise Policies 10.41, 10.44, 10.49 and 10.50, and Recreation and Visitor Serving Facilities Component to revise Policies 11.24, 11.25, and 11.28-11.31 to update the role of trail providing agencies, as shown in Exhibit “P” of this resolution.

25. Amend the San Mateo County LCP Locating and Planning New Development

LCP RESOLUTION SUBMITTAL NO. 1

Component to add Policy 1.3 to guide resolution of LCP policy conflicts, as shown in Exhibit “Q” of this resolution.

26. Amend the San Mateo County LCP to resolve identified LCP policy conflicts and clarify ambiguous provisions. These amendments involve revisions to Locating and Planning New Development Component Policies 1.5b, 1.7, 1.86, 1.9a, 1.12b, 1.15, 1.16, 1.20, 1.33 and Table 1.3, Public Works Component Policies 2.22a, 2.22d and 2.23, the Housing Component Policy 3.14a, the Energy Component Policy 4.3a, Agriculture Component Policies 5.2 and 5.4, Aquaculture Component Policy 6.2, Sensitive Habitats Component Policies 7.12, 7.13, 7.34, 7.36-7.40 and 7.47-7.50, Visual Resources Component Policies 8.5, 8.6 and 8.14, Recreation and Visitor Serving Facilities Component Policy 11.7b, and Commercial Fishing and Recreational Boating Component Policy 12.3, as shown in Exhibit “R” of this resolution.
27. Amend the San Mateo County LCP Locating and Planning New Development Component to renumber Policies 1.3-1.33 to 1.4-1.34, Public Works Component to renumber Policies 2.51-2.63 to 2.52-2.64, Shoreline Access Component to renumber Policies 10.44-10.47 to 10.45-10.48, and Recreation and Visitor Serving Facilities Component to renumber Policy 11.30 to 11.32.
28. Postpone final approval of a tentatively approved proposal that would revise the Waterfront “W” district regulations to add the employment generating commercial uses shown in Exhibit “S” of this resolution.

Consideration of final approval will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

29. Postpone final approval of a tentatively approved proposal that would enact a new

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Airport Commercial (AC) zoning district that would permit the full range of employment generating commercial uses shown in Exhibit “T” of this resolution.

Consideration of final approval will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

30. Postpone final approval of a tentatively approved proposal that rezones the following two sites at Half Moon Bay Airport from M-1 to AC:

- a. 23 acres fronting Highway 1 in the northeast Airport area.
- b. 9 acres fronting Capistrano Road in the southeast Airport area.

Consideration of final approval will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

31. Postpone final approval of a tentatively approved proposal that:

- a. Revises the Waterfront/Airport Overlay (W/AO) district to align with the FAA and ALUC protection zones.
- b. Rezones the area outside the revised W/AO district from W/AO to W.
- c. Amends the site intensity limit for the W/AO district from three persons per site to one person per 1,667 sq. ft. of parcel area (i.e., equivalent to three persons per 5,000 sq. ft).

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Consideration of final approval for this amendment will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

After the “Airport Layout Plan” is complete, the Board of Supervisors will also consider whether to request that the FAA and ALUC base the approach protection zones on the “displaced threshold,” rather than on the physical end of the runway. (Not an LCP amendment.)

AND, BE IT FURTHER RESOLVED, that the provisions of this resolution do not apply to development that has fulfilled at least one of the following requirements before the effective date of this resolution:

1. An application for each applicable development permit required by the County Zoning Regulations, including a Coastal Development Permit application, has been submitted to the County and appropriate fees paid; or
2. A building permit application has been submitted to the County and appropriate fees paid if no development permit is required by the County Zoning Regulations; or
3. A development agreement has been recorded between the County and the property owner where the development will occur, and the proposed development conforms with the terms of that development agreement.

AND, BE IT FURTHER RESOLVED, that the San Mateo County Board of Supervisors direct staff to submit the Local Coastal Program (LCP) amendments to the Coastal Commission for certification of conformity with the California Coastal Act. The LCP amendments submitted to the Coastal Commission shall include the Land Use Plan changes that are a part of this resolution, and concurrently approved Zoning/Ordinance Code amendments.

AND, BE IT FURTHER RESOLVED, that if the Coastal Commission should find that one or more of the Local Coastal Program amendments as submitted do not meet the requirements of, and are not in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the Public Resources Code, the County requests pursuant to Public Resources Code sections 30512, subdivision (b), and 30513 that the Coastal Commission not recommend or suggest modifications which if made will result in certification, and deny certification of the amendments in their entirety.

AND, BE IT FURTHER RESOLVED, that the Local Coastal Program amendments shall not have the force of law until the California Coastal Commission has certified them, without modification, as conforming with the California Coastal Act. If certified without modification, the amendments will take effect immediately upon certification.

AND, BE IT FURTHER RESOLVED, that the actions and directions described in paragraphs 3, 6, 7, 9, 12b, 12c, 13, 18, 19, 20, 22, 23, 28, 29, 30 and 31 above, that are approved by this resolution and are not subject to review and certification by the Coastal Commission as part of the Local Coastal Program, shall not become effective unless and until all of the proposed changes requiring certification by the Coastal Commission have been certified. Upon such certification, these measures shall take effect immediately.

RESOLUTION NO. _____

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

* * * * *

RESOLUTION (1) AMENDING THE SAN MATEO COUNTY GENERAL PLAN/LOCAL COASTAL PROGRAM (LCP), AND (2) ENACTING COUNTY POLICY RESULTING FROM THE MIDCOAST LCP UPDATE PROJECT

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

WHEREAS, in November, 1980, the San Mateo County Local Coastal Program (LCP) was certified by the California Coastal Commission; and

WHEREAS, since its certification, LCP has been amended various times, to improve Coastal Act conformance or respond to local circumstances; and

WHEREAS, between 1995 and 1999, the Midcoast Community Council expressed its concern over LCP provisions related to buildout calculation, acceptable growth limits, regulating substandard lot development, design review, and facilitating job creation; and

WHEREAS, between 1995 and 1999, members of the Board of Supervisors and Coastal Commission requested that LCP policy be changed to discourage substandard lot development and reduce permit appeals; and

WHEREAS, in August, 1999, the Board of Supervisors approved Resolution 62999 authorizing the Midcoast LCP Update Project to (1) improve LCP-Coastal Act consistency, (2) update LCP baseline data and policies, and (3) reduce development permit appeals; and

WHEREAS, in September, 2000, the Board of Supervisors approved the new zoning controls to regulate house size, shape and scale; and

WHEREAS, between July and November, 2000, four community scoping sessions were held to identify other issues and changes that the participants wanted to be addressed by the Midcoast LCP Update Project. This community-driven process culminated in the project scope of study. Key tasks included recalculating residential buildout, evaluating the annual growth rate limit, reconsidering the controls on non-conforming parcel development, and preparing new Design Review standards; and

WHEREAS, in 2001, Planning staff prepared an Alternatives Report which analyzed issues, evaluated alternatives, and identified a preferred approach for each project task. The report became the basis for subsequent community workshops; and

WHEREAS, between April, 2002 and May, 2003, Planning staff convened 21 community workshops in the Midcoast to generate and refine policy proposals and identify general community preference; and

WHEREAS, between 2002 and 2003, the Coastside Design Review Committee prepared updated residential Design Review standards; and

WHEREAS, between August, 2003 and October, 2004, the San Mateo County Planning Commission held 15 public hearings (five in El Granada) to consider the Midcoast LCP Update Project, including to formulate and refine policy proposals; and

WHEREAS, Planning staff provided the Planning Commission with studies, analyses and illustrations to assess the implication of the project proposals on Midcoast properties; and

WHEREAS, members of the public representing many perspectives provided the Planning Commission with substantial testimony and correspondence; and

WHEREAS, maximum opportunity for public participation in the hearing process was provided through: (1) publication of all Planning Commission meeting announcements in the San Mateo County Times and Half Moon Bay Review newspapers, and (2) direct mailing of meeting announcements and reports to approximately 200 Midcoast participants; and

WHEREAS, in January, 2004, the Planning Commission separately recommended approval of the updated Midcoast residential Design Review standards; and

WHEREAS, in April, 2004, the Board of Supervisors held two public hearings to consider and approve the updated Design Review standards; and

WHEREAS, in October, 2004, the Planning Commission, after considering the merits of all concerns and issues presented during the public hearing process, and approved its project recommendation to the Board of Supervisors; and

WHEREAS, in January, 2005, the Board of Supervisors convened a study session to facilitate improved Board and public understanding of the proposed amendments; and

WHEREAS, between January and March, 2005, the Board of Supervisors held three public hearings to consider the Midcoast LCP Update Project, including to formulate and refine policy proposals and taking tentative action; and

WHEREAS, between March and June, 2005, the Board of Supervisors conducted a visioning process to provide a framework for future policy changes. This involved (1) constituting a subcommittee to coordinate the process, (2) preparing a set of principles to guide consideration of project proposals, (3) two public hearings to approve the principles, and (4) to assess alignment of project proposals with the principles; and

WHEREAS, between November, 2005 and October, 2006, the Board of Supervisors held five public hearings (one in Half Moon Bay) to revise and refine policy changes, and approve in concept the project proposals; and

WHEREAS, maximum opportunity for public participation in the hearing process was provided through: (1) publication of all Board of Supervisors meeting announcements in the San Mateo County Times and Half Moon Bay Review newspapers, (2) publication of a project advertisement at the beginning of the hearing process in the Half Moon Bay Review, (3) direct mailing to affected property owners for several key policy proposals, and (4) direct mailing of meeting announcements and reports to more than 250 Midcoast participants; and

WHEREAS, all interested parties were afforded the opportunity to be heard at the Board of Supervisors hearings.

WHEREAS, the matters described below in paragraphs 1, 2, 4, 5, 8, 10, 12a, 14, 15, 16, 17, 21, 24, 25, 26 and 27 are amendments to the Local Coastal Program and require certification by the Coastal Commission as being in conformity with the provisions of the California Coastal Act before the amendments can become effective; and

WHEREAS, the Board considers the various amendments presented for certification as an integrated package which balances the legitimate interests of property owners with the Coastal Act's objective of protection of Coastal resources; and

NOW, THEREFORE, BE IT RESOLVED, that the San Mateo County Board of Supervisors:

1. Amend the San Mateo County LCP Locating and Planning New Development Component Table 1 to include the updated estimate of Midcoast residential

LCP RESOLUTION SUBMITTAL NO. 2

buildout, as shown in Exhibit “A” of this resolution.

2. Amend the San Mateo County LCP Locating and Planning New Development Component to add Map 1.3, Midcoast LCP Update Project Area, as shown in Exhibit “B” of this resolution.
3. Recognize that there are an unknown number of unpermitted second units and direct staff to develop a program to (a) identify the number of such units, and (b) facilitate their legalization and proper permitting without punitive fees. The program shall be developed within six months of the effective date of this resolution, and subsequently presented to the Board of Supervisors for approval. (Not an LCP amendment.)
4. Amend the San Mateo County LCP Public Works Component to revise Tables 2.3 and 2.4 to include the updated estimate of Midcoast sewage generation at buildout, as shown in Exhibit “C” of this resolution.
5. Amend the San Mateo County LCP Public Works Component to revise Tables 2.9 and 2.10 to include the updated estimate of Midcoast water consumption at buildout, as shown in Exhibit “D” of this resolution.
6. Complete the Midcoast Groundwater Study to determine the safe yield for Midcoast groundwater resources, and evaluate the need for policy changes based on that report. (Not an LCP amendment.)
7. Support Coastside County Water District and Montara Water and Sanitary District in (a) continuing their efforts to secure water supply sources, and (b) applying for facility expansion to serve the Midcoast at buildout, i.e., Phase 2. (Not an LCP amendment.)

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8. Amend the San Mateo County LCP Public Works Component to revise Policy 2.8 and Table 2.17 to reserve water supply capacity (a) for residential wells deemed to have failed by the Environmental Health Division, and (b) for affordable housing units not located at the three designated Midcoast sites, as shown in Exhibit “E” of this resolution.

9. Coordinate with the City of Half Moon Bay and the San Mateo County Transportation Authority to propose projects that will improve roadway level of service at buildout on Highway 1 in the urban Midcoast and Half Moon Bay. The process would specify post-2008 Transportation Authority improvements of Highway 1. Projects could include adding new travel lanes, reconfiguring lanes, acceleration/deceleration lanes, and other operational and safety improvements, e.g., signals at major intersections, wider shoulders for emergency vehicle passage, turn pockets, and requiring trip reduction measures.
(Not an LCP amendment.)

10. Amend the San Mateo County LCP Locating and Planning New Development Component to revise Policy 1.22 to reduce the annual Midcoast residential growth rate limit from 125 to 75 new units per year, and clarify the application of this limit, as shown in Exhibit “F” of this resolution.

11. Adopt the policy authorizing a two-phased lot merger process whereby incentives are offered for voluntary merger of applicable substandard lots during Phase 1 period, followed by mandatory merger during Phase 2, as included in Exhibit “G” of this resolution.
(Not an LCP amendment.)

12. Amend the San Mateo County LCP Public Works Component to add Policy 2.51 to require additional traffic mitigation measures for Midcoast development projects generating more than 50 peak hour trips as included in Exhibit “H” of this resolution.

LCP RESOLUTION SUBMITTAL NO. 2

Retain the existing mitigation fee requirements for local road and drainage improvements, and continue implementing existing C/CAG requirements for transportation demand measures (TDMs) from new development that generates more than 100 peak hour trips.

(Not an LCP amendment.)

Study expanding shuttle service between the Midcoast and Bayside.

(Not an LCP amendment.)

13. Postpone consideration of all LCP land use and zoning amendment proposals for the CalTrans' owned Devil's Slide bypass property until either (1) the Montara Mountain tunnel project is complete or (2) such time that another public agency or entity assumes ownership of the property, whichever occurs first.

(Not an LCP amendment.)

14. Amend the San Mateo County LCP Public Works Component to revise Policy 2.50 to indicate intended future changes for the Devil's Slide bypass property, as shown in Exhibit "I" of this resolution.

15. Amend the San Mateo County LCP Recreation and Visitor Serving Facilities Component to revise Policies 11.13 and 11.27 to update the designated trails list, and to support efforts to add the Devil's Slide bypass property to adjoining park units, as shown in Exhibit "J" of this resolution.

16. Amend the San Mateo County LCP Public Works Component to revise Policy 2.56 and Recreation and Visitor Serving Facilities Component to revise Policy 11.26 to (a) promote coordination with CalTrans in developing a pedestrian/multi-purpose trail parallel to Highway 1, and above or below ground pedestrian crossings at locations along Highway 1, and (b) require that CalTrans' Highway 1 improvement projects be conditioned to require development of such pedestrian improvements,

LCP RESOLUTION SUBMITTAL NO. 2

as shown in Exhibit “K” of this resolution.

17. Amend the San Mateo County LCP Housing Component to add Policy 3.17 to authorize incentives for voluntary development of affordable housing units on Midcoast parcels other than the designated affordable housing sites, including residentially zoned substandard lots that cannot be merged, as shown in Exhibit “L” of this resolution.

18. Retain the existing policy of waiving permit fees and expediting permit processing for new affordable housing units.

For affordable housing units built on substandard residentially zoned Midcoast lots that cannot be merged (<4,500 sq. ft.), to the extent feasible, provide access to (a) an assembled pool of pre-qualified buyers and (b) a reduced interest loan for construction costs.

(Not an LCP amendment.)

19. Direct staff to coordinate with the Midcoast Community Council, Coastside Design Review Committee and local builders to prepare a set of house designs that could be used for residences constructed on a substandard lot, e.g., smaller than 4,500 sq. ft. The house designs would be considered for pre-approval by the Planning Commission and Board of Supervisors.

If the Board of Supervisors accepts the pre-approved house designs, amend the Zoning Regulations to exempt future houses built in accordance with a pre-approved design from otherwise applicable design review and use permit requirements.

(Not an LCP amendment.)

20. Request the Granada Sanitary District to repeal its policy that adds regulatory barriers for a sewer connection to serve a house on a non-conforming parcel. This

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District policy serves to constrain the provision of Midcoast affordable housing.
(Not an LCP amendment.)

21. Amend the San Mateo County LCP Locating and Planning New Development Component to add Policy 1.35 and Appendix to incorporate the Countywide Stormwater Pollution Prevention Program (STOPPP) best management practices and performance standards/requirements which implement Federal NPDES and State Regional Water Quality Control Board requirements, as shown in Exhibit “M” of this resolution.
22. Form a Midcoast Stormwater Drainage Committee to be constituted and function, as shown in Exhibit “N” of this resolution.
(Not an LCP amendment.)
23. Direct staff to complete in a timely manner all partially completed responsibilities assigned to the County by LCP policies related to (a) notice of violations, (b) review of public works projects, (c) increased commuter transit use, (d) alternative housing techniques, and (e) access and development fund, as described in Exhibit “O” of this resolution.
(Not an LCP amendment.)
24. Amend the San Mateo County LCP Shoreline Access Component to revise Policies 10.41, 10.44, 10.49 and 10.50, and Recreation and Visitor Serving Facilities Component to revise Policies 11.24, 11.25, and 11.28-11.31 to update the role of trail providing agencies, as shown in Exhibit “P” of this resolution.
25. Amend the San Mateo County LCP Locating and Planning New Development Component to add Policy 1.3 to guide resolution of LCP policy conflicts, as shown in Exhibit “Q” of this resolution.
26. Amend the San Mateo County LCP to resolve identified LCP policy conflicts and

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clarify ambiguous provisions. These amendments involve revisions to Locating and Planning New Development Component Policies 1.5b, 1.7, 1.86, 1.9a, 1.12b, 1.15, 1.16, 1.20, 1.33 and Table 1.3, Public Works Component Policies 2.22a, 2.22d and 2.23, the Housing Component Policy 3.14a, the Energy Component Policy 4.3a, Agriculture Component Policies 5.2 and 5.4, Aquaculture Component Policy 6.2, Sensitive Habitats Component Policies 7.12, 7.13, 7.34, 7.36-7.40 and 7.47-7.50, Visual Resources Component Policies 8.5, 8.6 and 8.14, Recreation and Visitor Serving Facilities Component Policy 11.7b, and Commercial Fishing and Recreational Boating Component Policy 12.3, as shown in Exhibit “R” of this resolution.

27. Amend the San Mateo County LCP Locating and Planning New Development Component to renumber Policies 1.3-1.33 to 1.4-1.34, Public Works Component to renumber Policies 2.51-2.63 to 2.52-2.64, Shoreline Access Component to renumber Policies 10.44-10.47 to 10.45-10.48, and Recreation and Visitor Serving Facilities Component to renumber Policy 11.30 to 11.32.
28. Postpone final approval of a tentatively approved proposal that would revise the Waterfront “W” district regulations to add the employment generating commercial uses shown in Exhibit “S” of this resolution.

Consideration of final approval will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

29. Postpone final approval of a tentatively approved proposal that would enact a new Airport Commercial (AC) zoning district that would permit the full range of employment generating commercial uses shown in Exhibit “T” of this resolution.

Consideration of final approval will occur when the “Airport Layout Plan” portion of

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the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

30. Postpone final approval of a tentatively approved proposal that rezones the following two sites at Half Moon Bay Airport from M-1 to AC:

- a. 23 acres fronting Highway 1 in the northeast Airport area.
- b. 9 acres fronting Capistrano Road in the southeast Airport area.

Consideration of final approval will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

31. Postpone final approval of a tentatively approved proposal that:

- a. Revises the Waterfront/Airport Overlay (W/AO) district to align with the FAA and ALUC protection zones.
- b. Rezones the area outside the revised W/AO district from W/AO to W.
- c. Amends the site intensity limit for the W/AO district from three persons per site to one person per 1,667 sq. ft. of parcel area (i.e., equivalent to three persons per 5,000 sq. ft).

Consideration of final approval for this amendment will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

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After the “Airport Layout Plan” is complete, the Board of Supervisors will also consider whether to request that the FAA and ALUC base the approach protection zones on the “displaced threshold,” rather than on the physical end of the runway. (Not an LCP amendment.)

AND, BE IT FURTHER RESOLVED, that the provisions of this resolution do not apply to development that has fulfilled at least one of the following requirements before the effective date of this resolution:

1. An application for each applicable development permit required by the County Zoning Regulations, including a Coastal Development Permit application, has been submitted to the County and appropriate fees paid; or
2. A building permit application has been submitted to the County and appropriate fees paid if no development permit is required by the County Zoning Regulations; or
3. A development agreement has been recorded between the County and the property owner where the development will occur, and the proposed development conforms with the terms of that development agreement.

AND, BE IT FURTHER RESOLVED, that the San Mateo County Board of Supervisors direct staff to submit the Local Coastal Program (LCP) amendments to the Coastal Commission for certification of conformity with the California Coastal Act. The LCP amendments submitted to the Coastal Commission shall include the Land Use Plan changes that are a part of this resolution, and concurrently approved Zoning/Ordinance Code amendments.

AND, BE IT FURTHER RESOLVED, that the Local Coastal Program amendments shall not have the force of law until the California Coastal Commission has certified them, without modification, as conforming with the California Coastal Act. If

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certified without modification, the amendments will take effect immediately upon certification.

AND, BE IT FURTHER RESOLVED, that the actions and directions described in paragraphs 3, 6, 7, 9, 12b, 12c, 13, 18, 19, 20, 22, 23, 28, 29, 30 and 31 above, that are approved by this resolution and are not subject to review and certification by the Coastal Commission as part of the Local Coastal Program, shall not become effective unless and until all of the proposed changes requiring certification by the Coastal Commission have been certified. Upon such certification, these measures shall take effect immediately.

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RESOLUTION NO. _____

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

* * * * *

RESOLUTION (1) AMENDING THE SAN MATEO COUNTY GENERAL PLAN/LOCAL COASTAL PROGRAM (LCP), AND (2) ENACTING COUNTY POLICY RESULTING FROM THE MIDCOAST LCP UPDATE PROJECT

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

WHEREAS, in November, 1980, the San Mateo County Local Coastal Program (LCP) was certified by the California Coastal Commission; and

WHEREAS, since its certification, LCP has been amended various times, to improve Coastal Act conformance or respond to local circumstances; and

WHEREAS, between 1995 and 1999, the Midcoast Community Council expressed its concern over LCP provisions related to buildout calculation, acceptable growth limits, regulating substandard lot development, design review, and facilitating job creation; and

WHEREAS, between 1995 and 1999, members of the Board of Supervisors and Coastal Commission requested that LCP policy be changed to discourage substandard lot development and reduce permit appeals; and

WHEREAS, in August, 1999, the Board of Supervisors approved Resolution 62999 authorizing the Midcoast LCP Update Project to (1) improve LCP-Coastal Act consistency, (2) update LCP baseline data and policies, and (3) reduce development permit appeals; and

WHEREAS, in September, 2000, the Board of Supervisors approved the new zoning controls to regulate house size, shape and scale; and

WHEREAS, between July and November, 2000, four community scoping sessions were held to identify other issues and changes that the participants wanted to be addressed by the Midcoast LCP Update Project. This community-driven process culminated in the project scope of study. Key tasks included recalculating residential buildout, evaluating the annual growth rate limit, reconsidering the controls on non-conforming parcel development, and preparing new Design Review standards; and

WHEREAS, in 2001, Planning staff prepared an Alternatives Report which analyzed issues, evaluated alternatives, and identified a preferred approach for each project task. The report became the basis for subsequent community workshops; and

WHEREAS, between April, 2002 and May, 2003, Planning staff convened 21 community workshops in the Midcoast to generate and refine policy proposals and identify general community preference; and

WHEREAS, between 2002 and 2003, the Coastside Design Review Committee prepared updated residential Design Review standards; and

WHEREAS, between August, 2003 and October, 2004, the San Mateo County Planning Commission held 15 public hearings (five in El Granada) to consider the Midcoast LCP Update Project, including to formulate and refine policy proposals; and

WHEREAS, Planning staff provided the Planning Commission with studies, analyses and illustrations to assess the implication of the project proposals on Midcoast properties; and

WHEREAS, members of the public representing many perspectives provided the Planning Commission with substantial testimony and correspondence; and

WHEREAS, maximum opportunity for public participation in the hearing process was provided through: (1) publication of all Planning Commission meeting announcements in the San Mateo County Times and Half Moon Bay Review newspapers, and (2) direct mailing of meeting announcements and reports to approximately 200 Midcoast participants; and

WHEREAS, in January, 2004, the Planning Commission separately recommended approval of the updated Midcoast residential Design Review standards; and

WHEREAS, in April, 2004, the Board of Supervisors held two public hearings to consider and approve the updated Design Review standards; and

WHEREAS, in October, 2004, the Planning Commission, after considering the merits of all concerns and issues presented during the public hearing process, and approved its project recommendation to the Board of Supervisors; and

WHEREAS, in January, 2005, the Board of Supervisors convened a study session to facilitate improved Board and public understanding of the proposed amendments; and

WHEREAS, between January and March, 2005, the Board of Supervisors held three public hearings to consider the Midcoast LCP Update Project, including to formulate and refine policy proposals and taking tentative action; and

WHEREAS, between March and June, 2005, the Board of Supervisors conducted a visioning process to provide a framework for future policy changes. This involved (1) constituting a subcommittee to coordinate the process, (2) preparing a set of principles to guide consideration of project proposals, (3) two public hearings to approve the principles, and (4) to assess alignment of project proposals with the principles; and

WHEREAS, between November, 2005 and October, 2006, the Board of Supervisors held five public hearings (one in Half Moon Bay) to revise and refine policy changes, and approve in concept the project proposals; and

WHEREAS, maximum opportunity for public participation in the hearing process was provided through: (1) publication of all Board of Supervisors meeting announcements in the San Mateo County Times and Half Moon Bay Review newspapers, (2) publication of a project advertisement at the beginning of the hearing process in the Half Moon Bay Review, (3) direct mailing to affected property owners for several key policy proposals, and (4) direct mailing of meeting announcements and reports to more than 250 Midcoast participants; and

WHEREAS, all interested parties were afforded the opportunity to be heard at the Board of Supervisors hearings.

WHEREAS, the matters described below in paragraphs 1, 2, 4, 5, 8, 10, 12a, 14, 15, 16, 17, 21, 24, 25, 26 and 27 are individual amendments to the Local Coastal Program and require certification by the Coastal Commission as being in conformity with the provisions of the California Coastal Act before the individual amendment can become effective; and

NOW, THEREFORE, BE IT RESOLVED, that the San Mateo County Board of Supervisors:

1. Amend the San Mateo County LCP Locating and Planning New Development Component Table 1 to include the updated estimate of Midcoast residential buildout, as shown in Exhibit "A" of this resolution.
2. Amend the San Mateo County LCP Locating and Planning New Development Component to add Map 1.3, Midcoast LCP Update Project Area, as shown in

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Exhibit “B” of this resolution.

3. Recognize that there are an unknown number of unpermitted second units and direct staff to develop a program to (a) identify the number of such units, and (b) facilitate their legalization and proper permitting without punitive fees. The program shall be developed within six months of the effective date of this resolution, and subsequently presented to the Board of Supervisors for approval. (Not an LCP amendment.)
4. Amend the San Mateo County LCP Public Works Component to revise Tables 2.3 and 2.4 to include the updated estimate of Midcoast sewage generation at buildout, as shown in Exhibit “C” of this resolution.
5. Amend the San Mateo County LCP Public Works Component to revise Tables 2.9 and 2.10 to include the updated estimate of Midcoast water consumption at buildout, as shown in Exhibit “D” of this resolution.
6. Complete the Midcoast Groundwater Study to determine the safe yield for Midcoast groundwater resources, and evaluate the need for policy changes based on that report. (Not an LCP amendment.)
7. Support Coastside County Water District and Montara Water and Sanitary District in (a) continuing their efforts to secure water supply sources, and (b) applying for facility expansion to serve the Midcoast at buildout, i.e., Phase 2. (Not an LCP amendment.)
8. Amend the San Mateo County LCP Public Works Component to revise Policy 2.8 and Table 2.17 to reserve water supply capacity (a) for residential wells deemed to have failed by the Environmental Health Division, and (b) for affordable housing units not located at the three designated Midcoast sites, as shown in Exhibit “E” of

LCP RESOLUTION SUBMITTAL NO. 3

this resolution.

9. Coordinate with the City of Half Moon Bay and the San Mateo County Transportation Authority to propose projects that will improve roadway level of service at buildout on Highway 1 in the urban Midcoast and Half Moon Bay. The process would specify post-2008 Transportation Authority improvements of Highway 1. Projects could include adding new travel lanes, reconfiguring lanes, acceleration/deceleration lanes, and other operational and safety improvements, e.g., signals at major intersections, wider shoulders for emergency vehicle passage, turn pockets, and requiring trip reduction measures.
(Not an LCP amendment.)
10. Amend the San Mateo County LCP Locating and Planning New Development Component to revise Policy 1.22 to reduce the annual Midcoast residential growth rate limit from 125 to 75 new units per year, and clarify the application of this limit, as shown in Exhibit “F” of this resolution.
11. Adopt the policy authorizing a two-phased lot merger process whereby incentives are offered for voluntary merger of applicable substandard lots during Phase 1 period, followed by mandatory merger during Phase 2, as included in Exhibit “G” of this resolution.
(Not an LCP amendment.)
12. Amend the San Mateo County LCP Public Works Component to add Policy 2.51 to require additional traffic mitigation measures for Midcoast development projects generating more than 50 peak hour trips as included in Exhibit “H” of this resolution.

Retain the existing mitigation fee requirements for local road and drainage improvements, and continue implementing existing C/CAG requirements for transportation demand measures (TDMs) from new development that generates

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more than 100 peak hour trips.

(Not an LCP amendment.)

Study expanding shuttle service between the Midcoast and Bayside.

(Not an LCP amendment.)

13. Postpone consideration of all LCP land use and zoning amendment proposals for the CalTrans' owned Devil's Slide bypass property until either (1) the Montara Mountain tunnel project is complete or (2) such time that another public agency or entity assumes ownership of the property, whichever occurs first.
(Not an LCP amendment.)
14. Amend the San Mateo County LCP Public Works Component to revise Policy 2.50 to indicate intended future changes for the Devil's Slide bypass property, as shown in Exhibit "I" of this resolution.
15. Amend the San Mateo County LCP Recreation and Visitor Serving Facilities Component to revise Policies 11.13 and 11.27 to update the designated trails list, and to support efforts to add the Devil's Slide bypass property to adjoining park units, as shown in Exhibit "J" of this resolution.
16. Amend the San Mateo County LCP Public Works Component to revise Policy 2.56 and Recreation and Visitor Serving Facilities Component to revise Policy 11.26 to (a) promote coordination with CalTrans in developing a pedestrian/multi-purpose trail parallel to Highway 1, and above or below ground pedestrian crossings at locations along Highway 1, and (b) require that CalTrans' Highway 1 improvement projects be conditioned to require development of such pedestrian improvements, as shown in Exhibit "K" of this resolution.
17. Amend the San Mateo County LCP Housing Component to add Policy 3.17 to authorize incentives for voluntary development of affordable housing units on

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Midcoast parcels other than the designated affordable housing sites, including residentially zoned substandard lots that cannot be merged, as shown in Exhibit “L” of this resolution.

18. Retain the existing policy of waiving permit fees and expediting permit processing for new affordable housing units.

For affordable housing units built on substandard residentially zoned Midcoast lots that cannot be merged (<4,500 sq. ft.), to the extent feasible, provide access to (a) an assembled pool of pre-qualified buyers and (b) a reduced interest loan for construction costs.

(Not an LCP amendment.)

19. Direct staff to coordinate with the Midcoast Community Council, Coastside Design Review Committee and local builders to prepare a set of house designs that could be used for residences constructed on a substandard lot, e.g., smaller than 4,500 sq. ft. The house designs would be considered for pre-approval by the Planning Commission and Board of Supervisors.

If the Board of Supervisors accepts the pre-approved house designs, amend the Zoning Regulations to exempt future houses built in accordance with a pre-approved design from otherwise applicable design review and use permit requirements.

(Not an LCP amendment.)

20. Request the Granada Sanitary District to repeal its policy that adds regulatory barriers for a sewer connection to serve a house on a non-conforming parcel. This District policy serves to constrain the provision of Midcoast affordable housing.

(Not an LCP amendment.)

21. Amend the San Mateo County LCP Locating and Planning New Development

LCP RESOLUTION SUBMITTAL NO. 3

Component to add Policy 1.35 and Appendix to incorporate the Countywide Stormwater Pollution Prevention Program (STOPPP) best management practices and performance standards/requirements which implement Federal NPDES and State Regional Water Quality Control Board requirements, as shown in Exhibit “M” of this resolution.

22. Form a Midcoast Stormwater Drainage Committee to be constituted and function, as shown in Exhibit “N” of this resolution.
(Not an LCP amendment.)
23. Direct staff to complete in a timely manner all partially completed responsibilities assigned to the County by LCP policies related to (a) notice of violations, (b) review of public works projects, (c) increased commuter transit use, (d) alternative housing techniques, and (e) access and development fund, as described in Exhibit “O” of this resolution.
(Not an LCP amendment.)
24. Amend the San Mateo County LCP Shoreline Access Component to revise Policies 10.41, 10.44, 10.49 and 10.50, and Recreation and Visitor Serving Facilities Component to revise Policies 11.24, 11.25, and 11.28-11.31 to update the role of trail providing agencies, as shown in Exhibit “P” of this resolution.
25. Amend the San Mateo County LCP Locating and Planning New Development Component to add Policy 1.3 to guide resolution of LCP policy conflicts, as shown in Exhibit “Q” of this resolution.
26. Amend the San Mateo County LCP to resolve identified LCP policy conflicts and clarify ambiguous provisions. These amendments involve revisions to Locating and Planning New Development Component Policies 1.5b, 1.7, 1.86, 1.9a, 1.12b, 1.15, 1.16, 1.20, 1.33 and Table 1.3, Public Works Component Policies 2.22a, 2.22d and 2.23, the Housing Component Policy 3.14a, the Energy Component

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Policy 4.3a, Agriculture Component Policies 5.2 and 5.4, Aquaculture Component Policy 6.2, Sensitive Habitats Component Policies 7.12, 7.13, 7.34, 7.36-7.40 and 7.47-7.50, Visual Resources Component Policies 8.5, 8.6 and 8.14, Recreation and Visitor Serving Facilities Component Policy 11.7b, and Commercial Fishing and Recreational Boating Component Policy 12.3, as shown in Exhibit “R” of this resolution.

27. Amend the San Mateo County LCP Locating and Planning New Development Component to renumber Policies 1.3-1.33 to 1.4-1.34, Public Works Component to renumber Policies 2.51-2.63 to 2.52-2.64, Shoreline Access Component to renumber Policies 10.44-10.47 to 10.45-10.48, and Recreation and Visitor Serving Facilities Component to renumber Policy 11.30 to 11.32.

28. Postpone final approval of a tentatively approved proposal that would revise the Waterfront “W” district regulations to add the employment generating commercial uses shown in Exhibit “S” of this resolution.

Consideration of final approval will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

29. Postpone final approval of a tentatively approved proposal that would enact a new Airport Commercial (AC) zoning district that would permit the full range of employment generating commercial uses shown in Exhibit “T” of this resolution.

Consideration of final approval will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

LCP RESOLUTION SUBMITTAL NO. 3

30. Postpone final approval of a tentatively approved proposal that rezones the following two sites at Half Moon Bay Airport from M-1 to AC:

- a. 23 acres fronting Highway 1 in the northeast Airport area.
- b. 9 acres fronting Capistrano Road in the southeast Airport area.

Consideration of final approval will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

31. Postpone final approval of a tentatively approved proposal that:

- a. Revises the Waterfront/Airport Overlay (W/AO) district to align with the FAA and ALUC protection zones.
- b. Rezones the area outside the revised W/AO district from W/AO to W.
- c. Amends the site intensity limit for the W/AO district from three persons per site to one person per 1,667 sq. ft. of parcel area (i.e., equivalent to three persons per 5,000 sq. ft).

Consideration of final approval for this amendment will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

After the “Airport Layout Plan” is complete, the Board of Supervisors will also consider whether to request that the FAA and ALUC base the approach protection zones on the “displaced threshold,” rather than on the physical end of the runway.

(Not an LCP amendment.)

AND, BE IT FURTHER RESOLVED, that the provisions of this resolution do not apply to development that has fulfilled at least one of the following requirements before the effective date of this resolution:

1. An application for each applicable development permit required by the County Zoning Regulations, including a Coastal Development Permit application, has been submitted to the County and appropriate fees paid; or
2. A building permit application has been submitted to the County and appropriate fees paid if no development permit is required by the County Zoning Regulations; or
3. A development agreement has been recorded between the County and the property owner where the development will occur, and the proposed development conforms with the terms of that development agreement.

AND, BE IT FURTHER RESOLVED, that the San Mateo County Board of Supervisors direct staff to submit the Local Coastal Program (LCP) amendments as individual amendments to the Coastal Commission for certification of conformity with the California Coastal Act. The LCP amendments submitted to the Coastal Commission shall include the Land Use Plan changes that are a part of this resolution, and concurrently approved Zoning/Ordinance Code amendments.

AND, BE IT FURTHER RESOLVED, that if the Coastal Commission should find that one or more of the Local Coastal Program amendments as submitted do not meet the requirements of, and are not in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the Public Resources Code, the County requests pursuant to Public Resources Code sections 30512, subdivision (b), and 30513 that the Coastal Commission not recommend or suggest modifications which if made will result in certification, and deny certification of any such amendments.

AND, BE IT FURTHER RESOLVED, that the Local Coastal Program amendments shall not have the force of law until the California Coastal Commission has certified them, without modification, as conforming with the California Coastal Act. If certified without modification, the amendments will take effect immediately upon certification.

AND, BE IT FURTHER RESOLVED, that the actions and directions described in paragraphs 3, 6, 7, 9, 12b, 12c, 13, 18, 19, 20, 22, 23, 28, 29, 30 and 31 above, that are approved by this resolution and are not subject to review and certification by the Coastal Commission as part of the Local Coastal Program, shall become effective immediately upon adoption of this resolution.

RESOLUTION NO. _____

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

* * * * *

RESOLUTION (1) AMENDING THE SAN MATEO COUNTY GENERAL PLAN/LOCAL COASTAL PROGRAM (LCP), AND (2) ENACTING COUNTY POLICY RESULTING FROM THE MIDCOAST LCP UPDATE PROJECT

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

WHEREAS, in November, 1980, the San Mateo County Local Coastal Program (LCP) was certified by the California Coastal Commission; and

WHEREAS, since its certification, LCP has been amended various times, to improve Coastal Act conformance or respond to local circumstances; and

WHEREAS, between 1995 and 1999, the Midcoast Community Council expressed its concern over LCP provisions related to buildout calculation, acceptable growth limits, regulating substandard lot development, design review, and facilitating job creation; and

WHEREAS, between 1995 and 1999, members of the Board of Supervisors and Coastal Commission requested that LCP policy be changed to discourage substandard lot development and reduce permit appeals; and

WHEREAS, in August, 1999, the Board of Supervisors approved Resolution 62999 authorizing the Midcoast LCP Update Project to (1) improve LCP-Coastal Act consistency, (2) update LCP baseline data and policies, and (3) reduce development permit appeals; and

WHEREAS, in September, 2000, the Board of Supervisors approved the new zoning controls to regulate house size, shape and scale; and

WHEREAS, between July and November, 2000, four community scoping sessions were held to identify other issues and changes that the participants wanted to be addressed by the Midcoast LCP Update Project. This community-driven process culminated in the project scope of study. Key tasks included recalculating residential buildout, evaluating the annual growth rate limit, reconsidering the controls on non-conforming parcel development, and preparing new Design Review standards; and

WHEREAS, in 2001, Planning staff prepared an Alternatives Report which analyzed issues, evaluated alternatives, and identified a preferred approach for each project task. The report became the basis for subsequent community workshops; and

WHEREAS, between April, 2002 and May, 2003, Planning staff convened 21 community workshops in the Midcoast to generate and refine policy proposals and identify general community preference; and

WHEREAS, between 2002 and 2003, the Coastside Design Review Committee prepared updated residential Design Review standards; and

WHEREAS, between August, 2003 and October, 2004, the San Mateo County Planning Commission held 15 public hearings (five in El Granada) to consider the Midcoast LCP Update Project, including to formulate and refine policy proposals; and

WHEREAS, Planning staff provided the Planning Commission with studies, analyses and illustrations to assess the implication of the project proposals on Midcoast properties; and

WHEREAS, members of the public representing many perspectives provided the Planning Commission with substantial testimony and correspondence; and

WHEREAS, maximum opportunity for public participation in the hearing process was provided through: (1) publication of all Planning Commission meeting announcements in the San Mateo County Times and Half Moon Bay Review newspapers, and (2) direct mailing of meeting announcements and reports to approximately 200 Midcoast participants; and

WHEREAS, in January, 2004, the Planning Commission separately recommended approval of the updated Midcoast residential Design Review standards; and

WHEREAS, in April, 2004, the Board of Supervisors held two public hearings to consider and approve the updated Design Review standards; and

WHEREAS, in October, 2004, the Planning Commission, after considering the merits of all concerns and issues presented during the public hearing process, and approved its project recommendation to the Board of Supervisors; and

WHEREAS, in January, 2005, the Board of Supervisors convened a study session to facilitate improved Board and public understanding of the proposed amendments; and

WHEREAS, between January and March, 2005, the Board of Supervisors held three public hearings to consider the Midcoast LCP Update Project, including to formulate and refine policy proposals and taking tentative action; and

WHEREAS, between March and June, 2005, the Board of Supervisors conducted a visioning process to provide a framework for future policy changes. This involved (1) constituting a subcommittee to coordinate the process, (2) preparing a set of principles to guide consideration of project proposals, (3) two public hearings to approve the principles, and (4) to assess alignment of project proposals with the principles; and

WHEREAS, between November, 2005 and October, 2006, the Board of Supervisors held five public hearings (one in Half Moon Bay) to revise and refine policy changes, and approve in concept the project proposals; and

WHEREAS, maximum opportunity for public participation in the hearing process was provided through: (1) publication of all Board of Supervisors meeting announcements in the San Mateo County Times and Half Moon Bay Review newspapers, (2) publication of a project advertisement at the beginning of the hearing process in the Half Moon Bay Review, (3) direct mailing to affected property owners for several key policy proposals, and (4) direct mailing of meeting announcements and reports to more than 250 Midcoast participants; and

WHEREAS, all interested parties were afforded the opportunity to be heard at the Board of Supervisors hearings.

WHEREAS, the matters described below in paragraphs 1, 2, 4, 5, 8, 10, 12a, 14, 15, 16, 17, 21, 24, 25, 26 and 27 are individual amendments to the Local Coastal Program and require certification by the Coastal Commission as being in conformity with the provisions of the California Coastal Act before the individual amendment can become effective; and

NOW, THEREFORE, BE IT RESOLVED, that the San Mateo County Board of Supervisors:

1. Amend the San Mateo County LCP Locating and Planning New Development Component Table 1 to include the updated estimate of Midcoast residential buildout, as shown in Exhibit "A" of this resolution.
2. Amend the San Mateo County LCP Locating and Planning New Development Component to add Map 1.3, Midcoast LCP Update Project Area, as shown in

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Exhibit “B” of this resolution.

3. Recognize that there are an unknown number of unpermitted second units and direct staff to develop a program to (a) identify the number of such units, and (b) facilitate their legalization and proper permitting without punitive fees. The program shall be developed within six months of the effective date of this resolution, and subsequently presented to the Board of Supervisors for approval. (Not an LCP amendment.)
4. Amend the San Mateo County LCP Public Works Component to revise Tables 2.3 and 2.4 to include the updated estimate of Midcoast sewage generation at buildout, as shown in Exhibit “C” of this resolution.
5. Amend the San Mateo County LCP Public Works Component to revise Tables 2.9 and 2.10 to include the updated estimate of Midcoast water consumption at buildout, as shown in Exhibit “D” of this resolution.
6. Complete the Midcoast Groundwater Study to determine the safe yield for Midcoast groundwater resources, and evaluate the need for policy changes based on that report. (Not an LCP amendment.)
7. Support Coastside County Water District and Montara Water and Sanitary District in (a) continuing their efforts to secure water supply sources, and (b) applying for facility expansion to serve the Midcoast at buildout, i.e., Phase 2. (Not an LCP amendment.)
8. Amend the San Mateo County LCP Public Works Component to revise Policy 2.8 and Table 2.17 to reserve water supply capacity (a) for residential wells deemed to have failed by the Environmental Health Division, and (b) for affordable housing units not located at the three designated Midcoast sites, as shown in Exhibit “E” of

this resolution.

9. Coordinate with the City of Half Moon Bay and the San Mateo County Transportation Authority to propose projects that will improve roadway level of service at buildout on Highway 1 in the urban Midcoast and Half Moon Bay. The process would specify post-2008 Transportation Authority improvements of Highway 1. Projects could include adding new travel lanes, reconfiguring lanes, acceleration/deceleration lanes, and other operational and safety improvements, e.g., signals at major intersections, wider shoulders for emergency vehicle passage, turn pockets, and requiring trip reduction measures.
(Not an LCP amendment.)
10. Amend the San Mateo County LCP Locating and Planning New Development Component to revise Policy 1.22 to reduce the annual Midcoast residential growth rate limit from 125 to 75 new units per year, and clarify the application of this limit, as shown in Exhibit “F” of this resolution.
11. Adopt the policy authorizing a two-phased lot merger process whereby incentives are offered for voluntary merger of applicable substandard lots during Phase 1 period, followed by mandatory merger during Phase 2, as included in Exhibit “G” of this resolution.
(Not an LCP amendment.)
12. Amend the San Mateo County LCP Public Works Component to add Policy 2.51 to require additional traffic mitigation measures for Midcoast development projects generating more than 50 peak hour trips as included in Exhibit “H” of this resolution.

Retain the existing mitigation fee requirements for local road and drainage improvements, and continue implementing existing C/CAG requirements for transportation demand measures (TDMs) from new development that generates

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more than 100 peak hour trips.

(Not an LCP amendment.)

Study expanding shuttle service between the Midcoast and Bayside.

(Not an LCP amendment.)

13. Postpone consideration of all LCP land use and zoning amendment proposals for the CalTrans' owned Devil's Slide bypass property until either (1) the Montara Mountain tunnel project is complete or (2) such time that another public agency or entity assumes ownership of the property, whichever occurs first.
(Not an LCP amendment.)
14. Amend the San Mateo County LCP Public Works Component to revise Policy 2.50 to indicate intended future changes for the Devil's Slide bypass property, as shown in Exhibit "I" of this resolution.
15. Amend the San Mateo County LCP Recreation and Visitor Serving Facilities Component to revise Policies 11.13 and 11.27 to update the designated trails list, and to support efforts to add the Devil's Slide bypass property to adjoining park units, as shown in Exhibit "J" of this resolution.
16. Amend the San Mateo County LCP Public Works Component to revise Policy 2.56 and Recreation and Visitor Serving Facilities Component to revise Policy 11.26 to (a) promote coordination with CalTrans in developing a pedestrian/multi-purpose trail parallel to Highway 1, and above or below ground pedestrian crossings at locations along Highway 1, and (b) require that CalTrans' Highway 1 improvement projects be conditioned to require development of such pedestrian improvements, as shown in Exhibit "K" of this resolution.
17. Amend the San Mateo County LCP Housing Component to add Policy 3.17 to authorize incentives for voluntary development of affordable housing units on

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Midcoast parcels other than the designated affordable housing sites, including residentially zoned substandard lots that cannot be merged, as shown in Exhibit “L” of this resolution.

18. Retain the existing policy of waiving permit fees and expediting permit processing for new affordable housing units.

For affordable housing units built on substandard residentially zoned Midcoast lots that cannot be merged (<4,500 sq. ft.), to the extent feasible, provide access to (a) an assembled pool of pre-qualified buyers and (b) a reduced interest loan for construction costs.

(Not an LCP amendment.)

19. Direct staff to coordinate with the Midcoast Community Council, Coastside Design Review Committee and local builders to prepare a set of house designs that could be used for residences constructed on a substandard lot, e.g., smaller than 4,500 sq. ft. The house designs would be considered for pre-approval by the Planning Commission and Board of Supervisors.

If the Board of Supervisors accepts the pre-approved house designs, amend the Zoning Regulations to exempt future houses built in accordance with a pre-approved design from otherwise applicable design review and use permit requirements.

(Not an LCP amendment.)

20. Request the Granada Sanitary District to repeal its policy that adds regulatory barriers for a sewer connection to serve a house on a non-conforming parcel. This District policy serves to constrain the provision of Midcoast affordable housing.

(Not an LCP amendment.)

21. Amend the San Mateo County LCP Locating and Planning New Development

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Component to add Policy 1.35 and Appendix to incorporate the Countywide Stormwater Pollution Prevention Program (STOPPP) best management practices and performance standards/requirements which implement Federal NPDES and State Regional Water Quality Control Board requirements, as shown in Exhibit “M” of this resolution.

22. Form a Midcoast Stormwater Drainage Committee to be constituted and function, as shown in Exhibit “N” of this resolution.
(Not an LCP amendment.)
23. Direct staff to complete in a timely manner all partially completed responsibilities assigned to the County by LCP policies related to (a) notice of violations, (b) review of public works projects, (c) increased commuter transit use, (d) alternative housing techniques, and (e) access and development fund, as described in Exhibit “O” of this resolution.
(Not an LCP amendment.)
24. Amend the San Mateo County LCP Shoreline Access Component to revise Policies 10.41, 10.44, 10.49 and 10.50, and Recreation and Visitor Serving Facilities Component to revise Policies 11.24, 11.25, and 11.28-11.31 to update the role of trail providing agencies, as shown in Exhibit “P” of this resolution.
25. Amend the San Mateo County LCP Locating and Planning New Development Component to add Policy 1.3 to guide resolution of LCP policy conflicts, as shown in Exhibit “Q” of this resolution.
26. Amend the San Mateo County LCP to resolve identified LCP policy conflicts and clarify ambiguous provisions. These amendments involve revisions to Locating and Planning New Development Component Policies 1.5b, 1.7, 1.86, 1.9a, 1.12b, 1.15, 1.16, 1.20, 1.33 and Table 1.3, Public Works Component Policies 2.22a, 2.22d and 2.23, the Housing Component Policy 3.14a, the Energy Component

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Policy 4.3a, Agriculture Component Policies 5.2 and 5.4, Aquaculture Component Policy 6.2, Sensitive Habitats Component Policies 7.12, 7.13, 7.34, 7.36-7.40 and 7.47-7.50, Visual Resources Component Policies 8.5, 8.6 and 8.14, Recreation and Visitor Serving Facilities Component Policy 11.7b, and Commercial Fishing and Recreational Boating Component Policy 12.3, as shown in Exhibit “R” of this resolution.

27. Amend the San Mateo County LCP Locating and Planning New Development Component to renumber Policies 1.3-1.33 to 1.4-1.34, Public Works Component to renumber Policies 2.51-2.63 to 2.52-2.64, Shoreline Access Component to renumber Policies 10.44-10.47 to 10.45-10.48, and Recreation and Visitor Serving Facilities Component to renumber Policy 11.30 to 11.32.

28. Postpone final approval of a tentatively approved proposal that would revise the Waterfront “W” district regulations to add the employment generating commercial uses shown in Exhibit “S” of this resolution.

Consideration of final approval will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

29. Postpone final approval of a tentatively approved proposal that would enact a new Airport Commercial (AC) zoning district that would permit the full range of employment generating commercial uses shown in Exhibit “T” of this resolution.

Consideration of final approval will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

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30. Postpone final approval of a tentatively approved proposal that rezones the following two sites at Half Moon Bay Airport from M-1 to AC:

- a. 23 acres fronting Highway 1 in the northeast Airport area.
- b. 9 acres fronting Capistrano Road in the southeast Airport area.

Consideration of final approval will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

(Not an LCP amendment.)

31. Postpone final approval of a tentatively approved proposal that:

- a. Revises the Waterfront/Airport Overlay (W/AO) district to align with the FAA and ALUC protection zones.
- b. Rezones the area outside the revised W/AO district from W/AO to W.
- c. Amends the site intensity limit for the W/AO district from three persons per site to one person per 1,667 sq. ft. of parcel area (i.e., equivalent to three persons per 5,000 sq. ft).

Consideration of final approval for this amendment will occur when the “Airport Layout Plan” portion of the Half Moon Bay Airport Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete.

After the “Airport Layout Plan” is complete, the Board of Supervisors will also consider whether to request that the FAA and ALUC base the approach protection zones on the “displaced threshold,” rather than on the physical end of the runway.

(Not an LCP amendment.)

AND, BE IT FURTHER RESOLVED, that the provisions of this resolution do not apply to development that has fulfilled at least one of the following requirements before the effective date of this resolution:

1. An application for each applicable development permit required by the County Zoning Regulations, including a Coastal Development Permit application, has been submitted to the County and appropriate fees paid; or
2. A building permit application has been submitted to the County and appropriate fees paid if no development permit is required by the County Zoning Regulations; or
3. A development agreement has been recorded between the County and the property owner where the development will occur, and the proposed development conforms with the terms of that development agreement.

AND, BE IT FURTHER RESOLVED, that the San Mateo County Board of Supervisors direct staff to submit the Local Coastal Program (LCP) amendments as individual amendments to the Coastal Commission for certification of conformity with the California Coastal Act. The LCP amendments submitted to the Coastal Commission shall include the Land Use Plan changes that are a part of this resolution, and concurrently approved Zoning/Ordinance Code amendments.

AND, BE IT FURTHER RESOLVED, that the Local Coastal Program amendments shall not have the force of law until the California Coastal Commission has certified them, without modification, as conforming with the California Coastal Act. If certified without modification, the amendments will take effect immediately upon certification.

AND, BE IT FURTHER RESOLVED, that the actions and directions described in

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paragraphs 3, 6, 7, 9, 12b, 12c, 13, 18, 19, 20, 22, 23, 28, 29, 30 and 31 above, that are approved by this resolution and are not subject to review and certification by the Coastal Commission as part of the Local Coastal Program, shall become effective immediately upon adoption of this resolution.

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