

CALIFORNIA COASTAL COMMISSION

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Prepared July 27, 2018 for August 10, 2018 Hearing

To: Commissioners and Interested Persons

From: Jeannine Manna, District Manager
Renée T. Ananda, Coastal Program Analyst

Subject: De Minimis Amendment Determination for San Mateo County LCP Amendment Number LCP-2-SMC-18-0036-1-Part B (Subdivision Regulations)

San Mateo County Proposed Amendment

San Mateo County is proposing to modify the County's Subdivision Regulations, which are a part of the County Local Coastal Program's (LCP) Implementation Plan (IP). The proposed changes are designed to address certain Subdivision Map Act¹ changes, and to otherwise address identified issues and to comply with the existing State regulations. Generally, the proposed amendment would modify and add terminology and provisions to better implement the policies of the LCP, including by creating a process for identifying proposed parcel development potential, including in light of identified coastal resource constraints. See [Exhibit A](#) for the proposed IP amendment² and [Exhibit B](#) for the ordinance and resolution adopting the proposed amendment.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis" for expedited processing purposes. In order to qualify as a de minimis amendment, the Executive Director must determine that the amendment meets the following three criteria:

1. The proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods:

¹ Section 66410 et seq. of the California Government Code.

² Where text in ~~cross-through~~ format indicates text proposed for deletion, text in shaded format indicates proposed new LCP text that is either from or based upon Subdivision Map Act changes since 1992, and text in **bold** format indicates proposed new text from all other sources (e.g., staff, stakeholders, etc.).

posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and

3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment qualifies as de minimis for processing purposes, that determination must be reported to the Commission. If three or more Commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing as a regular LCP amendment; if three or more Commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting (in this case, on August 20, 2018).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is de minimis. Each of the de minimis criteria is discussed briefly below:

- 1. No impact to coastal resources and consistency with Coastal Act Chapter 3:** The intent of the proposed amendment is to bring the County's Subdivision Regulations into full compliance with the State's Subdivision Map Act, incorporate changes to address updated County processes, and create a new pre-application process to ensure resource protection and hazard avoidance is considered early on in the design process. The updated regulations do not modify coastal development permit (CDP) requirements for the review of new proposed development, parcel legalizations, and/or lot line adjustments as defined by the LCP. In regard to the pre-application process, the proposed amendment requires preparation, submittal, and review of a development footprint analysis prior to submittal of a tentative map. The footprint analysis is required to include a description and review of development constraints and potential coastal resource impacts associated with potential development of the parcels (such as removal of trees or vegetation, sensitive habitat concerns, etc.) and requires an evaluation of the effect of potential hazards on potential development (including related to sea level rise). The updated regulations also make the provision of reasonable public access, if none exists, an LCP requirement. The required footprint analysis will assure that proposed subdivisions better consider potential impacts from future development to coastal resources and potential effects related to hazards upfront so that subdivisions can be modified accordingly. Finally, the update explicitly requires conformance with the LCP and the protection of coastal resources. Thus, the proposed amendment will not adversely affect coastal resources, and it is consistent with the Chapter 3 policies of the Coastal Act.
- 2. Provision of public notice:** County staff made presentations regarding the proposed amendments to the Pescadero Municipal Advisory Council, Agricultural Advisory Committee, Midcoast Community Council, and North Fair Oaks Community Council, all in August 2017. The County published public notice of the Planning Commission's September 27, 2017 public meeting to review the draft Subdivision Regulations in the San Mateo County Times on September 16, 2017. The County also published a public notice in the San Mateo County Times on December 2, 2017 for the December 5, 2017 meeting of the Board

of Supervisors (BOS) to introduce the proposed ordinance. The County also posted on its website a Notice of Summary of Proposed Ordinance on December 5, 2017 for the December 12, 2017 meeting for consideration of the final draft ordinance and adoption of the ordinance. In addition, access to the full text of the ordinance was provided on-line via the County Planning Department's website. The amendment submittal was subsequently received by the Commission on May 3, 2018 and therefore, the 21-day noticing requirement has been satisfied.

- 3. No change in use of land, water, or allowable use of property:** No change in use is proposed by this amendment.

California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA. The County, as the CEQA lead agency, prepared and circulated an Initial Study/Negative Declaration which the BOS adopted on December 5, 2017 in accordance with CEQA requirements. This LCP amendment report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its August 10, 2018 meeting at the Redondo Beach Public Library located at 303 North Pacific Coast Highway in Redondo Beach. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Renée Ananda at the North Central Coast District Office in San Francisco. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by August 3, 2018.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on June 18, 2018. It amends the IP only and the 60-day action deadline is August 17, 2018. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until August 17, 2018 to take a final action on this LCP amendment.

Exhibits

[Exhibit A:](#) Proposed IP Amendment

[Exhibit B:](#) Ordinance and Resolution