

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** November 21, 2019

**TO:** Eric Martinez, Coastal Planner, California Coastal Commission

**CC:** Jeannine Manna, District Manager, California Coastal Commission  
Joe LaClair, Planning Services Manager, San Mateo County  
Aaron Aknin, Principal, Good City Company

**FROM:** Melissa Ross, Senior Planner, (650) 599-1559, [mross@smcgov.org](mailto:mross@smcgov.org)  
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**SUBJECT: REQUEST FOR EARLY CONSULTATION**  
PLN 2019-00258: Mid-Peninsula Regional Open Space District (MROSD)  
and Peninsula Open Space Trust (POST) Application – Proposed Local  
Coastal Program Zoning and Subdivision Ordinance Text Amendments.

**REQUEST FOR THE CALIFORNIA COASTAL COMMISSION (CCC)**

Staff (San Mateo County and Good City Company) is requesting an early consultation with California Coastal Commission (CCC) staff to present an overview and discuss the project noted above, questions noted within this memo, and discussion of any questions/feedback the CCC may have.

Staff would like to request an early telephone consultation **the week of December 2, 2019. If CCC could please confirm such early consultation and note date/time preference during this week, it would be appreciated.** If CCC would prefer a meeting at your offices, please let us know.

**BACKGROUND AND PROJECT OVERVIEW**

The County of San Mateo has received an application from the Project Sponsors (MROSD and POST) requesting a series of Local Coastal Program (LCP) text amendments to the County's Zoning and Subdivision Ordinances (Implementation Plans) affecting rural coastal zoning districts. The purpose of the request is to align the Implementation Plans with the CA Coastal Act (Section 30106 definition of "Development") and the County's LCP (Locating and Planning New Development Component Policy 1.2 "Definition of Development") in order to address future public recreational facility projects on lands owned, or to be acquired by, the Project Sponsors, as well as other public agencies.

The inconsistency arises from MROSD proposed/future land divisions (e.g., lot line adjustments) for public recreation purposes which invoke the Subdivision Ordinance and the references within that Ordinance to the respective Zoning District requiring the public agency to grant to the County an agricultural easement, in perpetuity, and to restrict the maximum lot size of non-agricultural parcels to 5 acres. Additionally, the easement and maximum lot size are required when processing the associated zoning permits (exempting Coastal Development) for such land divisions. Although the Coastal Act and Local Coastal Program exempt these activities from “development”, thus not requiring a Coastal Development Permit, MROSD and other public agencies, are still subject to these requirements by virtue of the associated zoning and subdivision ordinance references and requirements.

The amendments are intended to alleviate the following requirements resulting from land divisions, consistent with the Coastal Act and LCP Policy 1.2:

1. Requirement for the recordation of agricultural easements, and
2. Requirement for maximum lot size requirement associated with land divisions.

It is noted that the text amendments proposed would not exempt MROSD, POST, or other public agencies with future projects in the affected zoning districts from preparing associated Master Land Development Plans as is currently required.

San Mateo County staff has retained the planning services of Good City Company to assist in the processing of this application.

## **PROJECT DESCRIPTION**

The project, as currently proposed, includes the following Zoning and Subdivision Text Amendments to the following sections of the San Mateo County Zoning and Subdivision Titles.

See Attachment 1 for proposed draft language of associated text amendments.

See Attachment 2 for map of all potentially affected zoning districts within the Coastal Zone.

See Attachment 3 for map of parcels within the Coastal Zone owned by the Project Sponsors and other public agencies in potentially affected zoning districts.

### **1. Zoning Ch. 21A Planned Agricultural District (PAD)**

- Section 6363.B. “Parcel Size. Non-Agricultural Parcels”
- Section 6364.A. “Procedural Criteria for Issuance of a Planned Agricultural Permit. Master Land Division Plan.”

## **2. Zoning Ch. 34 Timberland Preserve Zone (TPZ) District**

- *\* NOTE: staff is finalizing with MROSD/POST, whether amendments to this zoning district are necessary – this section may be potentially be removed from project scope.*

## **3. Zoning Ch. 36 Resource Management-Coastal Zone (RM-CZ) District**

- Section 6906.1 “Conservation Open Space Easement”

## **4. Zoning Ch. 37 Timberland Preserve Zone-Coastal Zone District (TPZ-CZ)**

- *\* NOTE: staff is finalizing with MROSD/POST, whether amendments to this zoning district are necessary – this section may be potentially be removed from project scope.*

## **5. Subdivision Regulations, Chapter 4 Exactions, Article 9 Agricultural Protection in the Planned Agricultural District.**

- Section 7067 – Exemption
- Section 7068 – Standard Requirements

The Project Sponsors note various, existing adopted management policies and/or other regulatory documents which achieve a similar purpose in protecting open space and public recreation, as well as the continued preservation/protection/enhancement of agricultural lands. Specifically, they note their Coastal Service Plans, Coastside Protection Program, Memorandum of Understanding (MOU) between the San Mateo County Farm Bureau, and Open Space Use and Management Planning Process. The proposed text amendments will not affect the calculation methods or use of density credit requirements in the rural areas nor will land division entitlement processes be modified as a result of this amendment.

### **PROCESS**

Text amendments to the Zoning and Subdivision Titles of the County Code require review and a formal recommendation by the Planning Commission, followed by review and action by the Board of Supervisors prior to Coastal Commission certification.

Staff intends to have early consultations with various community groups and organizations within the County’s Coastal Zone boundary, prior to bringing this item to any formal hearing. Please see draft schedule:

Draft Timeframe

Event

*Early Consultations (in proposed meeting order)*

1. Week of December 2, 2019 California Coastal Commission
2. Monday January 6, 2020 Farm Bureau
3. Monday January 13, 2020 Agricultural Advisory Committee (AAC)
4. Wed. January 22, 2020 Mid-Coast Community Council (MCCC)
5. Tuesday February 11, 2020 Pescadero Municipal Advisory Committee (PMAC)

*San Mateo County Public Hearings/Decision Making*

1. ~April 2020 Planning Commission
2. ~May 2020 Board of Supervisors

**QUESTIONS FOR THE CCC**

1. Direction/feedback from the CCC on what type of environmental review materials and information would be requested from the County in order for the CCC to complete a functionally equivalent analysis pursuant to CEQA Section 21080.5.
2. Based upon the CCC's experience with project proposals within the Coastal Zone, any project issues that could be/should be further evaluated as it relates to the protection and maintenance of agricultural land?
3. Are there any other issues or concerns the CCC may have which could/should be addressed by the project prior to early consultations and/or public hearings?

**ATTACHMENTS**

1. MROSD/POST Application - Proposed Draft Zoning/Subdivision Text Amendments
2. MROSD/POST Application - Project Extent Map
3. San Mateo County Coastal Zone – Project Sponsors and Other Publicly Owned Map

\*DRAFT\*  
PROPOSED ZONING TEXT AMENDMENTS

- \*Proposed New text – ***bold, italicized***
- \*Proposed Deleted Text – ~~strikethrough~~

Zoning

1. Ch. 21A Planned Agricultural District (PAD) – 3 Sections

a. Section 6363.B. “Parcel Size. Non-Agricultural Parcels:

B. Non-Agricultural Parcels

For any parcel created after the effective date of this ordinance which is to be used for non-agricultural purposes, the parcel size shall be determined on a case-by-case basis to ensure that domestic well water and on-site sewage requirements are met. ***Except for any parcel included in a land division brought about in connection with the purchase of lands by a public agency for public recreational use,*** ~~n~~Non-agricultural parcels shall be as small as possible, and when used for residential purposes shall not exceed 5 acres. All non-agricultural parcels shall be clustered (in one or as few clusters as possible), and sited in locations most protective of existing and potential agricultural uses.

b. Section 6364.A. “Procedural Criteria for Issuance of a Planned Agricultural Permit. Master Land Division Plan”

A. Master Land Division Plan

Before any division of land, the applicant shall file a Master Land Division Plan demonstrating how the parcel will be ultimately divided according to maximum density of development permitted and which parcels will be used for agricultural and non-agricultural uses if conversions are permitted. ***Except where the land division is brought about in connection with the purchase of that land by a public agency for public recreational use*** ~~d~~Division for non-agricultural parcels shall be as small as practicable, not to exceed 5 acres when used for residential purposes, and shall ensure that minimum domestic well water and on-site sewage disposal area requirements are met. Division shall be permitted in phases, and all future divisions occurring on land for which a plan has been filed must conform to that plan. Master Land Division Plans shall not be required for land divisions which solely provide affordable housing, as defined by LCP Policy 3.7 on March 25, 1986.

**c. Section 6364.B. “Easements on Agricultural Parcels”**

**B. Easements on Agricultural Parcels**

After a Master Land Division Plan has been filed, and as a condition of approval thereof, the applicant shall grant to the County (and the County shall accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture (as defined in Section 6352C and D of this ordinance) and farm labor housing. The covenant shall specify that, anytime after three years from the date of recordation of the easement, land within the boundaries of the easement may be converted to other uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980) upon the finding that changed circumstances beyond the control of the landowner or operator have rendered the land unusable for agriculture and upon approval by the State Coastal Commission of a Local Coastal Program amendment changing the land use designation to open space. Uses consistent with the definition of Open Space shall mean all those uses specified in the Resource Management Zone (as in effect on November 18, 1980). Any land use allowed on a parcel through modification of an agricultural use easement shall recognize the site’s natural resources and limitations. Such uses shall not include the removal of significant vegetation (except for renewed timber harvesting activities consistent with the policies of the Local Coastal Program), or significant alterations to the natural landforms. **Easements shall not be required for any parcels included in a land division brought about in connection with the purchase of that land by a public agency for public recreational use.**

**2. Ch 34 Timberland Preserve Zone (TPZ) District – 1 Section**

- a. \*NOTE TO CCC: Staff is currently finalizing with MROSD/POST, whether amendments to this zoning district are necessary – this section may be potentially be removed from project scope.

**3. Ch. 36 Resource Management-Coastal Zone (RM-CZ) District – 1 Section**

**a. Section 6906.1 “Conservation Open Space Easement”**

SECTION 6906.1. CONSERVATION OPEN SPACE EASEMENT.  
Require, after any land divisions, that the applicant grant to the County (and the County to accept) a conservation easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to uses consistent with open space (as

defined in the California Open Space Lands Act of 1972 on January 1, 1980). **Easements shall not be required for any parcels included in a land division brought about in connection with the purchase of that land by a public agency for public recreational use.**

**4. Ch. 37 “TPZ-CZ” Timberland Preserve Zone-Coastal Zone District – 1 Section**

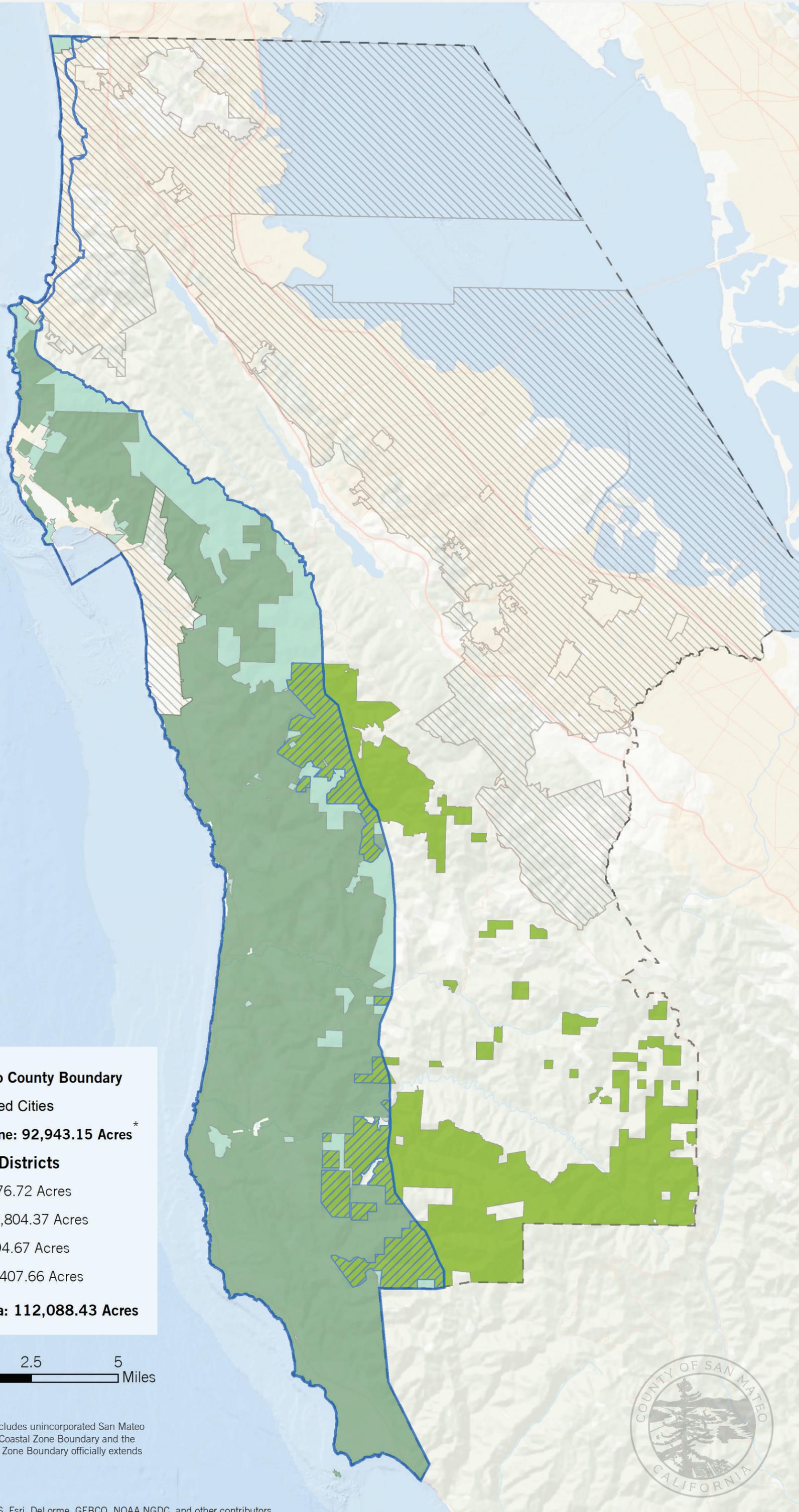
- a. \*NOTE TO CCC: Staff is currently finalizing with MROSD/POST, whether amendments to this zoning district are necessary – this section may be potentially be removed from project scope.

**5. Subdivision Regulations, Chapter 4 Exactions, Article 9 Agricultural Protection in the Planned Agricultural District - 1 Section**

- a. Section 7067 – Exemptions
- 1.** Pursuant to LCP Policy 5.14b, the requirement to grant an agriculture protection easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 7008.
  - 2.** **Pursuant to LCP Policy 1.2, the requirement to grant an agricultural protection easement does not apply to any parcel included in a land subdivision brought about in connection with the purchase of land by a public agency for the public recreational use.**

**6. Subdivision Regulations, Chapter 4 Exactions, Article 10 Open Space Preservation in the Resource Management/Coastal Zone District – 1 Section**

- a. Section 7071 – Exemptions
- 1.** Pursuant to LCP Policy 1.9b, the requirement to grant a conservation/open space easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 7008.
  - 2.** **Pursuant to LCP Policy 1.9.b., the requirement to grant an agricultural protection easement does not apply to any parcel included in a land subdivision brought about in connection with the purchase of land by a public agency for the public recreational use.**



 **San Mateo County Boundary**  
 Incorporated Cities  
 **Coastal Zone: 92,943.15 Acres\***

**Current Zoning Districts**

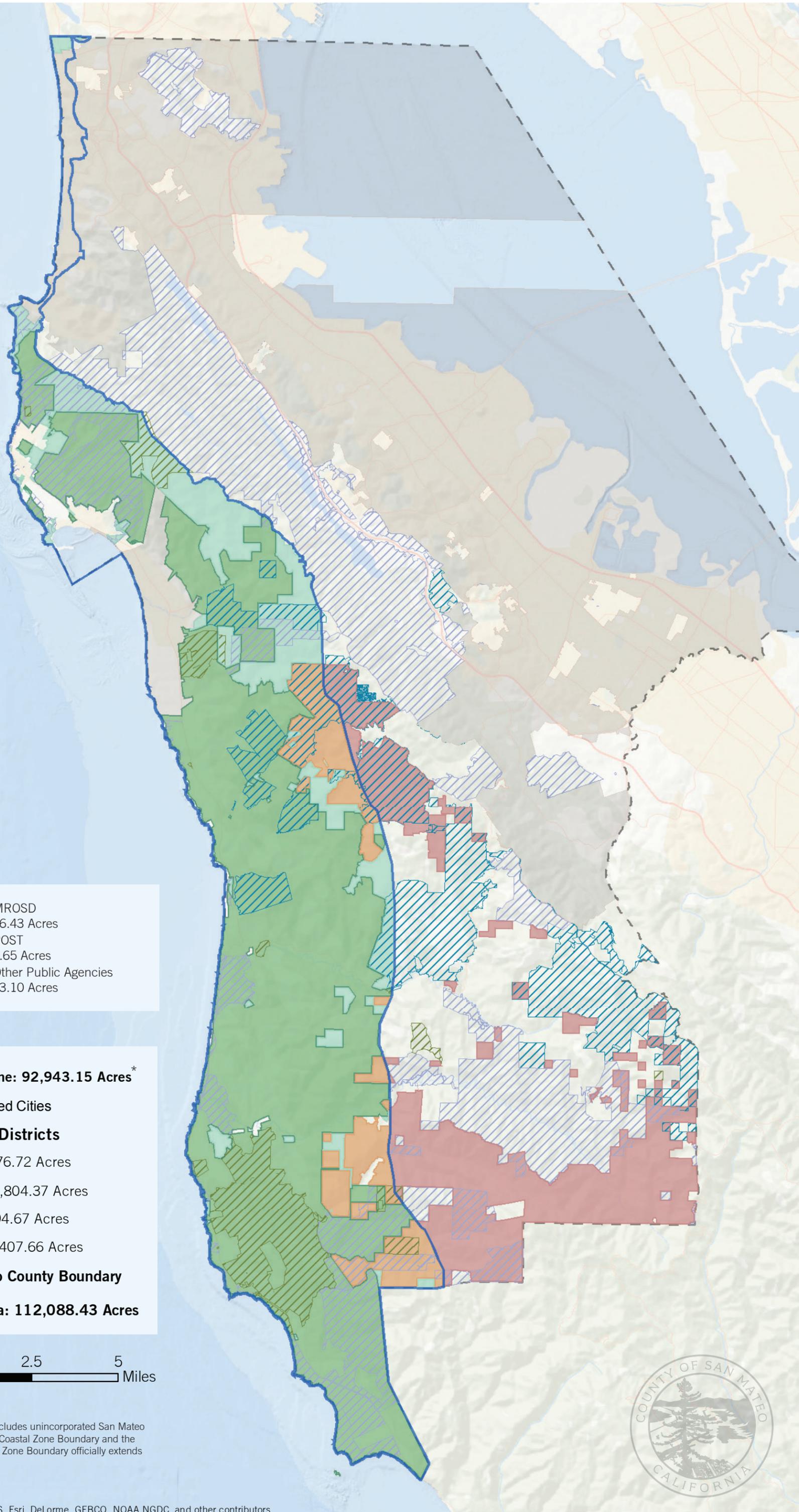
-  PAD: 68,176.72 Acres
-  RM-CZ: 12,804.37 Acres
-  TPZ: 22,694.67 Acres
-  TPZ-CZ: 8,407.66 Acres

**Total Zoned Area: 112,088.43 Acres**



\*Coastal Zone acreage only includes unincorporated San Mateo County area between on land Coastal Zone Boundary and the County boundary. The Coastal Zone Boundary officially extends 3 NM offshore.





 Owned by MROSD  
 Area: 24,526.43 Acres  
 Owned by POST  
 Area: 9,579.65 Acres  
 Owned by Other Public Agencies  
 Area: 58,143.10 Acres

 **Coastal Zone: 92,943.15 Acres\***  
 Incorporated Cities  
**Current Zoning Districts**  
 PAD: 68,176.72 Acres  
 RM-CZ: 12,804.37 Acres  
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