

**CALIFORNIA COASTAL COMMISSION**

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# F18a

**Prepared July 19, 2019 for August 9, 2019 Hearing**

**To:** Commissioners and Interested Persons

**From:** Jeannine Manna, District Manager  
Erik Martinez, Coastal Planner

**Subject: De Minimis Amendment Determination for San Mateo County LCP Amendment Number LCP-2-SMC-19-0042-1 (Second Unit Regulations)**

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## **San Mateo County's Proposed Amendment**

San Mateo County is proposing an update to their Local Coastal Program (LCP) Implementation Plan (IP) second unit provisions, primarily focused on bringing the LCP into compliance with recent amendments to state second unit law. The proposed changes should help to facilitate and encourage second units on residentially-zoned properties in the unincorporated coastal zone portion of San Mateo County. Specifically, the proposed amendment would clarify setback standards for second units in R-1 districts (the only zone that actually accommodates second units in the coastal zone); clarify allowable lot coverage for second units; require an independently securable doorway for second units connected to a primary residence; create a new exemption for second units built as new story additions or built without retention of at least 75% of existing exterior walls; clarify parking exceptions for second units; and exempt second units built above an existing detached or attached garage, or second units taller than sixteen feet, from applicable design standards regarding bulk, form and design.

## **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". In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Coastal Act 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: 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 is de minimis, 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 and processed 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's determination (in this case, on August 19, 2019).

**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 Chapter 3 of the Coastal Act:**  
In general, the proposed amendment would refine LCP standards designed to facilitate and encourage second units, and help to bring the LCP into compliance with recent amendments to state second unit law, but it would not change the kind, location, intensity, or density of allowed uses under the LCP. Second units will continue to be governed by the LCP's coastal resource protection standards (including related to sensitive habitats, hazardous areas, agricultural lands, and public access), which should continue to adequately address any potential coastal resource concerns. Thus, the proposed amendment is not expected to lead to adverse coastal resource impacts, and the updated LCP second unit provisions are consistent with Coastal Act Chapter 3 policies.
- 2. Provision of public notice:** San Mateo County provided public notice in advance of both the County Planning Commission hearing (held on February 13, 2019) and the County Board of Supervisors hearing (held on March 26, 2019) where the proposed amendment was considered. For the Planning Commission hearing, a newspaper advertisement notice was printed on January 26, 2019 in the San Mateo County Times and January 30, 2019 in the Half Moon Bay Review. For the Board of Supervisors hearing, a newspaper advertisement notice was printed on March 21, 2019 in the San Mateo County Times. The amendment submittal was subsequently received by the Commission on May 24, 2019 and therefore the 21-day noticing requirement has been satisfied.
- 3. No change in use of land or allowable use of property:** No change in use or allowable use of property is proposed by the amendment; rather it would only refine certain LCP second unit standards to help facilitate second units consistent with LCP requirements, including its coastal resource protection standards.

### **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, exempted the proposed amendment from environmental review under CEQA pursuant to

Section 15282(h) 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 9, 2019 meeting at the Eureka Public Marina Wharfinger Building located at 1 Marina Way in Eureka. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Erik Martinez 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 5pm on August 2, 2019.

**Procedural Note - LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on July 11, 2019. It amends the IP only and the 60-working day action deadline is October 4, 2019. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until October 4, 2019 to take a final action on this LCP amendment.

**Exhibit**

Exhibit 1: Proposed IP Chapter 22.5 Second Units changes