

Excerpt of discussion of recommended amendments to Chapters 1 and 3 from the August 23 and 24, 2005 Agenda report.

LCP LAND USE PLAN

Notes

The narrative text contained in the Final Draft LUP was initially prepared by the City Council/Planning Commission Subcommittee, and has not been revised extensively over the course of the 2004-05 review process. Some updating and editing was done in the April 29 Public Review Draft to reflect current issues and policy direction. Changes made since April 29, in response to the City Council direction are shown in ~~strike-through~~ and underline. Further revisions to the narrative, particularly to Chapter 3, may be forthcoming as necessary for internal consistency.

Changes to text and policies that were recommended by the Planning Commission – and which had been shown in bold underline and strike-out in the April 29, 2005 Public Review Draft -- have been incorporated into the text. Editorial corrections previously shown in ~~shaded strike-out and underline~~ have been incorporated into the text.

Staff recommended revisions to the text or policies made since the April 29, 2005 Public Review Draft are shown in non-bold ~~strike-out~~ and underline in the Final Draft LCP document (August 8, 2005). **Additional staff recommended changes not indicated in the Final Draft LCP document are shown in bold underline and strike-through in this staff report.**

Foundation Policies are shown in Arial font, and noted as Foundation Policies. Current LCP policies intended to remain intact and unchanged are shown in smaller Times New Roman font. Current LCP policies that have been modified are shown in Arial font. All policies contained in the Final Draft LUP document are part of the LCP Amendment submittal package. Current LCP policies that are no longer relevant, or are replaced by new or amended policies, are deleted and shown in strike-through.

Policy numbers reflect the numbering system adopted into the Planning Commission recommended LUP, i.e., using the current LCP numbering system as much as possible. Out-of-sequence numbering will be corrected in the final adopted version.

Chapter 1: Introduction

Chapter 1 of the LCP Land Use Plan Amendment (pgs 1-10) presents an overview of the City and its environs, Coastal Act requirements, the relationship of the LUP to other City General Plan elements, a summary of the LCP update process, and the City's Guiding Principles and Local Goals.

As stated on the bottom of page 7:

“Through the adoption of this LUP, the policies of the Coastal Act (Sections 30001.5, 30007.5, 30107.5, 30121, and 30210 through 30264) are adopted by reference by the City of Half Moon Bay as the guiding

policies of the Land Use Plan. These policies are supplemented by the local policies contained in this document, which are also adopted by the City. ... Prior to approving any Coastal Development Permit, the City must make the finding that the development conforms to the policies and requirements contained in the Land Use Plan, including the relevant sections of the Coastal Act.”

The Local Goals (pgs 8-9) were developed by the LCP Public Advisory Committee after public hearings in 1997 to complement those set forth by the Coastal Act. These have been edited slightly during the public review process, and remain unchanged from those discussed and endorsed during the LCP public workshops.

The General Policies (page10) address critical and over-arching issues that govern and guide the City’s application of the LUP policies, including: adoption by reference of the Coastal Act policies (Policy 1-1); addressing overlaps or conflicts among policies (Policy 1-2) and conflicts between LUP and other General Plan policies or City ordinances (Policy 1-3); the requirement that all development (as defined in the City’s Municipal Code Section 18.20.020 C) must be consistent with all applicable requirements of the LUP, General Plan Elements, Municipal Code, and all other provisions of the LCP (underline added) (Policy 1-4); regarding exemptions (Policy 1-5); incorporation of the LUP text, maps and appendices in the LUP (note: map titles, figure, table, and appendices numbers will be corrected in the final adopted LUP) (Policy 1-6); and an explanation of the limitations inherent in maps, and the precedence of LUP policies over maps where different (Policy 1-7). (Note the Council-directed addition of the underlined sentence at the end of Policy 1-7 corrects an earlier inadvertent deletion.)

Note that there are no revisions to the Land Use or Zoning Maps as part of this LCP amendment. The maps titled “Infill and Expansion Areas,” “Infill Parcels,” and “Zoning Map” are to be adopted and certified as part of this LCP amendment.

Chapter 3: Environmentally Sensitive Habitat Areas, Marine and Water Resources

Chapter 3 addresses Environmentally Sensitive Habitat Areas (ESHAs) and other sensitive biological resources that exist or may exist in the City. In response to Council and public comments, staff recommends revising the policies to address the following main issues. Please note that the narrative text for Chapter 3, and updated biological resource maps – currently in process -- will be reviewed and discussed in public during the subsequent LCP amendment process.

Unique Species (Policies 3-1 A, and others)

The Council directed staff to remove “unique” from the classifications of species whose habitats are considered ESHA in Policy 3-1A1, and to differentiate unique species from special status species (rare, endangered and threatened species), which are – unlike “unique species” -- afforded protection by State and Federal law. Please see revisions to Policies 3-1 A1, 3-21, 3-22, 3-23, 3-24, 3-32, and 3-35.

Migration / Movement Corridors (Policy 3-1A, 3-25)

The term “migration” has scientific meaning for a specific biological function, whereas the substituted term “movement” engulfs both migration and other biological needs.

Please note that in Policy 3-23 (a) (1), the term “migration” is retained to define a specific requirement of protected organisms.

Constructed Habitats and Constructed Wetlands (Policy 3-1B)

In response to Council comments, staff recommends revising policies Policy 3-1 B (pg 14) to recognize that State and Federal law does not discriminate between natural and constructed habitat. This is consistent with Policies 3-3 and 3-4 (see below). This protection extends to ESHAs found to exist within a constructed habitat or constructed wetland, as per Coastal Act PRC Section 30240.

The Council recommended not excluding wetlands or habitats that were constructed as mitigation from due protection, while distinguishing such mitigation habitat/wetlands from constructed habitat/wetlands (see first new paragraph, bottom pg 14).

The second new paragraph (pg 14) was moved into Policy 3-1B (from Policy 3-3C) to consolidate all policies dealing with constructed habitats and wetlands in one place.

The third new paragraph (pg 14) responds to Council, public and the Monterey Bay Marine Sanctuary Program comments re: needed improvements to the City’s stormwater management and the control of contaminants in accordance with NPDES standards.

Riparian Vegetation, Permitted Uses in Riparian Corridors, Uses in Riparian Buffers (Policies 3-1 C, 3-9, 3-11 and 3-13)

In response to public comments, staff recommends revising Policy 3-1C (pg 15) to clarify that Eucalyptus and other non-native species would not be considered ESHAs unless they support special status species habitat.

As directed by the Council, Section (6) of Policy 3-9 (b) has been moved to Policy 3-12, in effect, removing agricultural uses within Riparian Corridors and permitting them in Riparian Buffer Zones.

Council had discussed the option of adding an additional ten-foot buffer outside of riparian buffers to protect against unmitigated activities beyond the buffer. Staff recommends that Policy 3-11 adequately protects against such impacts: 3-11 requires a minimum buffer of 50 ft, allowing for additional protection of the riparian and buffer zones where needed.

Wetlands (Policy 3-1 D)

In response to public comments, staff recommends revising Policy 3-1D (pg 15) to clarify the treatment of legally or naturally altered wetlands. On page 16, staff further recommends clarifying the definition of seasonal wetlands that are associated with drainage from surrounding areas. The reference to Policy 3-3 B and C in the last sentence/paragraph of Policy 3-1D (pg 16) is no longer valid due to revisions to Policy 3-3 B and C, explained below.

Protection of ESHAs and Buffers in Residential Areas (Policies 3-3, 3-5 and 3-25)

The April 29 version of Policy 3-3 combined protective standards for ESHAs with those for “other biological resources” and constructed habitats and constructed wetlands. The Coastal Act (PRC§30240) sets very specific standards for the protection of ESHAs. The

revisions to Policy 3-3 are intended to focus the policy on ESHAs only, and to address the treatment of constructed facilities solely in Policy 3-1 B.

Consistent with recommended revisions to Policy 3-1 A & B, and 3-4, staff recommends revising Policy 3-3 to assure that special status species are protected in accordance with the requirements of State and Federal agencies (as shown in the last paragraph, pg 16).

Note: insert the word “species” in the second sentence of the last paragraph of page 16 to read: “Where special status species are identified...”

Council posed the question to when biological reports are required under Policy 3-5. According to the City’s Municipal Code:

18.38.035 A. When Required. “The Planning Director shall require the applicant to submit a Biological Report, *prior to* development review, prepared by a qualified Biologist for any project located in or within 100 feet of any Sensitive Habitat Area, Riparian Corridor, Bluffs and Seacliff Areas, and any Wetland.”

The policy section titled Rare, Endangered and Threatened Species (Policies 3-21 to 3-31) applies to all special status species, regardless of whether they are specifically mentioned by name or mapped on the LUP biological resources maps. None-the-less, as the California Red-Legged Frog is widely known to exist in the City, and has attained special status since the adoption of the current LCP, staff recommends adding it to this section as shown in revised Policy 3-25 (pg 22).

Weedy Plants

In response to public comments, staff recommends revising Policy 3-37 as shown (pg 24).