

Land Use Policies & Development Approval Process in the unincorporated San Mateo County Midcoast

Study session to raise community awareness and
promote informed public participation in local government.



Midcoast Community Council
6/27/2018 presentation
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California Coastal Act

California Coastal Initiative (Prop 20), overwhelmingly passed by voters in 1972, was made permanent by the California Coastal Act of 1976.

Coastal Act policies in the Coastal Zone:

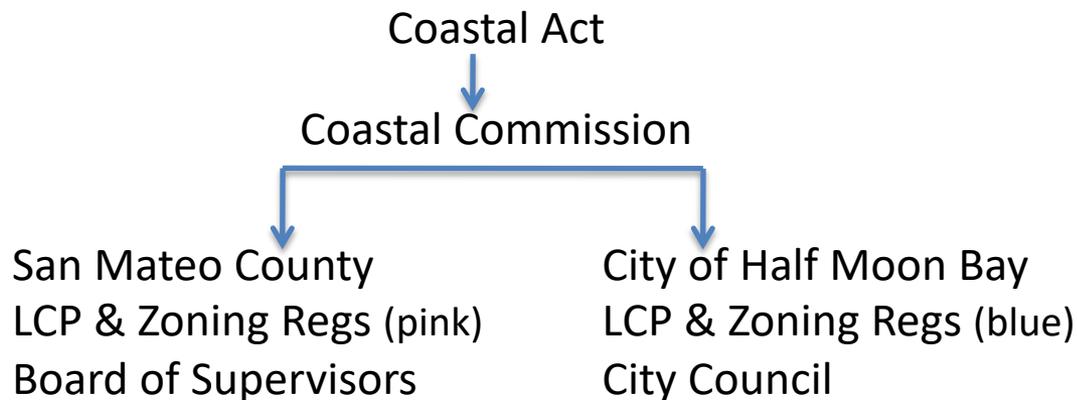
- Protect and expand public access to the shoreline and recreational opportunities and resources.
- Protect sensitive habitats, scenic resources, community character.
- Protect productive agricultural lands, commercial fisheries, archeological and cultural resources.
- Protect natural shorelines, and minimize risk from coastal hazards.
- Establish urban-rural boundaries and direct new development into areas with adequate services to avoid wasteful sprawl.
- Prioritize coastal-dependent, visitor-serving development. Provide lower-cost visitor-serving & recreational facilities.
- Assure new development has adequate public services and that new service capacities do not induce growth inconsistent with resource protection.
- Highway 1 shall remain a “scenic two-lane road” in rural areas.

California Coastal Commission (CCC)

- administers the Coastal Act and has jurisdiction over land use & development regulations in the Coastal Zone.

Local Coastal Program (LCP)

- The Coastal Act is supplemented by LCP's which are approved by the CCC and administered by local governments.
- San Mateo County's LCP applies to the unincorporated areas of the Coastside (pink on the map).
- Coastal cities, including Half Moon Bay, have their own LCP's.



Midcoast LCP Update 2012

San Mateo County LCP was first certified in 1980 and has been amended various times.

Major update for the Midcoast was undertaken 1999-2012 to:

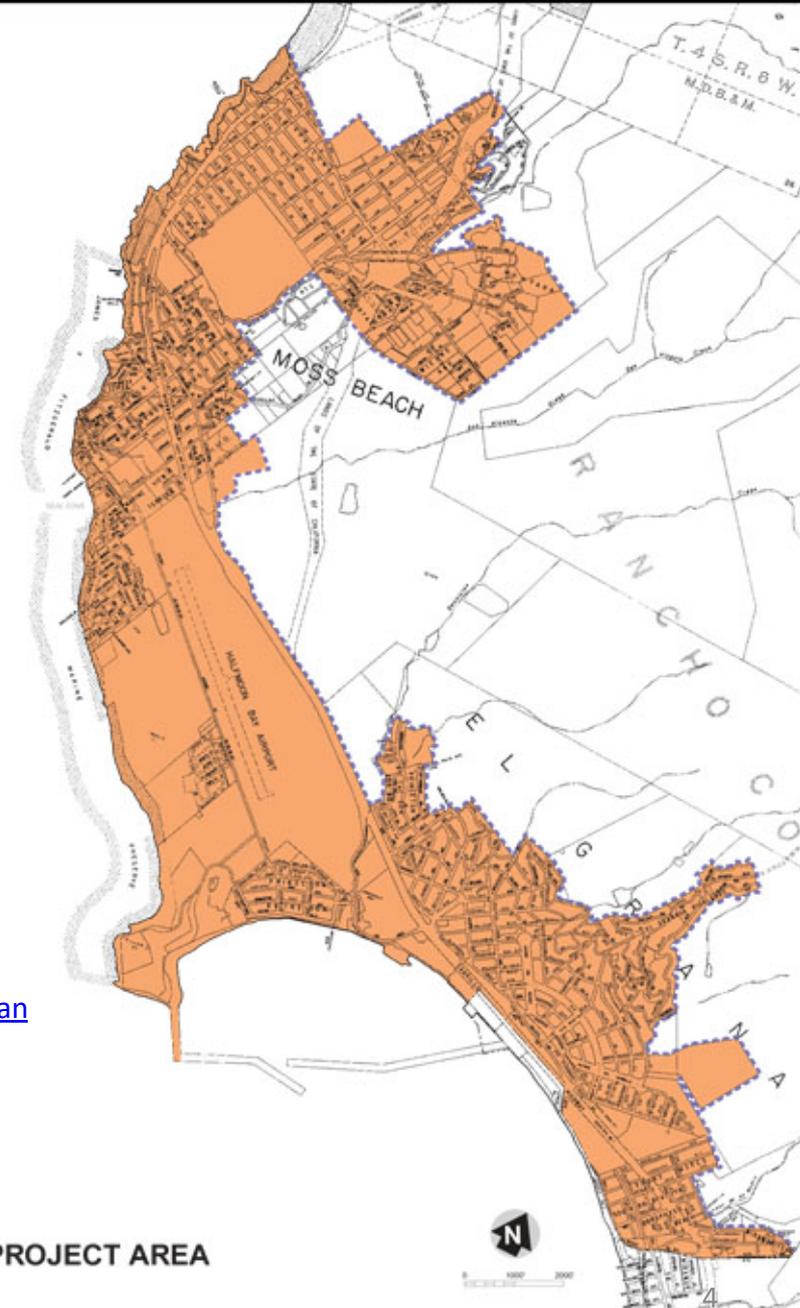
- improve Coastal Act consistency
- update Midcoast baseline data & policies
- reduce appeals of out-of-scale development

<https://planning.smcgov.org/documents/local-coastal-program>

City of Half Moon Bay has its own LCP:

<http://www.half-moon-bay.ca.us/154/Local-Coastal-Program-Land-Use-Plan>

Northern city limit is center of Mirada/Alto Roads, except for “cherry stem” west of Hwy 1, from Coronado to Sam’s Chowder House.



Midcoast Residential Growth Rate Limit

- New residential construction is limited to **40 dwelling units/year** (LCP Policy 1.23).
- New Accessory Dwelling Units (ADUs) are included in the annual limit. Total number approved ADUs limited to 466 in the Coastal Zone (Policy 3.22). Coastal Act & LCP supersede the State’s ADU law which prohibits these limits.
- Limit applied at time building permit is issued.
- New units with affordability restrictions can exceed annual limit, but growth rate 3-year average must not exceed 40 units/year.
- LCP designates affordable housing as a priority land use for which water & sewer capacity is reserved.

Historical residential growth rate:

7-year average: 21/year

<u>YEAR</u>	<u># UNITS</u>
2014	11 – incl 2 ADU
2015	24 – incl 3 ADU
2016	32 – incl 2 ADU
2017	13 – incl 2 ADU
2018	26 – incl 7 ADU
2019	21 – incl 10 ADU
2020	22 – incl 9 ADU

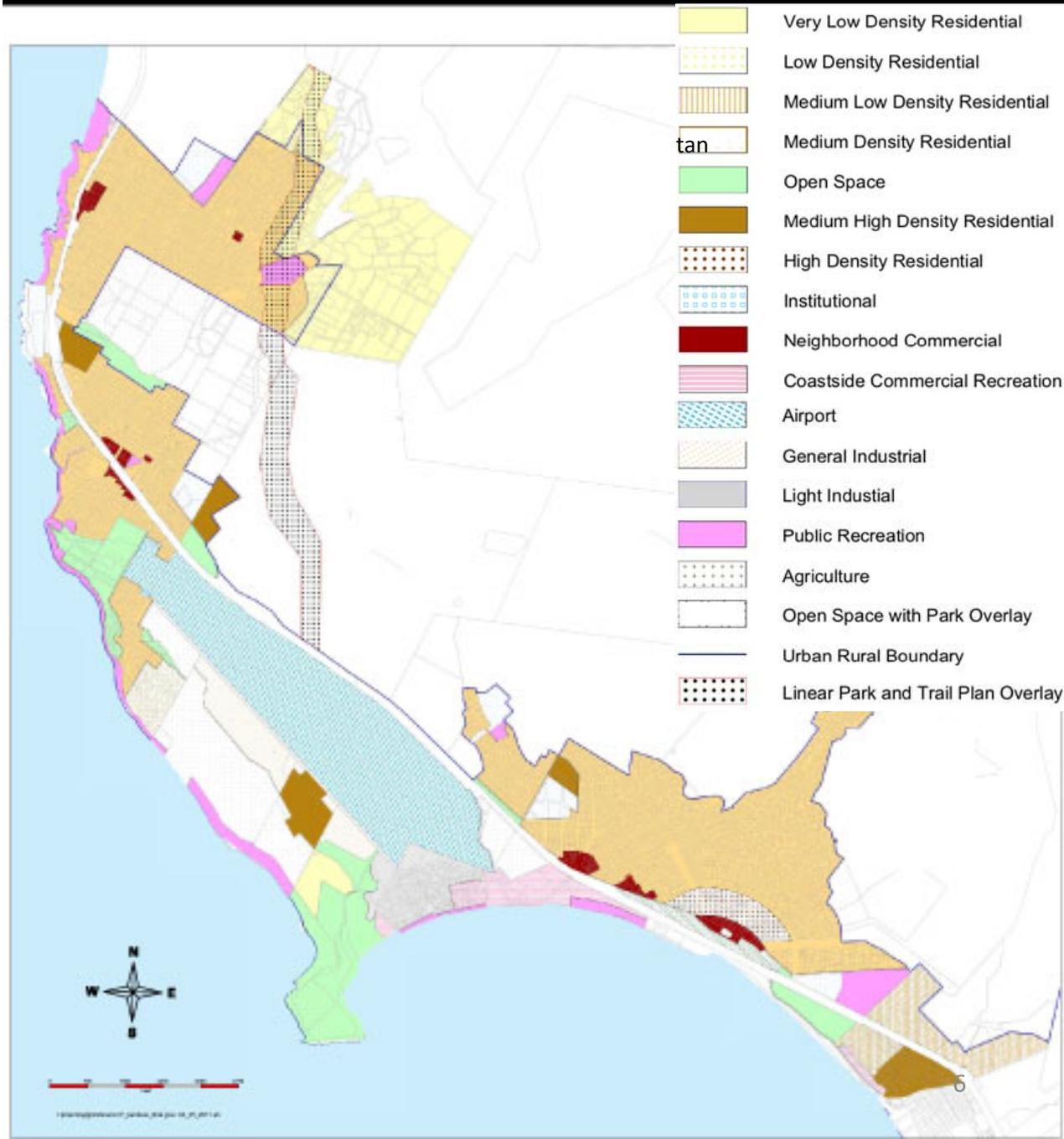
Local Coastal Program

The LCP includes a Land Use Plan and an Implementation Plan (zoning regulations).

The Land Use Plan specifies the kinds, locations and intensities of allowable development.

The Implementation Plan includes zoning districts with development standards to implement the Land Use Plan.

Amendments to the LCP Land Use Plan or to the County Zoning Regulations for the Coastal Zone require certification by the CCC before they can take effect.

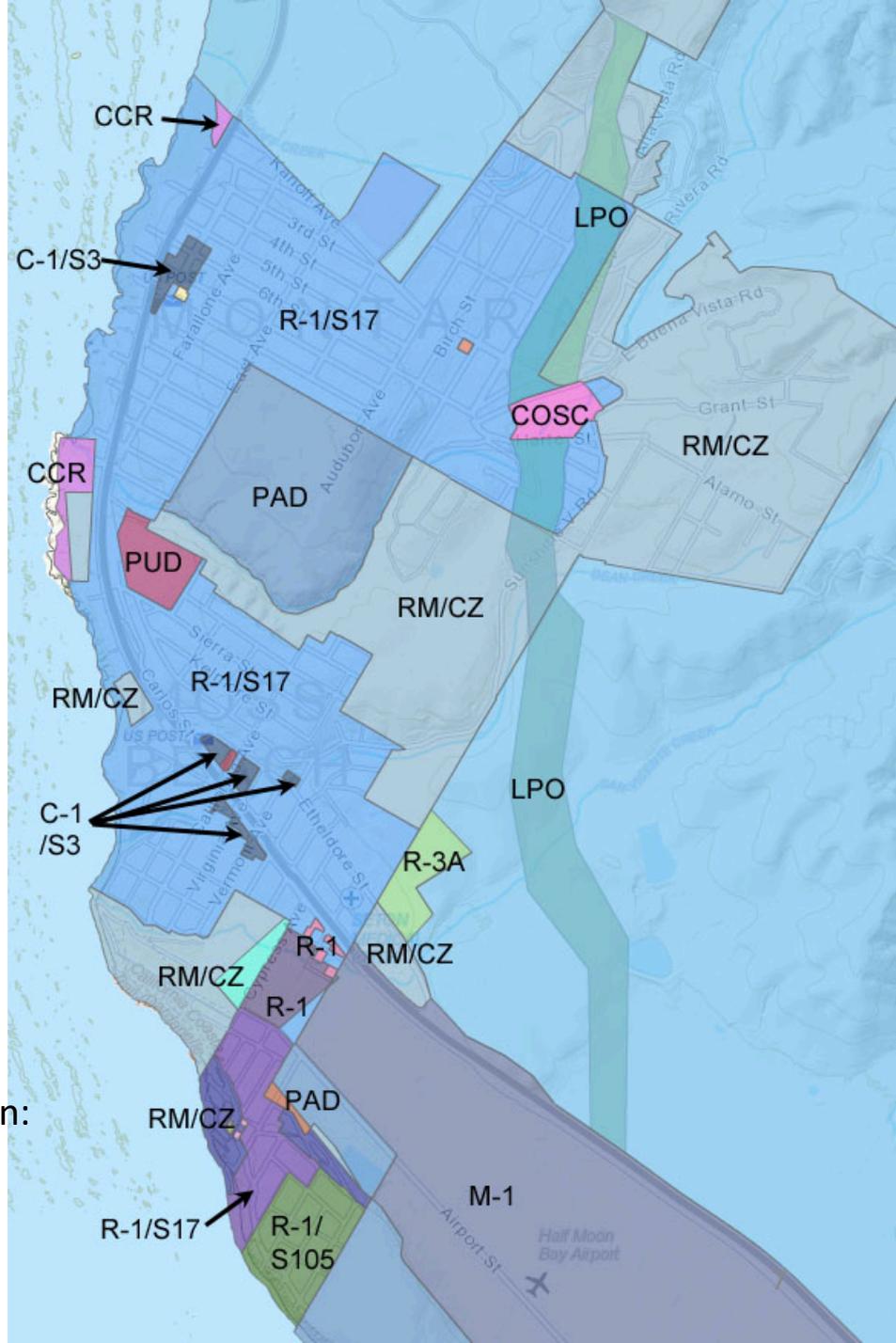


Zoning Districts: Montara & Moss Beach

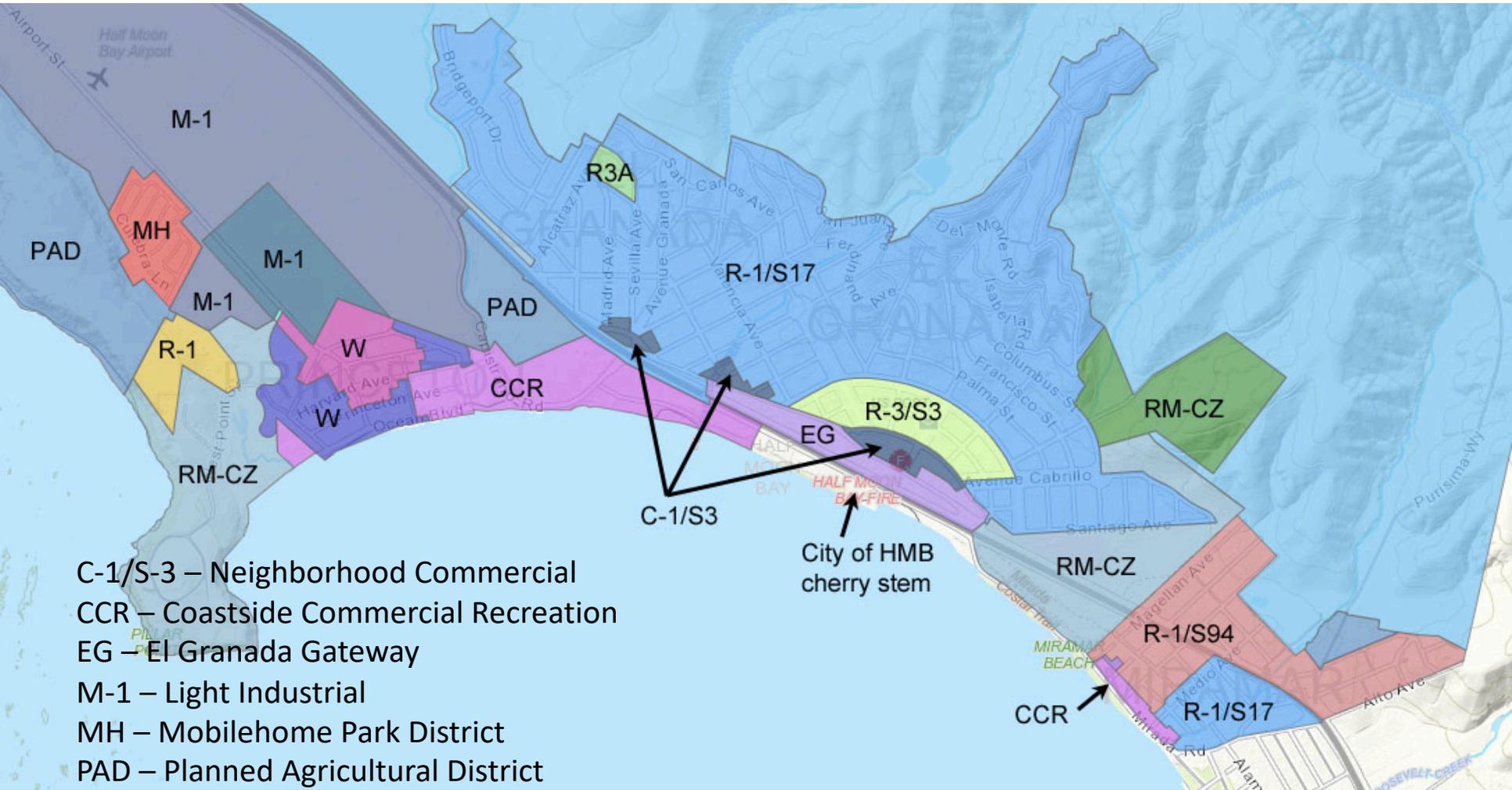
- C-1/S-3 – Neighborhood Commercial
- CCR – Coastside Commercial Recreation
- COSC – Community Open Space Conservation
- LPO – Linear Park Overlay (Bypass land)
- M-1 – Light Industrial
- PAD – Planned Agricultural District
- PUD – Planned Unit Development
- R-1 – Single-Family Residential
- R-3A – Affordable Housing
- RM/CZ – Resource Management Coastal Zone
- S-3, S-17, S-105 – combining districts with development standards

All Districts in Midcoast LCP Update Area
are also in:
CD – Coastal Development District
DR – Design Review District

Districts in Seal Cove area of Moss Beach are also in:
GH – Geologic Hazard District



Zoning Districts: Princeton, El Granada, Miramar



- C-1/S-3 – Neighborhood Commercial
- CCR – Coastside Commercial Recreation
- EG – El Granada Gateway
- M-1 – Light Industrial
- MH – Mobilehome Park District
- PAD – Planned Agricultural District

- R-1 – Single-Family Residential – S-3, 17, 94 = combining districts with development standards
- R-3 – Multi-Family Residential
- R-3A – Affordable Housing
- RM/CZ – Resource Management Coastal Zone
- W – Waterfront Marine-Related Light Industrial

Zoning District Ordinances

- Purpose(s) of the district
- Uses permitted (with or without Use Permit)
- Minimum parcel size (max density)
- Development standards:
 - building height limit, max lot coverage, max floor area, min setbacks, impervious surface area limit, siting to minimize impacts, landscaping, parking
- Performance standards:
 - noise, odor, lighting, vibration, trash/storage
- Combining districts often contain the development standards (S-17 for most Midcoast residential)

Published in County Zoning Regulations
<https://www.smcgov.org/planning/zoning-regulations>

Coastal Development Permit (CDP)

All development in the Coastal Zone requires a Coastal Development Permit (CDP), or an exemption (CDX). Development must comply with the policies of the LCP and the implementing ordinances (zoning regulations).

Definition of development is broad, including:

- Placement or erection of any solid material or structure (including building, road, pipe, power/transmission lines -- on land, in or under water)
- Grading
- Discharges
- Change in density (residential units/acre) or intensity of use (number of people onsite for commercial)
- Land division
- Removal of major vegetation

California Environmental Quality Act (CEQA)

- Requires state & local agencies to identify significant impacts of their actions and avoid or mitigate those impacts, if feasible.
- Applies to most development proposals that require discretionary government approval, plus many government decisions such as adoption of a general plan.
- At minimum, Initial Study of project and environmental impacts is required.
<https://www.smcgov.org/planning/initial-study-environmental-evaluation-checklist>
- Mitigated Negative Declaration (Neg/Dec) applies where mitigation measures reduce impacts to less than significant.
- Environmental Impact Report (EIR) is required if there are one or more “Potentially Significant Impact” entries when the determination is made.
- Public review of CEQA doc before adoption: Comments on correctness, completeness or adequacy are submitted to Lead Agency.
- Enforcement: Public agencies are entrusted with compliance with CEQA. Provisions are enforced, as necessary, by the public through litigation.

Planning Permits – Staff Process

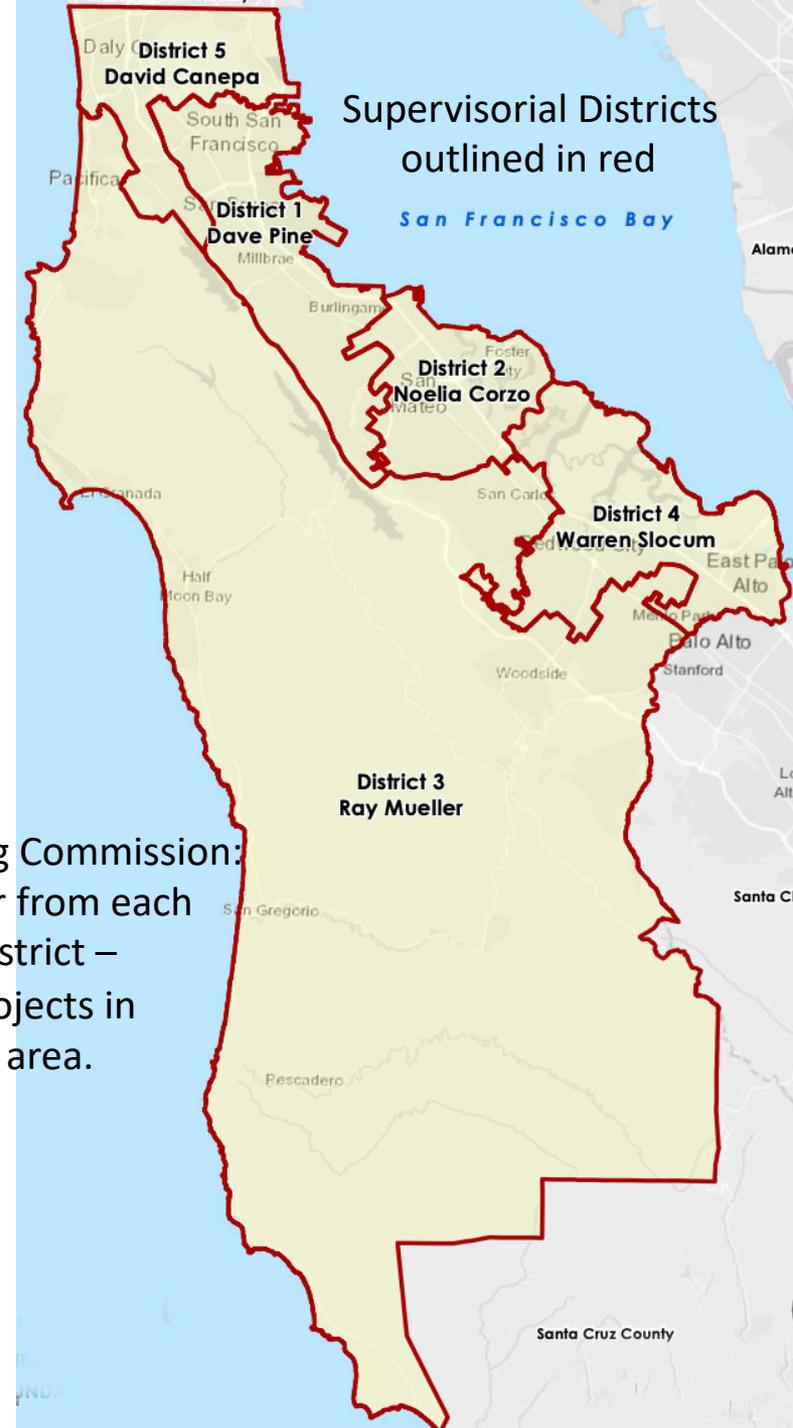
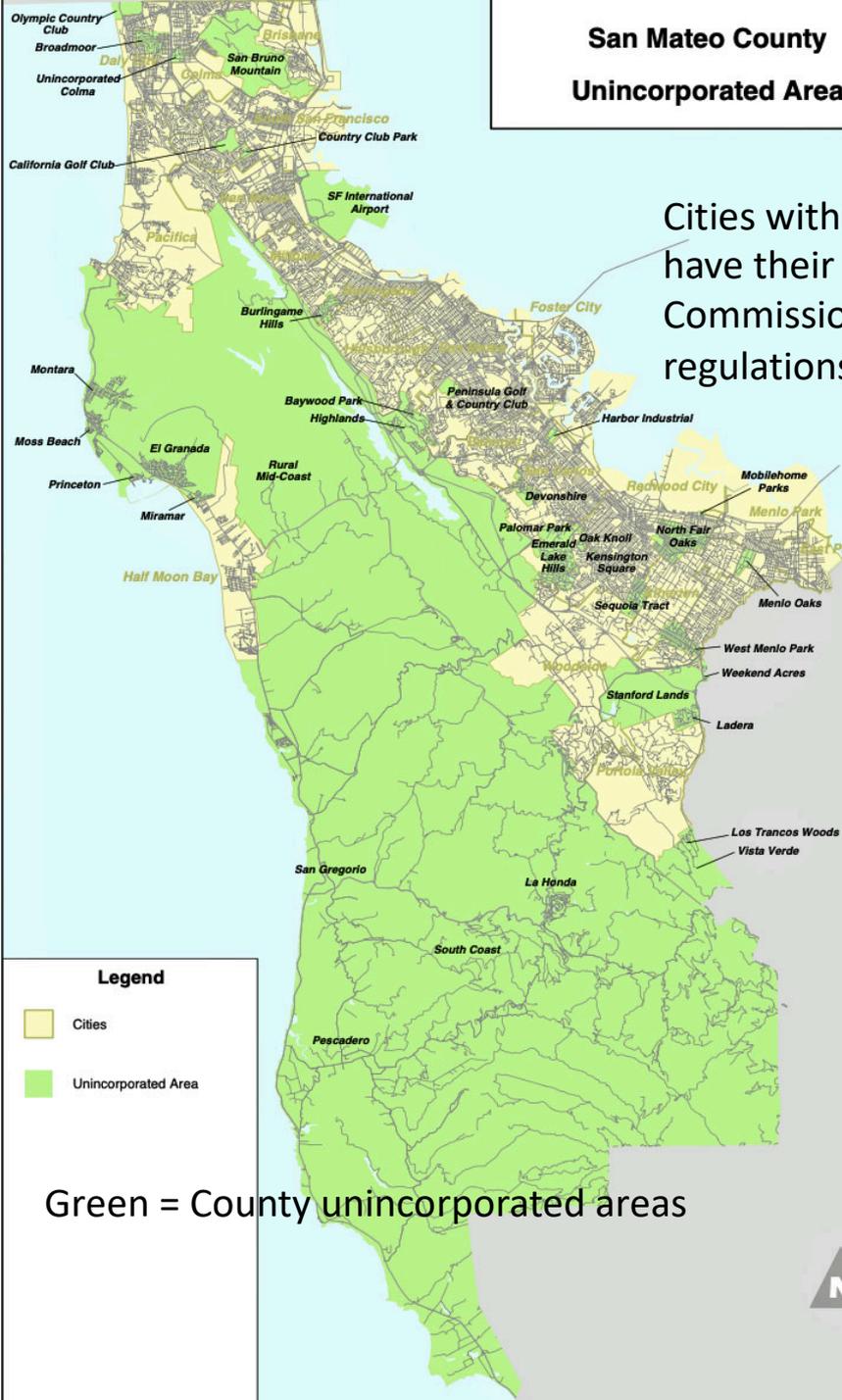
- Application submittal, case opened, online permit center PLN# assigned
- Project planner assigned, check for completeness, request what's missing.
- Referrals to reviewing agencies for comment: Building, Public Works, Fire, Geotechnical, Water/Sewer Districts, MCC, others as warranted.
- Determine if biological, geotechnical, coastal hazard, traffic studies are required from applicant, and what level of CEQA review (or exempt).
- **Staff-level permit approvals:** grading, home improvement exception, accessory dwelling unit (ADU), CDP exempt or not appealable to CCC.
- **Hearing-level approvals & appeals:** Preparation of staff reports for public hearing. Issue Letter of Decision with Conditions of Approval.
- During subsequent Building Permit review, project planner ensures that Conditions of Approval are incorporated.

Discretionary or Ministerial?

- **Discretionary permits** involve judgement or deliberation, whether to issue permit and how to best condition projects to avoid impacts.
- **Ministerial permits** apply a checklist of objective requirements, are issued by staff without public hearing. CEQA does not apply. e.g: ADU, building permits

Planning Permits -- Public Participation

- [Large projects only] Pre-application public workshop, before formal application submittal. Written public comment to Planner and/or speak at workshop. Staff compiles report of public & agency comments. This feedback to applicant often leads to modifications before formal application submittal.
- Potential public hearing(s) if MCC chooses to agendize.
- CDRC (Coastside Design Review Committee) public hearing for projects with residential component. CDRC purview limited to Midcoast Design Standards.
- CEQA: If Mitigated Negative Declaration or EIR required, doc is posted for public review & written comment to Lead Agency on *correctness, completeness* or *adequacy* under CEQA. Comments may lead to project modification and/or additional mitigation measures to reduce impacts.
- Decision public hearing at Planning Commission (or Zoning Hearing Officer). Note some CDP's are "staff level" without hearing, but residential projects will have CDRC hearing (limited to Design Standards).
- Appeals public hearing: to BoS (or if appealable, to CCC), by any person who participated or communicated their concerns to local government.



County Planning Commission:
1 Commissioner from each Supervisorial District – only reviews projects in unincorporated area.

Planning Permit -- MCC process

Planning Application early referrals to MCC

- Early opportunity for in-depth info from planner and online permit center. Not last opportunity for MCC who can comment until decision hearing.
- Email exchange with planner can result in conditions added to address concerns before project goes to decision maker. (Harbor Village Phase 2)
<https://midcoastcommunitycouncil.org/harbor-village>
- MCC public meetings with applicant can result in significant project modification by applicant to everyone's satisfaction (Vallemar Bluff)
<https://midcoastcommunitycouncil.org/vallemar-bluff>
- MCC agenda item provides early public awareness of project & opportunity to comment -- particularly important for projects outside CDRC residential purview.
- MCC formal comments are included in the staff report for decision makers.

Additional Resources

MCC Planning & Zoning Overview page

<https://midcoastcommunitycouncil.org/planning-zoning>

- County Planning & Building Dept links
- Land Use Regulations
- Studies
- Current Planning: Major Development Projects in Review
- Long Range Planning & Ordinance Updates in process

Introduction to Midcoast local government & special districts --

District Boundaries, services provided, decision-making bodies.

(study session slide deck)

<https://midcoastcommunitycouncil.org/home/2018/6/8/mcc-meeting-june-13-2018.html>

Sign Up for County email updates (agendas/news – you select)

<https://public.govdelivery.com/accounts/CASMATEO/subscriber/new?preferences=true>

Plans & projects within the City of Half Moon Bay:

Half Moon Bay Planning Division <http://hmbcity.com/149/Planning>