

CALIFORNIA COASTAL COMMISSION

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W13a

Prepared December 18, 2020 (for January 13, 2021 Hearing)

To: Commissioners and Interested Persons

From: Jeannine Manna, District Manager
Abigail Black, Coastal Planner

**Subject: San Mateo County LCP Amendment Number LCP-2-SMC-20-0056-3
(Non-CDP Land Divisions)**

Proposed Amendment

San Mateo County proposes to modify the Local Coastal Program (LCP) Implementation Plan (IP) sections regarding approval requirements for land divisions in the Planned Agricultural District (PAD) and Resource Management – Coastal Zone (RM-CZ) Districts. The proposed amendment would remove certain local discretionary approval requirements for land divisions conducted by a public agency for public recreational purposes. Such land divisions are already exempt from coastal development permit (CDP) requirements under the Coastal Act and LCP, but the LCP land division policies are also applied by the County for non-CDP land division purposes. Thus, the County proposes an LCP amendment here even though the changes will not affect CDP decisions on land divisions. Specifically, this amendment is designed to allow public agencies to avoid the need to apply agricultural and open space easements in the PAD and RM-CZ zoning districts, and allow parcels larger than the 5-acre maximum parcel size in the PAD zone, when such land divisions are for public recreational purposes. The County indicates that the main purpose is to help facilitate both agricultural land stewardship and recreational access, typically trails and related amenities, in connection with this specific land division type. Any future development of public recreational facilities on these properties would still be subject to a CDP and all applicable LCP natural resource and agricultural protections. See **Exhibit 1** for the text of the proposed LCP changes in ~~strikethrough~~ and underline format (for deletions/additions, respectfully).

Minor LCP Amendment Determination

Pursuant to Coastal Act Section 30514(c) and Title 14, Division 5.5, California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is “minor.” Title 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

CCR Section 13554(a). Changes in wording which make the use as designated

in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if one-third of the appointed members of the Commission do not object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately (in this case, on January 13, 2021).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

The proposed LCP amendment will make it easier for public entities to develop low-intensity, public recreational projects in the San Mateo County midcoast area by eliminating obstacles that might otherwise frustrate such efforts during a non-CDP land division review. The amendment is narrowly tailored, and only reduces the requirement for County non-CDP permitting processes for public agency land divisions sought by a public agency for public recreation purposes. These land divisions are already exempt from CDP requirements per Coastal Act Section 30106 and LCP Section 6328.5(I), but the LCP land division policies are also applied by the County for non-CDP land division purposes. Thus, the County proposes an LCP amendment here even though the changes will not affect CDP decisions on land divisions. Any, future projects, after the land division stage, to develop recreational uses associated with such land divisions would be subject to their own CDP processes.

Some concerns have been raised by the County Farm Bureau that the amendment could create unintended consequences for coastal agricultural resources. However, all LCP provisions protecting agriculture would remain unmodified, and the amendments proposed, while affecting the LCP, only change the type of project that the LCP does not apply to (inasmuch as CDPs are not required in cases like this). In other words, the County could have chosen to address this issue outside of the LCP, and the modified sections won't actually apply in a CDP context, only in non-CDP local review context. As such, they do not affect the ways in which the LCP governs protection for agricultural lands when CDPs are considered.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are *not* required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act

review. In this case, the County exempted the proposed amendment from environmental review (citing CEQA Section 15305 for Minor Alterations in Land Use Limitations).

The Coastal Commission is *not* exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed amendment would necessitate. Thus, the proposed amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its January 13, 2021 virtual meeting. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Abigail Black at the North Central Coast District Office in San Francisco.

Exhibits:

Exhibit 1: Proposed Amendment Text

Correspondence