

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

DATE: March 25, 2020

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a request by the County's Real Property Services Division to determine if acquisition of the 58-acre Tunitas Creek Beach property (APNs 081-060-020, 081-060-030 and 081-060-130) located in unincorporated San Mateo County conforms to the County General Plan.

County File Number: PLN 2020-00066

PROPOSAL

Consideration of a request by the County's Real Property Services Division, pursuant to Government Code Section 65402, that the County determine whether the proposed acquisition of three parcels (APNs 081-060-020, 081-060-030 and 081-060-130) for the purpose of creating a San Mateo County park with visitor-serving amenities conforms to the County General Plan.

RECOMMENDATION

That the Planning Commission find the proposed acquisition by the County of San Mateo of three parcels (APNs 081-060-020, 081-060-030 and 081-060-130) for the purpose of creating a San Mateo County park with visitor-serving amenities conforms to the County General Plan.

SUMMARY

The County of San Mateo proposes to acquire the subject parcels for the creation of a County park with visitor-serving amenities. The subject parcels are ocean front and located on the western side of Cabrillo Highway between Half Moon Bay and Pescadero. Any specific developments proposed on the property would require appropriate permits and would be reviewed by the County at the time of project submittal.

Per California Government Code Section 65402, prior to acquisition of property, the County must request an analysis of the proposed acquisition's conformity with the County General Plan.

The proposed acquisition potentially implicates the following categories of General Plan policies:

- Vegetative, Water, Fish and Wildlife Resources Policies
- Park and Recreation Resource Policies
- Rural Land Use Policies

The proposed acquisition does not conflict with any of the relevant General Plan policies. The intended use for the property as a San Mateo County park with visitor-serving amenities is generally compatible with the relevant General Plan policies. The County has not proposed any specific developments on the subject property, or any changes to the conditions or uses of the properties at this time. Any future improvements or changes to use would be subject to review by the County at time of application.

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BACKGROUND

Report Prepared By: Katherine Faulkner, Planner III

Applicant: San Mateo County Real Property Services Division

Owners: Peninsula Open Space Trust

Location: San Gregorio area, Unincorporated San Mateo County

APN(s): 081-060-020, 081-060-030 and 081-060-130

Size: 58 Acres

Existing Zoning: Planned Agricultural District/Coastal Development (PAD/CD) (APN 081-060-130) and Resource Management/Coastal Zone/Coastal Development (RM-CZ/CD) (APNs 081-060-020 and 081-060-030)

General Plan Designation: Agriculture

Existing Land Use: The parcels are currently managed by the Parks Department. There is one fire-damaged residence and one cabin on the northern portion of the property and the southern parcel is undeveloped.

Flood Zone: VE & A (Special Flood Hazard Areas) and X (Area of Minimal Flooding)

Environmental Evaluation: A determination that the proposed acquisition of property conforms to the County General Plan is exempt from environmental review under the “common sense exemption” that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (CEQA Guidelines Section 15061(b)(3)). Any future action on the subject property would be subject to applicable CEQA requirements.

Setting: The parcels are located ocean front on the western side of Cabrillo Highway in a rural area. The property includes high coastal bluffs with steep slopes and a number of gullies. Tunitas Creek runs along the northern portion of the property.

DISCUSSION

A. KEY ISSUES

1. Project Description

The County of San Mateo proposes to acquire the subject parcels for the creation of a County park with visitor-serving amenities. The subject parcels are ocean front and located on the western side of Cabrillo Highway between Half Moon Bay and Pescadero. The long-term goal for the property is to create a San Mateo County park with visitor-serving amenities. Any specific developments proposed to fulfill this goal on the property would require coastal development permits and would be reviewed by the County at the time specific development is proposed.

Per California Government Code Section 65402, prior to acquisition of property, the County must request an analysis of the proposed acquisition’s conformity with the County General Plan.

2. Property History

The entire property had been in private ownership for more than 100 years, but had become seriously environmentally degraded due to unsafe and

unmanaged public use. By the mid-2010s the area had become a destination for visitors and the property experienced the negative impacts of unmanaged use. These negative impacts included bluff erosion from the construction of unsanctioned trails, the cutting of trees for beach bonfires, disturbance of wildlife and sensitive plants, and left behind trash, feces, and other debris. Tunitas Creek Beach currently has no public facilities and is only accessible via a steep, eroded trail or through the environmentally sensitive Tunitas Creek corridor.

In 2017, the Peninsula Open Space Trust (POST) acquired the Property from its former owner for \$5 million. Since the acquisition by POST, the Parks Department has managed the Property under a License and Management Agreement. Under Parks' management, the property has been cleaned up and inappropriate activity has significantly decreased. POST and San Mateo County Parks are partnering to improve Tunitas Creek Beach in order to provide safe public access to the beach as a County Park.

On May 9, 2018 the San Mateo County Planning Commission approved a Coastal Development Permit requested by San Mateo County Parks to establish reliable access to the beach for local and state first responders. On September 17, 2019 the San Mateo County Board of Supervisors accepted a Vision Document for Tunitas Creek Beach from the Tunitas Creek Beach Community Advisory Committee (CAC). Planning for further development at Tunitas Creek Beach is currently in the design phase, which is expected to conclude in summer 2021.

3. Analysis

The proposed acquisition potentially implicates the following General Plan policies:

a. Vegetative, Water, Fish and Wildlife Resources Policies

- (1) Policy 1.23.a of the County General Plan requires that the County regulate land uses and development activities to prevent and, if infeasible, mitigate to the extent possible, significant adverse impacts on vegetative, water, fish and wildlife resources.
- (2) Policy 1.23.b places a priority on the managed use and protection of vegetative, water, fish and wildlife resources in rural areas of the County.
- (3) Policy 1.28 requires the County to regulate land uses and development activities within and adjacent to sensitive habitats

in order to protect critical vegetative, water, fish and wildlife resources; protect rare, endangered, and unique plants and animals from reduction in their range or degradation of their environment; and protect and maintain the biological productivity of important plant and animal habitats.

- (4) Policy 1.42 requires the County to encourage public agencies and private groups to acquire and manage significant sensitive habitats because of the (1) biological and scientific significance of the habitat, (2) degree of endangerment from development or other activities, and (3) accessibility for educational and scientific uses and vulnerability to overuse.

Discussion:

The subject properties include a mix of coastal bluffs, open space covered by coastal scrub, and lightly forested areas. Tunitas Creek runs along the northern edge of the property toward the Pacific Ocean. Sections of the property have been identified as locations of the endangered San Francisco garter snake, the threatened California red-legged frog and coastal marsh milk-vetch. The property potentially contains other vegetative and wildlife resources, and provides potential habitat for various flora and fauna native to the rural and coastal areas, including the threatened western snowy plovers.

While planning for the future of Tunitas Creek Beach is currently underway, at this time the County's proposal is limited to acquisition of the subject parcels. The proposed acquisition itself conforms to the General Plan Vegetative, Water, Fish and Wildlife Resources Policies. While the property had recently become degraded, under the management of the Parks Department the property has been cleaned up and inappropriate activity has significantly decreased. Further, the Vision Document for Tunitas Creek Beach includes a guiding principle that "sensitive species, habitat and creek/beach resources are preserved, restored and protected."

Any proposed future changes in use or improvements to the property would comply with the County tree removal and grading ordinances and the "Site Design Criteria" of Chapter 20.A.2 of the Zoning Regulations, and the County will have the authority to review any specific development plans for the property at the time of application for a coastal development permit.

b. Park and Recreation Resource Policies

- (1) Policy 6.4 of the County General Plan requires that the County (a) protect and enhance the environmental quality of San Mateo County when developing park and recreation facilities and (b) mitigate, to the extent feasible, the impacts of those recreation uses which may adversely affect the environment and adjoining private ownership.
- (2) Policy 6.11 County General Plan requires that the County to develop programs to increase and enhance public access to and along the shoreline.

Discussion:

The acquisition of the this property by the County complies with the Park and Recreation Resource Policies, because the establishment of a County park at this location would increase public access to the coast in an environmentally responsible way. The guiding principles in the Vision Document for Tunitas Creek Beach include improving the environment, monitoring the site to prevent overuse, and encouraging a diverse spectrum of visitors.

c. Rural Land Use Policies

- (1) Policy 9.23 of the County General Plan encourages compatibility of land uses in order to promote the health, safety, and economy and to maintain the scenic and harmonious nature of the rural lands.
- (2) Policy 9.35 of the County General Plan encourages existing and potential public recreation land uses.

Discussion: The overall intent for the property is to become a San Mateo County park complete with visitor-serving amenities. The subject parcels offer an opportunity to provide safe access and the necessary amenities to allow visitors to enjoy the Tunitas Creek beach. Any specific developments proposed on the property would require appropriate permits and would be reviewed by the County at the time of project submittal.

B. ALTERNATIVES

The alternative to a finding of conformity with the General Plan is for the Planning Commission to find that the proposed acquisition does not conform to the policies of the County General Plan.

C. ENVIRONMENTAL REVIEW

A determination that the proposed acquisition of property conforms to the County General Plan is exempt from environmental review under the “common sense exemption” that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (CEQA Guidelines Section 15061(b)(3)). Any future action on the subject property would be subject to applicable CEQA requirements.

D. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Recommended Finding
- B. Location and Site Maps

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT A

County of San Mateo
Planning and Building Department

RECOMMENDED FINDING

Permit or Project File Number: PLN 2020-00066

Hearing Date: March 25, 2020

Prepared By: Katherine Faulkner
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDING

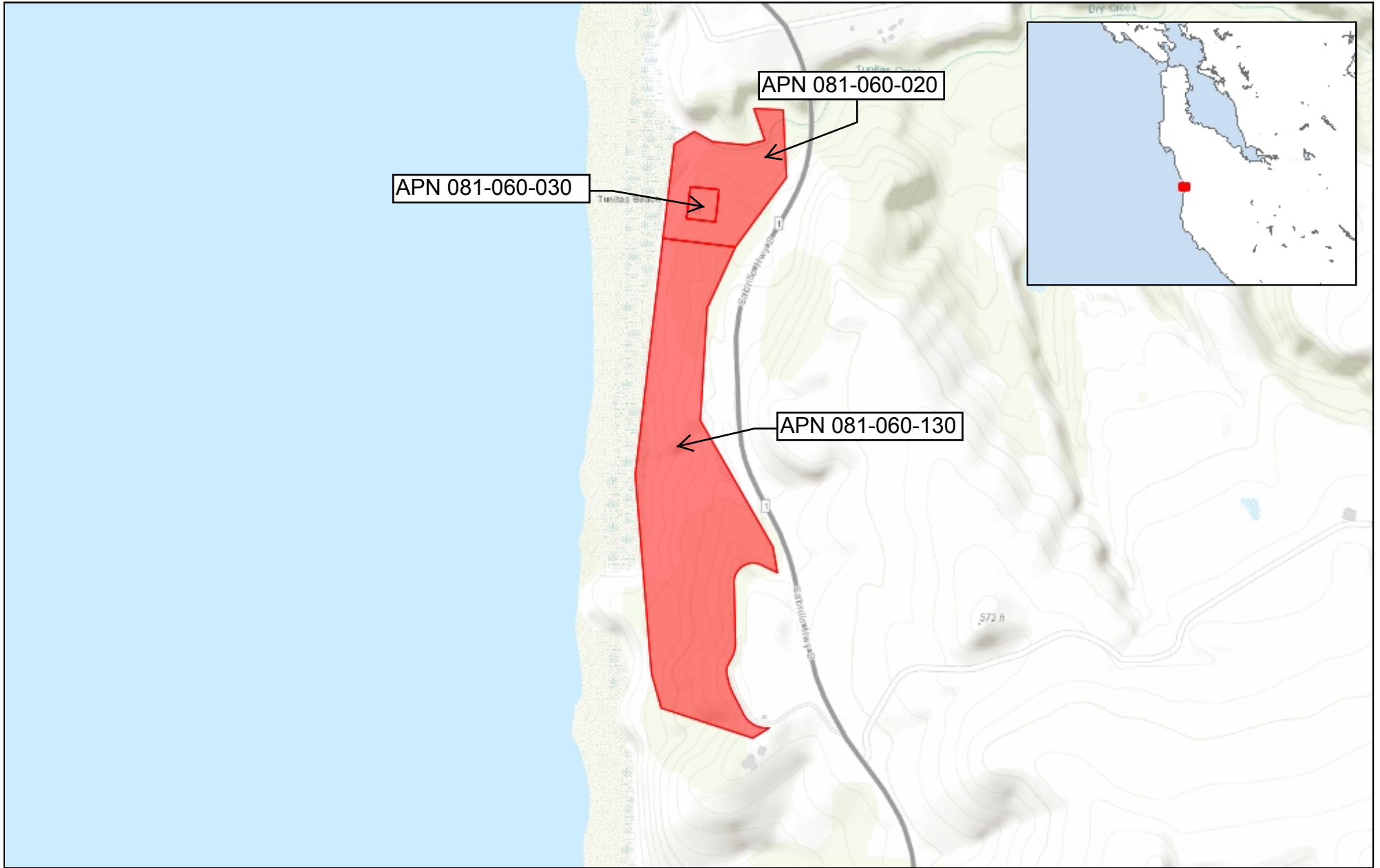
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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B



0.42 0 0.21 0.42 Miles

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1: 13,429 

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