



County of San Mateo

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Dear Charles:

SUBJECT: San Mateo County's Response to the Coastal Commission Staff Recommendation on the Midcoast LCP Update Amendments

Thank you for attending the June 16 and July 7, 2009 San Mateo County Board of Supervisors meetings regarding the California Coastal Commission (CCC) staff's recommendation on the Midcoast LCP Update Amendments. As you are aware, the Board authorized the Planning and Building Department to send a letter to the Commission staff, on its behalf, identifying its concerns regarding the recommendation, and requesting a number of changes. This letter serves that purpose.

The Board's concerns and requested changes are essentially the same as those identified in the Planning and Building staff reports that were prepared for the June 16 and July 7 meetings, and are detailed below. Of these matters, the Board underscored its concerns regarding the following issues:

- **Growth Rate.** The County's proposed reduction in the allowed number of new residential units per year was carefully negotiated at the local level and should be retained. If any further reduction is proposed by the Commission staff, it should be kept to the absolute minimum, and continue to exclude secondary dwelling units and affordable housing units.
- **Service District Formation and Expansion.** The Commission staff's proposed policy restricting Service District Formation needs to be adjusted in a manner that responds to the concerns expressed by the San Mateo County Local Agency Formation Commission and County staff.
- **Affordable Housing.** All policy modifications that would interfere with County efforts to increase the supply of affordable housing should be eliminated. This means maintaining the County proposed policy that requires the reservation of water for 40 new affordable housing units, and retaining existing priorities for designated sites.

- **Private Wells and Septic Systems.** While it may be appropriate to place additional restrictions on private wells and septic systems within groundwater subareas that are most at risk, this should be done through a separate process that is coordinated with Phase 3 of the Midcoast Groundwater Study, and that addresses the issue in a careful and comprehensive manner.
- **Re-designation of Bypass Lands.** Issues associated with CalTrans ownership of the bypass lands necessitate a careful approach to changing the area's zoning and land use designation. The Commission staff's proposed modifications that require such changes therefore need to be re-worked or eliminated.
- **Access Requirements Along the Abandoned Section of Highway 1.** It is unnecessary to include access requirements established by the permit for the Highway 1 tunnel within the LCP. In addition, the Commission staff's proposed policy requiring the provision of access 365 days a year may conflict with sensitive habitat protection needs.
- **Recycled Water.** The provision of recycled water for agricultural and other uses should not be restricted.
- **Public Works Capacities.** The Commission staff should work with the County and other agencies and service providers to develop solutions to infrastructure needs rather than inserting policies that create unnecessary barriers to such improvements.

These issues, as well as other County concerns and requested changes, are described in more detail below. Consistent with past practice and the direction given by the Board of Supervisors, the Planning and Building Department is committed to working with the Commission staff to resolve as many of these issues as possible prior to the Coastal Commission hearing on the Update.

1. Revisions to Annual Growth Rate

a. Description

As approved by the Board of Supervisors, the Update proposes to limit the number of new Midcoast dwelling units to 75 per year, not including affordable housing units and secondary dwellings. This represents a 40% reduction in the 125 units currently allowed by the LCP. The County-approved amendment also repeals an existing LCP provision that allows the Board to approve up to 200 units per year if certain findings are made.

CCC staff's Suggested Modification 2 replaces the 75 unit annual limit proposed by the County with a maximum population growth rate of 1%, and applies this limit to secondary dwellings (i.e., "granny units"). The modification also states that the 1% limit shall be in effect until the County develops a comprehensive transportation

management plan, sewage overflow problems have been resolved, and the growth rate is revised via future LCP amendment.

b. Analysis

The number of new residences permitted in the Midcoast has averaged 49 units per year since the LCP was certified in 1981. The most development that occurred in one year was in 1987, when 133 units were built. (This is the one and only time the Board of Supervisors adopted the findings necessary to allow more than 125 units.) Over the past five years (2004-2008), an average of 38 units have been approved annually. During this five-year period, the maximum number of new units developed in one year was 50 in 2004, and the lowest number was 24 in 2008. (There has been a steady decline in the number of units constructed per year since 2004.)

The CCC proposal to establish an annual maximum population growth rate of 1% reduces the number of new residential units allowed per year from 75 (as proposed by the County) to 40, based on an average of 2.78 persons per household (as determined by the 2000 Census) and an estimate of 3,950 existing units. This will be more difficult to administer because the number of new units allowed will need to be periodically revised to reflect population changes.

An important question that remains unresolved is how the CCC staff's proposed growth rate relates to the new policies they have proposed that prohibit new development until the adequacy of public services can be demonstrated. These policies, which are discussed in more detail in Section 3 of this report, establish a moratorium on new development until traffic and wastewater collection (among other service and infrastructure) issues are resolved. It appears that these new public service policies would supersede the growth rate policy and render the allowed growth rate moot.

The proposal to reduce or prohibit new residential development until infrastructure and service capacities are increased does not consider the role that new development plays in implementing such improvements. Existing fees for new development help fund recreation projects, stormwater programs, and roadway improvements. In addition, new development provides elements that address regional needs such as sidewalks, trails, and drainage infrastructure. Tying the growth rate directly to existing service capacities further impedes infrastructure improvements by widening the divide of public support for projects that enable growth.

CCC staff's proposal to apply the growth rate limit to second units also conflicts with the County's interest in meeting its regional housing needs, in a manner that complies with Department of Housing requirements and maximizes opportunities for urban infill. It also raises issues of consistency with Section 6585.2(a)(2) of the Government Code restricting the application of quotas to second units.

It is understood that the approved growth limit will be in place unless and until it is revised by a future LCP amendment, at which time the CCC will consider service capacity issues. Prescribing specific components of future amendments, such as the Comprehensive Traffic Management Plan called for by Suggested Modification 39, may create unnecessary obstacles to appropriate growth rate revisions if traffic issues are resolved through an alternative and equivalent process. It also places an emphasis on traffic and wastewater collection issues, whereas there may be other issues of equal or greater importance when and if the County proposes to revise the growth rate.

Finally, CCC staff's proposed 69% reduction to the LCP's existing growth rate is an unnecessary and inappropriate response to an amendment that reduces the allowed growth rate by 40%. The reduced growth rate adopted by the County was subject to an extensive public review process, and will improve the ability of public service and infrastructure improvements to keep pace with a level of new development that will help implement such improvements.

The County and other service providers have initiated a number of projects and planning efforts intended to address CCC staff's concerns regarding the ability of infrastructure and public service capacities to accommodate the growth allowed by the LCP. These include the Midcoast Mobility Project, Midcoast groundwater studies, the Countywide Transportation Plan Update, Midcoast storm drain improvements, and the El Granada Sanitary District's proposed wet weather storage project. In light of these efforts and the concerns raised above, it is premature and unnecessary for CCC staff to revise the County adopted annual growth limit.

c. Requested Change

Delete Suggested Modification 2. Rather than imposing a change to the County adopted growth rate, CCC staff should participate in the infrastructure planning efforts that will allow public service capacities to keep pace with the modest rate of infill development allowed by the County and envisioned by the LCP.

In the event that CCC staff is unwilling to delete this modification, it should keep the growth rate as close as possible to that which is proposed by the County, and revise the modification to:

- Establish a maximum annual growth rate based on a number of units rather than a percent of the population;
- Clarify the relationship of proposed public service policies to the growth rate;
- Exclude secondary dwelling units from the growth limit; and
- Eliminate language that hinges future growth rate changes on a Comprehensive Traffic Management Plan and resolution of wastewater collection issues.

2. Water Quality Protection

a. Description

CCC staff's Suggested Modification 3 deletes a new County policy that requires compliance with the Countywide Stormwater Pollution Prevention Program (STOPPP)¹ and references minimum requirements that will be attached as an appendix to the LCP. In its place, Suggested Modification 4 proposes seven new policies that provide detailed stormwater control and treatment standards. These policy changes apply throughout the County's Coastal Zone, and are not limited to the Midcoast project area.

b. Analysis

Suggested Modifications 3 and 4 abandon the use of the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) as the primary method for protecting water quality. This program has been created in accordance with the Regional Water Quality Control Board's (RWQCB) National Pollution Discharge Elimination System, and provides a uniform way for protecting all of the County water bodies.

The replacement of SMCWPPP with LCP specific standards will result in the application of different standards for the Coastal Zone, and thereby create an artificial divide between bay and ocean waters that deserve equal protection. Although these standards have been designed to be consistent with SMCWPPP where possible, they also include some significant additions that mimic the RWQCB's proposed new Municipal Regional Permit requirements, which have yet to be adopted by the State Water Resources Control Board and are the subject of much debate.

In addition, the CCC staff's proposed replacement of SMCWPPP with LCP specific standards creates administrative issues beyond those associated with different standards for projects that require coastal development permits.² As proposed by the County, the reference to SMCWPPP allows the County to apply state of the art best management practices and pollution control designs and technologies that become a part of this program, without having to amend the LCP. Under the modifications suggested by CCC staff, the County will have to amend its LCP anytime it wants to update the very specific measures prescribed by the new policies.

Finally, many of the technical and detailed standards proposed by Suggested Modification 4 normally take the form of implementing regulations and permit

¹ STOPPP has been renamed to the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP). Information regarding this program is available at www.flowstobay.org.

² As previously noted, much of the Midcoast area is within an area where single-family residential development has been categorically excluded from coastal development permit requirements, and thereby exempt from the LCP policies proposed by CCC staff.

conditions, not policies. Policies are purposefully broad in nature, and provide the basis for the more specific implementing codes and regulations. The technical standards proposed by CCC staff as new LCP policies are inconsistent with this framework, and incompatible with the scope of other LCP policies. They are also redundant to each other and unclear in many areas.

c. Requested Change

Retain the approach proposed by the County that establishes a policy that requires new development to protect water quality by complying with SMCWPPP, and that attaches minimum requirements as an appendix. If there are gaps in the minimum requirements established by the County proposed appendix, CCC staff should limit their modifications to the minimum needed to fill these gaps.

To the degree CCC staff determines that it is necessary to amend or supplement the appendix, the suggested modifications presented in the staff report prepared for the postponed March 2009 meeting should be revised to:

- Eliminate redundancies (e.g., between 1.36a and 1.37c(1), 1.37b(5) and 1.37(d)1, 1.39b and the preceding policies);
- Define “small collection strategies” and “micro-detention” in proposed Policies 1.36b and 1.37c(1);
- Describe how the County is expected to “reduce pollutants associated with vehicles and increased traffic resulting from development” (Policy 1.36f);
- Recognize that disconnecting downspouts may not always be a best practice (1.37c(1));
- Acknowledge that sewer connections for swimming pools and other listed facilities are not available in rural areas (1.37(d)); and
- Describe how the need for additional treatment measures will be determined (Policy 1.39a).

3. Deletion of New County Policy Regarding Conflict Resolution

a. Description

Suggested Modification 5 removes a new policy proposed by the County that would allow decision makers to resolve conflicts between LCP policies in a manner that is, on balance, the most protective of significant coastal resources. The County proposal to include such a policy in the LCP is based on Sections 30007.5 and 30200(b) of the Coastal Act, which state:

Section 30007.5. Legislative findings and declarations; resolution of policy conflicts

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

Section 30200. Policies as standards; resolution of policy conflicts

...
(b) Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

The purpose of incorporating such a conflict resolution policy into the LCP is to provide the County with the ability to balance the sometime conflicting objectives of LCP resource protection provisions. These types of conflicts arise when the implementation of one LCP policy runs contrary to the directives of another policy, such as if the application of visual resource protection policies would push development in a sensitive habitat.

b. Analysis

CCC staff interprets Coastal Act Sections 30007.5 and 30200(b) as applying only to conflicts between the Chapter 3 policies of the Coastal Act, and not to conflicts between LCP policies. Based on this interpretation, Sections 30007.5 and 30200(b) are only applicable to CCC decisions on LCP submittals and amendments, and to coastal development permits (CDPs) where the Coastal Act, rather than a certified LCP, is the standard of review.

Within the bounds of this interpretation, there is room for local governments to propose, and the CCC to certify, conflict resolution provisions that are specific to particular resource issues. This is reflected in the visual resource provisions of the existing LCP; LCP Policy 8.5 states that where there are conflicts in complying with the requirements of this policy, they shall be balanced in manner that protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.

While the CCC has certified such specific conflict resolution policies within LCPs, it is apparently not willing to accept a general LCP policy that mimics the language of Section 30007.5, as the County has proposed in the Update. This seems to be at odds

with the Coastal Act's delegation of coastal development permit decisions to local governments with certified LCPs, and the specific language of Section 30200(b) which recognizes that conflicts may arise when local governments are implementing the provisions of the Coastal Act through LCPs. LCP policies that have been determined to be consistent with Chapter 3 of the Coastal Act are just as likely to raise internal conflicts as the Chapter 3 policies themselves. Accordingly, it would be appropriate to allow local governments to apply Section 30007.5 in such instances where there are conflicts between LCP policies enacted in accordance with the division.

The most common instances of conflict between LCP resource protection policies are those related to the application of visual resource protection policies and the implications it has on other LCP objectives, such as avoiding the conversion of agricultural lands, protecting sensitive habitats, and setting development back from hazardous areas. As noted above, the LCP already states that the visual protection policies should be carried out in a manner that is, on balance, the most protective of coastal resources, so the County is already covered in this regard.

Another potential area of conflict is in the application of LCP agriculture policies that direct non-agricultural development away from soils that are either prime or suitable for agriculture, which has the potential to push development into other areas that may have sensitive habitats, scenic qualities, or hazardous conditions. With regard to the potential for such conflicts, LCP agriculture policies state that non-agricultural development should be located away from agricultural soils, unless all agriculturally unsuitable lands have been developed or are undevelopable. Accordingly, the County has the ability to resolve conflicts between agriculture and other LCP policies by determining that areas of a site with important scenic, habitat, or hazardous areas are not suitable for development.

c. Requested Change

It is impossible to predict the full range of possible conflicts that may arise between LCP policies during the review of particular development proposals. Although the existing LCP contains adequate provisions to resolve conflicts that may be raised through the application of visual resource and agriculture policies, there is the possibility that other conflicts could arise, such as between water quality and sensitive habitat policies (e.g., if the installation of an essential water quality protection measure necessitates a location within a sensitive habitat). In the interest in providing the County with the flexibility to address such circumstances, the County requests that CCC staff delete Suggested Modification 5.

4. New Policy Requiring the Demonstration of Public Service Capacities

a. Description

As described above, CCC staff is concerned about the ability of existing infrastructure and public services to support the total amount of development allowed by the LCP referred to as "buildout." These include concerns about the impact of traffic on coastal access; the ability of the wastewater collection system to handle increased flows; and the adequacy of local water supplies to sustain additional growth.

CCC staff attempts to address these concerns, among other ways, by adding a new policy (Suggested Modification 6) that prohibits the approval of new development unless it can be demonstrated that there are adequate public services. Services that must be addressed during the coastal development review process include, but are not limited to: water; wastewater collection, treatment, and disposal; storm drainage; fire, emergency, and medical response; police protection; transportation; schools; and solid waste collection and disposal (as applicable to the project). With regard to water and sewer services, the policy requires evidence that there is adequate capacity within the system to serve the development and "all other foreseeable development that the system is committed to serving."

b. Analysis

There is no question that the adequacy of public service capacities is an essential consideration in the review of development applications. The new policy proposed by CCC staff does not, however, provide a clear, reasonable, or effective method for addressing this issue. This is because the proposed policy is unclear about what constitutes adequate levels of service; does not identify the specific information needed to demonstrate such adequacy; and only applies to a very limited segment of new development that is not exempt from coastal development permit requirements by virtue of the existing Categorical Exclusion Order.

The policy proposed by CCC staff identifies over eight types of public services that must be addressed prior to the approval of any coastal development. However, there are only two areas in which adequate levels of service are defined. The first is in the area of water and sewer facilities, where the policy states that "adequate capacity (including transmission, collection, treatment, and disposal) exists within the system to serve the development and all other existing and foreseeable development the system is committed to serving." The second is in the area of transportation, where the Commission staff suggests that a Level of Service (LOS) D at peak commuter hours, and LOS E during peak recreation periods, be considered as adequate along State Route 1 and Highway 92.

These thresholds present a number of unresolved issues. The first has to do with the requirement to demonstrate that water and sewer service is not only adequate to serve

the proposed development, but all other development the system is committed to serving as well. It is unclear what constitutes a commitment to serve, such as whether an assessment levied by a service district for future service equates to such a commitment, even if the levy was assessed for a service that cannot be provided in a manner consistent with the LCP (such as for water or sewer treatment service outside the urban boundary). It is also unclear what is required to determine the full scope of existing service commitments, who will bear the burden of accurately making this determination, and how such commitments may preclude the establishment of Coastal Act priority land uses.

The second has to do with the feasibility and appropriateness of using roadway levels of service (LOS) as the threshold for circulation adequacy. Currently, there is no data available regarding LOS during peak recreation periods, which means that a new monitoring program will be needed to address CCC staff's recommended threshold. More generally, it is important to consider whether the presence of commuter and weekend traffic present an appropriate basis for a moratorium on development, particularly in light of the role that it plays in financing needed circulation improvements and addressing the region's jobs to housing imbalance.

A third issue has to do with the limited geographic area in which this standard will be applicable, and the resulting impediment it will create for commercial, mixed-use, and multi-residential infill projects that can help reduce traffic by creating walkable communities with a better jobs to housing balance. Single-family residential development will continue to be excluded from coastal development permit requirements throughout the urban exclusion area, and thereby exempt from the requirement to demonstrate adequate public services. Meanwhile, other uses that provide a greater degree of community benefit will be put to a much more rigorous test and at greater risk of being able to obtain the service capacities that are being consumed by single-family residences.

Finally, as discussed in Section 1.b above, the thresholds for determining the adequacy of roadway and wastewater treatment capacities appear to create a de facto moratorium on new development until peak traffic issues and wet weather overflow problems are resolved. This, in turn, creates impediments to implementing the infrastructure improvements needed to provide adequate service capacities.

c. Requested Change

Delete Sections a, b, g, and h of proposed Policy 1.18.1. CCC staff should work with the County through future LCP amendments to develop more specific and objective criteria that facilitate rather than hinder land use priorities.

5. Prohibition of Wells and Septic Systems

a. Description

Due to concerns regarding the sustainability of groundwater supplies, Suggested Modification 6 also proposes to prohibit private wells and septic systems be prohibited within the Midcoast urban area, unless they are consistent with a groundwater management plan approved by the Commission via future LCP amendment. The proposed prohibitions are reinforced by Suggested Modifications 17 and 26.

b. Analysis

A precautionary approach to individual wells in the urban area is warranted given outstanding questions regarding the safe yield of Midcoast groundwater basins.³ The proposal to develop a groundwater management plan is also appropriate given the various land uses, service districts, and natural habitats that depend on a sustainable groundwater supply.

While such a management plan is being developed, there may be instances where individual water supply and/or wastewater treatment systems warrant an exemption from the CCC staff's recommended prohibition because they will have either no adverse impacts on the basin, or will benefit groundwater recharge. It would be appropriate to allow exceptions to the prohibition in such instances.

It is also important to clarify that the prohibition applies only to new wells and septic systems. This avoids existing wells from becoming non-conforming, which would present obstacles to their ongoing use and maintenance.

c. Requested Change

Work with County staff and other interested parties through a separate amendment process to evaluate and, where necessary, update existing well policies in a manner that considers the upcoming results of Phase 3 of the Midcoast Groundwater Study. Otherwise, revise Suggested Modifications 6, 17 and 26 to describe the instances in which wells and/or septic systems will be allowed; identify the specific documentation and findings needed to approve wells and septic systems; and addresses the ramifications of this policy on existing wells and septic systems.

³ See Midcoast Groundwater Study and Staff Summary at (http://www.co.sanmateo.ca.us/smc/departments/esa/home/0,2151,5557771_18409674,00.html)

6. New Policies Regulating the Size of Public Works

a. Description

CCC staff's Suggested Modifications 8, 11, 20, 25, 28, 29 and 33 propose policies that require the capacity of public works projects to be limited to that which can be effectively served by other existing or reasonable foreseeable public service capacities. For example, the capacity of roadway projects would be limited to serving a population that can be accommodated by existing or foreseeable water supplies and wastewater treatment capacities. Similarly, the capacity of water supply projects would be limited to serving a level of development that could be sustained by existing or foreseeable roadway and wastewater treatment capacities.

b. Analysis

CCC staff's suggested modification creates an unreasonable expectation that all types of public works projects will move forward in tandem. As a case in point, it is unrealistic to assume that a project to improve traffic flow on Highway 1 will be able to predict the future capacity of the area's water supply within the timeframe that such roadway improvements are needed. Although there are a range of options available to help address the area's water supply needs (such as improved conservation and groundwater management, reuse of recycled wastewater, and desalination), it is not possible at this point in time to identify a "foreseeable" supplemental water supply. As a result, the policy recommended by CCC staff would restrict roadway improvements to the minimum level needed to serve existing levels of use, which would be neither an efficient nor effective method of addressing long-term transportation needs.

It also creates a situation under which the current status of public works projects, rather than the level of development that can be accommodated consistent with the protection of coastal resources, determines the level of development allowed by the LCP. It is inappropriate to limit potential future development simply because a particular service needs to expand its capacity, without evidence that such an expansion would harm coastal resources.

c. Requested Change

Delete the Suggested Modifications referenced above, or revise them to limit the capacity of public works to that which will serve the buildout allowed by the LCP.

7. Reservation of Transportation Capacity

a. Description

Coastal Act Section 30254 states in part:

Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Pursuant to this policy, the LCP establishes a system for reserving allocations of limited water and sewer service capacities to priority land uses. Suggested Modifications 9 and 42 revise these policies by including the regional transportation system (e.g., Highways 1 and 92) as a type of public works facility, the capacities of which must be reserved for priority land uses.

b. Analysis

The concept of reserving roadway capacity for priority uses presents some very basic implementation questions. In particular, it is unclear how such capacities are to be effectively determined and reserved.

Taking the CCC staff's recommendation as a whole, it appears that CCC staff expects the County to prohibit any new development until the levels of service along Highways 1 and 92 are "D" or better during peak commuter periods, and "E" or better during peak recreation periods. Any additional roadway capacity that may be available within these parameters must be reserved for priority land uses. In order to implement these recommendations, the County would need to determine the roadway needs of all future priority land uses, and improve circulation to the degree that meets this need, along with the needs of existing and future non-priority land uses, before any new development can occur.

A major challenge associated with this approach will be accurately assessing the transportation demands associated with future development of priority land uses, and the impacts that such demands will have on peak commuter and recreation periods. If this can be determined, the next challenge will be to analyze how the capacity of future roadway projects and transit improvements will be used. Finally, the County would need to document that future roadway projects are adequate to serve both priority and non-priority land uses allowed by the LCP, but would not create additional capacity that could induce growth beyond that which is allowed by the LCP.

The type of analyses described above is not only prone to error and debate, but is really only a paper exercise. When it comes down to actual use of the roadway and transit network, there is no effective means of allocating these facilities to priority land uses, as there is for services such as water and sewer.

c. Requested Change

Delete the portions of Suggested Modifications 9 and 42 that require transportation capacity to be reserved for priority uses.

8. Limits on the Creation of New Service Districts

a. Description

Coastal Act Section 30254 also states, again in part, that:

Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce development inconsistent with this division.

Based on this policy and concerns that existing levels of development exceed current public service capacities, CCC staff's Suggested Modification 12 allows the formation or expansion of special districts only when public service capacity issues such as water, sewer, and transportation are resolved.

b. Analysis

The establishment and expansion of special districts is regulated by the Local Agency Formation Commission, which not only considers whether such actions are consistent with the LCP, but whether they are in the best interest of the public from a cost, efficiency, and effectiveness standpoint.

As provided by the Coastal Act, special districts should not be formed if they will induce growth that is inconsistent with the policies of the Coastal Act or a certified LCP. In other words, it is appropriate to form special districts if they will provide an effective and efficient means of meeting the needs of both existing and anticipated future development.

CCC staff's Suggested Modification 12 does not carry out Coastal Act Section 30254, but instead uses existing service capacities as a basis to evaluate whether it is appropriate to form or expand special districts. This could have the undesirable result of precluding the formation of a special district that may be needed to meet the existing needs of the Coastside (e.g., a recreation district), or preventing the consolidation of existing service districts to provide more efficient and/or cost effective service, for a completely unrelated reason (e.g., levels of service along Highways 1 and 92 do not meet the minimums proposed by CCC staff).

c. Requested Change

Delete Suggested Modification 12.

9. Limits on the Use of Recycled Water

a. Description

Suggested Modification 14 revises LCP Policy 2.18 regarding the timing and sizing of projects that expand sewage collection and treatment capacities, and raises issues regarding the sizing of public works project described by the June 1, 2009 memorandum. Suggested Modification 14 also restricts the possible future reuse of treated wastewater by prohibiting connections to commercial, residential, or industrial water users.

b. Analysis

CCC staff's proposed restrictions on the possible reuse of treated wastewater appears to be based on a concern that it will be growth inducing. Since treated wastewater is not allowed to be used for domestic uses, it is unlikely to be growth inducing. The most likely use of treated wastewater will be to provide an alternative source of irrigation for landscaping and agricultural purposes, which will in turn reduce demands on limited groundwater supplies. CCC staff's proposed restrictions are therefore unnecessary and run counter to the interest in conserving water.

c. Requested Change

Delete the portion of Suggested Modification 14 that prohibits the provision of treated water to commercial, industrial, or residential water users.

10. Reduced Service Priorities for Affordable Housing

a. Description

In areas with limited public service capacities, the Coastal Act gives priority for such services to the specific types of land uses described in Section 2 above. Building on this approach, the LCP identifies affordable housing as a type of land use that should also be eligible to receive water capacities set aside for priority land uses. Specifically, the existing LCP reserves water for affordable housing constructed on the three vacant sites designated for high-density residential development. The Update would expand this program by also reserving water for up to 40 additional units located outside of these three sites (20 units within the Montara Water and Sanitary District's jurisdiction, and 20 units within the Coastside County Water District). This reservation represents a reallocation of water that was previously set aside for floriculture uses, based on the fact that the amount of water actually being used for that purpose is much less than that which was previously reserved.

Suggested Modifications 16, 23, and 43 revise the County's proposal in two ways. First, Suggested Modifications 16 and 23 indicate that the land uses specified by

Coastal Act Section 30254 have priority over affordable housing. Second, Suggested Modification 43 deletes the County's proposal to make up to 40 units of affordable housing located outside the three vacant high-density residential sites eligible for priority water.

b. Analysis

Coastal Act Section 30604(f) and (g) directs the Coastal Commission to encourage the provision of affordable housing in the Coastal Zone. Given the limited availability of water to accommodate new development, one of the most direct ways in which affordable housing can be encouraged is by making it eligible to receive water supplies that have been, or will be, set aside for priority land uses.

In its report, the CCC staff observes that affordable housing is not listed as a priority use by Coastal Act Section 30254, and therefore proposes to make affordable housing on the three identified affordable housing sites a secondary priority to the uses listed by the Coastal Act. This position runs contrary to the fact that the Commission previously certified affordable housing as a priority use with equal standing to the uses listed by the Coastal Act.

In addition to pointing out that affordable housing is not a priority use under the Coastal Act, the CCC staff justifies its rejection of the County's proposal to reserve water for 20 additional affordable residential units in the Montara Water and Sanitary District (MWSD) service area on "the reality of MWSD's existing capacity deficit and uncertain future supply capacity." Despite the fact that water may not be currently available, it remains in the County's interest to have a policy that reserves water for affordable housing so that future water supply projects are designed and implemented with this in mind.

For the 20 additional affordable units that the County has preserved to reserve water for in the Coastside County Water District service area, the CCC staff report states on one hand that "the County has demonstrated that there is excess capacity currently allocated for floriculture," but goes on to state that "the reallocation of priority water to affordable residential uses, which are not a priority, has not been adequately justified." It is unclear what sort of justification the CCC staff is looking for, or why both the County's (and the State's) interest in providing affordable housing needs justification in light of Coastal Act Section 30604.

c. Requested Change

Delete Suggested Modification 43, as well as the portions of Suggested Modifications 16 and 23 that make affordable housing a secondary priority.

11. Limits on the Provision of Water Service to Properties with Wells

a. Description

County policy regarding the use of individual wells to serve new development in the urban Midcoast requires, among other things, that wells be replaced with connections to municipal water systems when such connections become available. Suggested Modification 20 allows new water supply projects that help achieve this objective, but only after existing available capacities have already been consumed.

b. Analysis

It does not appear that Suggested Modification 20 will have an effect within the Montara Water and Sanitary District's boundaries, where existing water service capacities have been fully consumed. It will, however, create an obstacle to replacing wells within the Coastside County Water District, where allocated water is not being fully consumed.

c. Requested Change

Revise Suggested Modification 20 to allow new water supply projects that will replace wells with service connections to move forward as soon as possible.

12. New Policy Regarding Desalination

a. Description

Suggested Modification 21 adds a new policy regarding desalination that requires an LCP amendment for any proposed desalination plant, and establishes standards for the development of desalination projects.

b. Analysis

CCC staff's proposed design and construction standards for desalination plants seem reasonable and consistent with other elements of the County's General Plan. However, the suggested modification raises some procedural issues.

The first is that it brings up an issue area which is beyond the scope of the Midcoast Update, and was not been discussed or considered locally. The new policy would apply throughout the County's Coastal Zone. It is unlikely that all parties that may have an interest in this issue have been properly notified or informed that such a policy is being considered.

The second issue has to do with the requirement for an LCP amendment. There is no question that desalination plants require a coastal development permit. Requiring an

LCP amendment as well, however, does not appear to be consistent with the development review procedures established by the Coastal Act. The requirement for an LCP amendment should only apply to instances where a proposed desalination plant is not allowed by an existing LCP.

Chapter 24 of the County Zoning Regulations, which are a component of the LCP's Implementation Program, allows public utility or public service uses in any district, provided that a use permit is obtained and such facilities are necessary for the public health, safety, convenience or welfare. Desalination plants that meet this standard, and that comply with all other relevant LCP provisions, should therefore not require an LCP amendment.

The third issue has to do with the need to clarify what constitutes a "desalination plant." The process of removing salt from seawater or groundwater can occur at varying scales, and in order to effectively implement the proposed policy, it is important to know what size or scale of a reverse osmosis treatment system would trigger the standards established by this policy.

c. Requested Change

Delete Suggested Modification 21, or revise it to eliminate the need for an LCP amendment and clarify what constitutes a "desalination plant."

13. Traffic Monitoring and Reporting Requirements

a. Description

LCP Policy 2.52.b currently requires the County to monitor the number and rate of new residential construction, particularly in the rural Midcoast. Suggested Modification 32 revises this policy by removing the emphasis on the rural Midcoast and by adding a requirement that the County monitor the relationship of residential construction to traffic levels during peak commuter and recreation traffic periods.

b. Analysis

As noted in Section 3 of the Planning and Building Department's June 1, 2009 memorandum, there is no data available, and no monitoring program in place, to document roadway levels of service during peak recreation periods. The CCC staff's suggested modification would require either the County or the California Department of Transportation (CalTrans) to initiate such a program.

An additional problem with the suggested modification is the difficulty of correlating residential development to traffic volumes on regional transportation routes. Highways 1 and 92 are critical components of the regional transportation system and serve a much greater than local need. Given the wide range of roadway users, it is unclear

how the County could draw a reliable conclusion about how residential development in the unincorporated area relates to levels of service.

c. Requested Change

Delete the modification to Policy 2.52.b.

14. New Policy Requiring County Parks to Maintain a Trail Along the Abandoned Portions of Highway 1 Unless an Alternative Management Entity is Identified

a. Description

Suggested Modification 36 requires the County to accept portions of Highway 1 that will be relinquished by CalTrans upon completion of the Devil's Slide Tunnel access improvements, open and operate the trail and facilities 365 days a year, and incorporate these facilities into the County park system, unless and until another acceptable management agency is identified.

b. Analysis

The revisions proposed by CCC staff essentially mimic the conditions of approval for the Devil's Slide Tunnel project, which were negotiated with Commission staff in response to an appeal of the Planning Commission's approval of the project. However, a significant distinction is that the policy being recommended by CCC staff requires the County to open and operate the trail and access facilities 365 days a year. In comparison, the conditions of the tunnel permit allow for the terms of public access to be developed in coordination with the Devil's Slide Coastal Access Task Force, and include provisions for temporary closures in the event that the trail becomes unusable, un-repairable, or un-maintainable. Seasonal or other temporary closures made also be necessary to protect sensitive species.

c. Requested Change

Delete Suggested Modification 36. Otherwise, revise it to clarify the terms under which the trail may be closed, and reflect the fact that the terms of public use shall be determined in accordance with the operations plan developed by CalTrans in coordination with the Devil's Slide Coastal Access Task Force.

15. Trail and Crossing Improvements Required in Conjunction with Roadway Projects

a. Description

As proposed by the County, the Update calls for the installation of a multi-modal path parallel to Highway 1, as well as pedestrian crossings shown by the Midcoast Recreational Needs Assessment, when warranted by the size of a highway project.

Suggested Modification 36 requires that the path and crossings be installed "as part of any new or improved roadway project."

b. Analysis

CalTrans has expressed concern about this modification because it could be interpreted as requiring them to construct a path and/or crossing in conjunction with repair and maintenance activities or other small-scale projects. Clarification regarding the type of roadway projects that would trigger these requirements would be beneficial.

c. Requested Change

Work with the County and CalTrans staff on alternative language that resolves this issue.

16. Traffic Mitigation Requirements

a. Description

Suggested Modification 38 requires a Traffic Impact Analysis and Mitigation Plans for all new development that will generate a net increase in vehicle trips on Highway 1 or 92, except single-family residential and visitor-serving development. One of the mitigation measures required by this policy requires all land divisions to either retire or merge a number of existing legal lots equivalent to the number of lots to be developed, to avoid a net increase in the amount of residential development.

b. Analysis

The proposed lot retirement requirement involves a complex program under which applicants proposing a land division would have to locate and purchase other land with equivalent development potential, and record legal documents prohibiting their future development. It also places the responsibility for long-term management of retired lots on public agencies, private associations, or adjacent landowners.

As described by County Counsel's June 16, 2009 memorandum regarding the Witt and Abernathy cases, resolving the legality of many Midcoast parcels will likely necessitate the processing of a Conditional Certificate of Compliance or a subdivision, both of which constitute a "land division." The CCC staff's suggested modification will therefore have a much broader application than what seems to have been originally intended by the modification. This will pose significant challenges for infill development and may be an impediment to the provision of affordable housing.

c. Requested Change

Delete Suggested Modification 38, or revise it so that it only applies to the creation of five or more new parcels, and not to land divisions associated with the development of affordable housing projects.

17. Transportation Management Plan Requirements

a. Description

Suggested Modification 39 requires the County to develop a comprehensive transportation management plan, based on the results of a County commissioned study that identifies the total cumulative traffic impact of projected new development at LCP buildout. Among other things, the plan must propose LCP policies "designed to offset the demand for all new vehicle trips generated by the project"⁴ and mitigate for cumulative impacts on public access to and recreation use of Midcoast beaches.

b. Analysis

The County is actively engaged in transportation management planning, among other ways by participating on the City/County Association of Governments (C/CAG) Technical Advisory Committee and Countywide Transportation Plan Update Working Group. The update of the Countywide Transportation Plan will provide an opportunity to address many aspects of the plan prescribed by the Commission staff. However, several of the recommended plan components, such as the buildout study and the formulation of new LCP policies, will require supplemental efforts, some of which are outside the scope of a typical traffic management plan (e.g., mitigation for impacts of residential development on recreational use of beaches). It is unlikely that the County will have the financial and staffing resources to undertake these supplemental efforts in the near future.

c. Requested Change

Revise Suggested Modification 39 to delete requirements for a buildout study and recreation mitigation measures.

18. Coastal Trail Alignment Study Requirements

a. Description

Suggested Modification 44 requires the County to pursue a grant or other funding to conduct a Coastal Trail Alignment Study, with a specified scope of work, within two years of amendment certification.

⁴ It is unclear what "project" is being referenced by the CCC staff's proposed policy.

b. Analysis

The County is also an active participant in a wide range of trail planning and improvement projects, including interagency efforts to plan for and develop a continuous Coastal Trail system. The County Parks Department has completed a Midcoast Recreational Needs Assessment and Midcoast Action Plan, and will be conducting an intensive three-day public workshop, led by the Local Government and a national "walkable communities" expert, to address pedestrian mobility issues in Miramar and El Granada. Current County trail projects include construction of portions of the Coastal Trail near the Fitzgerald Marine Reserve and in Miramar ("Mirada Surf West"), and management of trails on property owned by the Peninsula Open Space Trust at the Pillar Point bluffs.

The programming of these and other County Parks projects is done in close coordination with the Board of Supervisors, based on a careful evaluation of Countywide needs and available resources. The County is supportive of the effort to establish and improve a Coastal Trail network, and will continue to be an active participant in this regard. However, it is inappropriate for CCC staff to dictate how the County Parks Department's time and resources should be spent.

c. Requested Change

Revise Suggested Modification 44 to delete the requirement that the County seek funding and complete a California Coastal Trail Alignment Study.

19. Designation and Rezoning of the Devil's Slide Bypass Alignment

a. Description

As submitted by the County, the Midcoast Update adds a new provision to LCP Policy 11.27 that supports efforts to add the Devil's Slide bypass roadway alignment to adjoining park units, including but not limited to the Golden Gate National Recreation Area.

Suggested Modifications 55, 58, and 59 require the County to designate the Devil's Slide bypass alignment as a Linear Park and Trail, rezone this area to Community Open Space, and pursue a grant or other funding to complete a linear park and trail, in partnership with other agencies, within two years of amendment certification.

b. Analysis

While the County supports the concept of including the bypass lands within adjoining park units, there are many issues that need to be resolved prior to rezoning the entirety of this area, some of which is currently zoned for residential development, to open space. One of the most fundamental of these issues is ownership. The new

policies proposed by Commission staff assume that the land will be transferred from CalTrans to the County. This is a premature assumption.

According to the staff of CalTrans right-of-way division, CalTrans has legal agreements with the former owners of the parcels that underlie the bypass area, that memorialize certain commitments regarding the future of these lands in the event the bypass is not constructed. County staff has not yet been provided the opportunity to review these agreements to determine what if any impact they might have on the transfer of this land or its future use.

CalTrans staff has also indicated a need to understand the form of compensation it would receive for transferring this land to a public agency. In addition, CalTrans staff has stated the importance of preserving rights of access to lots that are within and east of the bypass alignment. Until these issues are resolved, it would be inappropriate to zone the entire area for open space.

c. Requested Change

Delete Suggested Modifications 55, 58, and 59.

20. Designation of a Park Overlay on the Burnham Strip

a. Description

Suggested Modification 57 requires the County to designate a Park Overlay District on the Burnham Strip.

b. Analysis

Maps contained in the County's Montara, Moss Beach, and El Granada Community Plan designate the Burnham Strip as "Parks, Beaches, and Recreation Corridors." While this designation points out areas that should be considered for park and recreation improvements, it does not provide any standards for, or restrictions on development. Including a "park overlay" on the LCP Land Use Plan Map is therefore unnecessary.

c. Requested Change

Delete Suggested Modification 57.

21. Revisions to Allowed Uses on the Burnham Strip

a. Description

Suggested Modification 63 deletes roadside stands as an allowable use on the Burnham Strip, and restricts outdoor art centers on the Strip to temporary uses only.

b. Analysis

CCC staff's modification prohibits the installation of portable or permanent structures that are used for the sale of produce or other goods and merchandise. In addition, the modification limits "outdoor art centers" to temporary uses only, and thereby prohibits the regular or permanent establishment of outdoor facilities used for the exhibition, study or creation of art. These restrictions are unnecessary and preclude uses that could benefit residents and visitors.

c. Requested Change

Revise Suggested Modification 63 to retain roadside stands and outdoor art centers as permitted uses.

Thank you for your consideration of these comments and requests. We look forward to working with you and your staff to resolve as many of these issues as possible.

Sincerely,



Lisa Grote
Community Development Director

LC:SAM:fc – SAMT0632_WFN.DOC

cc: Board of Supervisors
David Boesch, County Manager
Peggy Jensen, Deputy County Manager
Michael Murphy, County Counsel

Table Legend

Unresolved Issue

General Agreement at Staff Level

Red Text: Points Requiring Follow-up

Mod #	Policy	Part of Amend?	Original CCC Modification	County Request	Revised CCC Modification
2	1.22	Yes	Replaces the County proposed 75 unit annual limit with a maximum population growth rate of 1% and applies this limit to secondary dwellings (i.e. "granny units"). Adds language requiring a comprehensive transportation management plan and resolution of sewage overflow problems before the growth rate can be changed (via future LCP amendment).	Delete the modification. Otherwise, revise it to: maintain the County proposed unit of measurement; exclude secondary dwelling units; and, eliminate language that hinges changes in the growth rate on a traffic management plan and resolution of wastewater transmission issues.	Replaces the County proposed 75 unit annual limit with a 40 unit annual limit. Applies this limit to secondary dwellings unless they have a contract rent or price that is affordable to low and moderate income households. Continues to require a comprehensive transportation management plan and resolution of sewage overflow problems before the growth rate can be changed (via future LCP amendment).
3 & 4	1.35	Yes	Deletes new policy that requires compliance with the San Mateo Countywide Water Pollution Prevention Program and references minimum requirements attached as an appendix to the LCP. Adds seven new expansive policies that require very detailed and specific measures.	Maintain the reference to SMCWPPP and the use of appendix. If necessary, supplement the appendix by incorporating the standards detailed by the modification where appropriate. These standards should be clarified and consolidated prior to inserting them into the appendix.	Addresses the County's request but requires some clarification.

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Unresolved Issue

General Agreement at Staff Level

Red Text: Points Requiring Follow-up

Mod #	Policy	Part of Amend?	Original CCC Modification	County Request	Revised CCC Modification
5	1.3	Yes	Deletes policy that allows County to resolve conflicts between LCP policies in a manner that is, on balance, the most protective of significant Coastal Resources.	Delete the modification and certify Policy 1.3 as submitted by the County.	No revision.
6	1.18.1	No	Adds new policy that prohibits approval of new development unless it can be served by adequate public services. With respect to water and sewer facilities, there must be adequate capacity to serve the development and all other development the system is committed to serving. Also prohibits private wells and septic systems within the urban services line unless authorized pursuant to a groundwater management plan incorporated into the LCP.	Delete sections a, b, g, and h of proposed policy 1.18.1 and revise the language prohibiting wells and septic systems to identify the circumstances under which wells and/or septic systems will be allowed.	Revised to require adequate "public works" rather than "public services". Prohibits new development unless there is water and wastewater treatment capacity to serve outstanding commitments. Prohibits new wells in the urban area unless authorized by a groundwater management plan. Adds new requirement that development served by wells must connect to the public water system when connections are available. Prohibits development other than single-family residences or visitor serving uses if roads and highways exceed LOS D during commuter peak periods and LOS E during recreation peak periods.

Table Legend

Unresolved Issue

General Agreement at Staff Level

Red Text: Points Requiring Follow-up

Mod #	Policy	Part of Amend?	Original CCC Modification	County Request	Revised CCC Modification
8, 11, 20, 25, 28, 29, and 33	2.7, 2.12, 2.27, 2.32, 2.36, 2.48, and 2.53	No	Adds new policy language limiting the capacity of public works expansions to that can be accommodated by other existing and probable future capacity of other public works facilities.	Delete the modifications or revise them to state that public works capacities are limited to that which can serve the buildout allowed by the LCP.	No revision to suggested modification 8 (requires the review of proposed public works expansions to consider the ability of other public works capacities to accommodate the increase in development that will result from the proposed public works expansion). Mod.11 continues to prohibit expansion of public works facilities unless "existing or probable future capacity of other related infrastructure, including but not limited to water supply and transmission, sewage treatment and transmission, and the San Mateo County Midcoast and City of Half Moon Bay regional transportation system, including the level of service (LOS) on Highways 1 and 92, is sufficient to adequately serve the level of development that would be supported by the proposed public works facility expansion. Adequate level of service for Highways 1 and 92 shall be defined, at a minimum, as Level of Service (LOS) C except during the peak commuter period when LOS D is acceptable and the recreation peak periods when LOS E is acceptable."

Table Legend

Unresolved Issue

General Agreement at Staff Level

Red Text: Points Requiring Follow-up

Mod #	Policy	Part of Amend?	Original CCC Modification	County Request	Revised CCC Modification
9 and 42	2.8a - d	In part (section d only)	Expands the policy requiring the reservation of public service capacities for priority land uses to include roadway capacity.	Delete sections of the modifications that require the reservation of roadway capacity for priority uses.	Addresses the County's request in suggested modification 9, but not in suggested modification 42.
12	New Policy 2.15.1	No	Allows the formation or expansion of special districts only when public service capacity issues such as water, sewer, and transportation are resolved.	Delete the modification.	Replaces the modification with a new policy that allows the formation or expansion of special districts only where assessment for, and provision of the service would not introduce development inconsistent with the Coastal Act of with the certified LCP. Redundant to existing policy 2.15
14	2.18	No	Revises existing language regarding the timing and sizing of projects that expand sewage collection and treatment capacities, and restricts the possible future reuse of treated wastewater by prohibiting connections to commercial, residential, or industrial water users.	Revise the modification in accordance with the County's response to modifications 8, 11, 20, 25, 28, 29, and 33 (above), and delete the proposed restriction on the reuse of treated wastewater.	Revised to allow projects that address wet weather overflow problems, and projects that increase levels of wastewater treatment and allow for its reuse, irrespective of traffic volumes. To be revised to allow recycled water to be used for irrigation purposes for any type of development.

Table Legend

Unresolved Issue

General Agreement at Staff Level

Red Text: Points Requiring Follow-up

Mod #	Policy	Part of Amend?	Original CCC Modification	County Request	Revised CCC Modification
16, 23, and 43	2.21, 2.23, and 3.17	In part (Policy 3.17 only)	Deletes the County's proposal to reserve additional water for 40 more affordable housing units and revises the existing priorities for water service by giving Coastal Act land use priorities higher standing than affordable housing.	Delete Suggested Modification 43, as well as the portions of Suggested Modifications 16 and 23 that make affordable housing a secondary priority.	No revision to modifications 16, 23, or 43.
20	2.27	No	Allows new water supply projects that that enable wells be replaced with connections to municipal water systems only after existing capacities are consumed.	Revise the modification to allow new water supply projects that replace wells with service connections to move forward as soon as possible.	Revised to allow water supply projects that serve existing development currently on wells irrespective of traffic levels. To be revised to remove limits on the type of development eligible to receive recycled water.
21	New Policy 2.28	No	Requires an LCP amendment for any proposed desalination plant, and establishes standards for the development of desalination projects.	Delete the modification, or revise it to eliminate the need for an LCP amendment and clarify what constitutes a "desalination plant".	LCP amendment requirement deleted. To be clarified in a manner that differentiates permit requirements for desalination facilities that provide new public water supplies and small on-site private facilities.
32	2.52	No	Requires the County to monitor the relationship of residential construction to peak traffic levels.	Delete the proposed revisions to Policy 2.52b.	Revised to require CalTrans (rather than the County) to monitor traffic levels. Requirement for annual traffic monitoring reports to be deleted.

Table Legend

Unresolved Issue

General Agreement at Staff Level

Red Text: Points Requiring Follow-up

Mod #	Policy	Part of Amend?	Original CCC Modification	County Request	Revised CCC Modification
36	2.56	In part (sections c and d only)	Requires the County to: accept portions of Hwy 1 upon completion of the Devil's Slide tunnel; operate the trail and facilities 365 days a year; and, incorporate these facilities into the County park system. Also applies the requirement that CalTrans install pedestrian crossings and a recreation path parallel to Highway One to "any new or improved roadway project".	Revise the modification to clarify the terms under which the trail may be closed, and that the terms of public use shall be determined in coordination with the Devil's Slide Coastal Access Task Force. Work with County and CalTrans staff to better define when Highway 1 roadway projects trigger the need to install pedestrian crossings and/or a parallel path.	Section b revised to reference Task Force operations plan. Findings will clarify that this plan will address the potential need for temporary trail closures. Section c revised to exempt roadway repair and maintenance projects from the requirement to provide a parallel recreation trail and pedestrian crossings, and clarify that required trail and crossing improvements must be commensurate to the size and scope of the roadway project. Modification also revised to require CalTrans to complete any gap in the California Coastal Trail in the vicinity of a new or improved roadway project.
38	2.51	No	Requires traffic analysis and mitigation for development other than single-family residences and visitor-serving uses that increase trips on Hwy 1 or 92. Requires land divisions to retire parcels with equivalent development potential.	Revise the modification to apply lot retirement requirements only to land divisions that create 5 or more new parcels. Exempt land divisions associated with affordable housing projects.	Modification revised to exempt land divisions associated with affordable housing projects from lot retirement requirement. Revision does not address subdivisions that may be necessary to resolve lot legality issues raised by the Witt and Abernathy decision.

Table Legend

Unresolved Issue

General Agreement at Staff Level

Red Text: Points Requiring Follow-up

Mod #	Policy	Part of Amend?	Original CCC Modification	County Request	Revised CCC Modification
39	New Policy 2.57.2	No	Requires the County to develop a transportation management plan based on a study that identifies the cumulative traffic impact of LCP buildout. The Plan must propose policies designed to offset the demand for all new vehicle trips, and mitigate for impacts on coastal access and recreation.	Revise the modification to delete requirements that the transportation plan be based on a new buildout study and include policies that mitigate impacts of residential development on recreational use of beaches.	Revised to delete the requirement that the plan include policies to mitigate traffic impacts on recreational use of beaches. Requirement that the County conduct a study of traffic impacts at buildout to be clarified to indicate that the plan must address traffic levels at buildout.
44	New Policy 10.37.1	No	Requires the County to pursue a grant or other funding to conduct a Coastal Trail study, with a specified scope, within two years of amendment certification.	Revise the modification to delete the requirement that the County seek funding and complete a California Coastal Trail Alignment Study.	Modification revised as requested.
55, 58, and 59	New Policy 11.31 and LCP Maps	No	Requires the County to designate bypass lands as a Linear Park and Trail, rezone this area to Community Open Space, and pursue a grant or other funding to complete the park and trail within two years of amendment certification.	Delete the modifications.	Modification 55 retained, but revised to eliminate the requirement that the County seek grant funding to produce the prescribed plan for the bypass lands within two years of amendment certification. No revisions to modifications 58 and 59, which continue to require rezoning of the bypass lands.

Table Legend

Unresolved Issue

General Agreement at Staff Level

Red Text: Points Requiring Follow-up

Mod #	Policy	Part of Amend?	Original CCC Modification	County Request	Revised CCC Modification
57	LCP maps	No	Requires the County to designate a Park Overlay District on the Burnham strip.	Delete the modification.	No revision.
63	§6229-6229.4 of the Zoning Regs	Yes	Revises allowable uses on the Burnham strip, among other ways by prohibiting the installation of roadside stands used for the sale of produce or other goods and merchandise, and by limiting "outdoor art centers" used for the exhibition, study or creation of art to a temporary use only.	Revise the modification to retain roadside stands and outdoor art centers as permitted uses.	Modifications revised to allow outdoor art centers and temporary road stands.