



County of San Mateo

Inter-Departmental Correspondence

Department: PLANNING AND BUILDING

File #: 22-231

Board Meeting Date: 4/5/2022

Special Notice / Hearing: 10-day notice;
publication and 300-ft. radius

Vote Required: Majority

To: Honorable Board of Supervisors

Subject: Consideration of an appeal of the Planning Commission's denial of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, for the County Parks Department's Off-Leash Dog Recreation Pilot Program. The decision on this application is appealable to the California Coastal Commission.

County File Number: PLN2021-00333

(San Mateo County Parks Department)

RECOMMENDATION:

Public hearing to consider an appeal of the Planning Commission's denial of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, for the County Parks Department's Off-Leash Dog Recreation Pilot Program:

- A) Open the public hearing
- B) Close the public hearing
- C) Uphold in part and overturn in part the Planning Commission's decision to deny the Parks Department's application for a Coastal Development Permit to implement the off-leash pilot program at Pillar Point Bluffs and Quarry Park, as follows: deny the CDP for the pilot program at Pillar Point Bluffs for the reasons stated by the Planning Commission, and approve the CDP for the pilot program at Quarry Park on the basis that it is in conformity with the Local Coastal Program, General Plan and zoning regulations, as conditioned by staff recommendation.

BACKGROUND:

On February 9, 2022, the Planning Commission considered a request from the County Parks Department (Parks) for a Coastal Development Permit (CDP) to implement an Off-Leash Dog Recreation Pilot Program in two Coastside parks - Pillar Point Bluff (PPB) and Quarry Park (QP). In October 2018, the Board of Supervisors amended Section 3.68.180 of the County Ordinance Code to allow on-leash dog access on designated and signed trails in certain San Mateo County Parks, including the two subject parks. At the same meeting, the Board of Supervisors directed Parks to

develop a recommendation for an off-leash dog recreation pilot program.

On November 16, 2021, the Board adopted amendments to Section 3.68.180 of the Ordinance Code to authorize off-leash dog use subject to the implementation of a Pilot Program to study the effects of allowing said use in the two subject parks. Implementation of the Pilot Program, however, requires a Coastal Development Permit because it is a change in the intensity of use of land in the coastal zone.

At the February 9 hearing, the Planning Commission took testimony from the public both in favor and against issuance of the requested CDP. Testimony given in opposition to the granting of the CDP focused on potential impacts to biological resources at Pillar Point Bluff Park. During their deliberations on the requested CDP, the Commission asked the Parks Director whether he would entertain a partial granting of the CDP, excluding Pillar Point Bluff from the approval. The Director stated that he did not have the authority to alter the Pilot Program in such a manner since the resolution adopted by the Board of Supervisors in November had included both parks. As a result, the Planning Commission voted to deny the requested CDP on the basis that the impacts it poses to sensitive habitats at and adjacent to Pillar Point Bluffs does not conform to the Local Coastal Program (LCP).

On February 22, 2022 the Parks Department filed an appeal of the Planning Commission's decision. In the appeal, the Parks Department states that it desires to pursue the Pilot Program at Quarry Park and not at Pillar Point Bluffs.

PROPOSAL

The proposal to implement the Off-Leash Pilot Program at Quarry Park includes a set of rules for off-leash dog walking that include:

1. Off-leash dog(s) must be under voice and sight control.
2. Dog(s) must remain on designated and signed trails, within view and earshot, and no more than 25 feet away from owner/handler.
3. Dog(s) must be on-leash in developed areas (i.e., near traffic, parking lot, lawn or play field, deck, picnic areas, etc.).
4. No more than two off-leash dogs allowed per owner/handler.
5. Dogs are presumed to NOT be under control when they threaten, harass, chase, or otherwise display aggression towards any person, animal, or wildlife; or do not return when called.
6. Owner/handler must have physical control of dog(s) when approaching or being approached by park users not also engaged in off-leash dog recreation.

In addition to the above listed rules, a number of evaluation criteria have been developed to determine the efficacy of the proposed off-leash rules. These include monitoring any changes in wildlife behavior or in the number of park visitors.

Report Prepared By: Michael Schaller, Senior Planner

Appellant: San Mateo County Parks Department

Applicant: San Mateo County Parks Department

Owner: San Mateo County

Location: Quarry Park (El Granada)

APN(s): 047-330-010, 047-340-290, -020, -040, -010

Existing Zoning: Resource Management - Coastal Zone (RM-CZ) and Planned Agricultural District (PAD)

General Plan Designation: Agriculture, Open Space, Public Recreation

Land Use: Public Recreation/Open Space

Environmental Evaluation: The Parks Department prepared an Initial Study and Mitigated Negative Declaration, with a public review period of July 15, 2021 to August 13, 2021. Comments received during this period, were addressed in the Final Initial Study/Mitigated Negative Declaration (included as Attachment F). The Board of Supervisors adopted the Mitigated Negative Declaration on November 9, 2021.

Setting: Quarry Park is a 577-acre community park that is located on a eucalyptus forested, coast facing hillside and contains hiking trails, playground areas, a picnic area, a community garden, and open grassy areas. ESHAs in the park include central coast arroyo willow riparian scrub, perennial ponds, ephemeral streams, intermittent streams, perennial streams, and potential seasonal wetlands. The unincorporated community of El Granada comprises the park's western and southern borders. Rancho Corral de Tierra, a 4,000-acre natural area is part of the Golden Gate National Recreation Area completes the northern border. The unincorporated communities of Miramar and El Granada and open lands associated with those communities are along the park's southern border.

DISCUSSION:

A. KEY ISSUES OF THE APPEAL

On February 22, 2022 the Parks Department filed an appeal of the Planning Commission's decision. In the appeal, the Parks Department states that it desires to pursue the Pilot Program at Quarry Park and not at Pillar Point Bluffs. By limiting program implementation to Quarry Park, the appeal resolves the concerns that formed the basis of the Planning Commission's denial.

B. ANALYSIS OF PROJECT COMPLIANCE WITH APPLICABLE COUNTY POLICIES AND REGULATIONS

1. Conformance with the County General Plan

The County's Local Coastal Program (LCP) is a subset of the County General Plan, and the two documents are internally consistent. The following analysis of the project's consistency with the LCP, which is more specific than the General Plan with regard to issues raised by this project, therefore also addresses, by extension, the project's consistency with the County's General

Plan.

2. Conformance with the Local Coastal Program (LCP)

Staff has reviewed the proposed project and found it to comply with all applicable Local Coastal Program (LCP) Policies, specifically:

a. Locating and Planning New Development Component

Policy 1.2 (*Definition of Development*) defines development to include changes in the density or intensity of use of land. In this instance, the implementation of the Pilot Program constitutes an increase in intensity in the use of land above what is currently permitted (which is on-leash dog walking only). Additionally, the Pilot Program will include the installation of signage and other minor structures to inform park users of their responsibilities while walking their dogs off-leash.

Policy 1.25 (*Protection of Archaeological/Paleontological Resources*) requires a project proponent to, based on the County's Archaeology/Paleontology Sensitivity Maps, determine whether or not sites proposed for new development are located within areas containing potential archaeological/paleontological resources.

As is discussed in the CEQA document, no significant construction activities are proposed as part of the pilot program. As such, the potential to uncover previously unknown historical or archaeological resources is limited, but not non-existent. Therefore, standard mitigation measures that address what steps shall be taken if resources are accidentally discovered are included as Conditions of Approval Nos. 2 and 3 in Attachment A.

b. Agriculture Component

Policy 5.1 (*Definition of Prime Agricultural Lands*) defines prime agricultural lands as all land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification. Portions of both parks contain Class II soils throughout their reach.

Policy 5.5 (*Permitted Uses on Prime Agricultural Lands Designated as Agriculture*). This policy conditionally permits public recreation and shoreline access trails on Prime Agricultural Lands. Active farming has not occurred in Quarry Park for over 25 years. Quarry Park was previously owned by a non-profit land trust and operated as de facto public open space land prior to acquisition by the County. The proposed Pilot Program will not convert soils within the park, thus not precluding future use for food production if such a need were to arise.

c. Sensitive Habitats Component

Policy 7.1 (*Definition of Sensitive Habitats*). This policy defines sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and includes coastal tide lands and marshes, lakes and ponds and adjacent shore habitat including wetlands. Quarry Park contains sensitive habitat areas including riparian habitats, streams and ponds, and seasonal wetlands.

Policy 7.3 (*Protection of Sensitive Habitats*) prohibits any land use or development which would have significant adverse impacts on sensitive habitat areas. This policy also regulates development in areas adjacent to sensitive habitats and requires development to be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. The development in this case is the potential intensification of use of certain trails within the subject parks. The trails proposed for off-leash dog recreation in Quarry Park have been selected for the relative lack of sensitive habitat immediately adjacent to the subject trail segments. Off-leash dogs will be prohibited in the small pond and the playground area at Quarry Park. At those locations where trail segments selected for off-leash dog recreation are near ESHAs, split rail fencing, and signage will be installed to prevent dogs from entering the habitat and potentially disturbing wildlife or vegetation at those locations. The Pilot Program includes an Adaptive Management Program (AMP) that includes monitoring by Park staff and/or volunteers for any unpermitted entry by off-leash dogs into identified habitat areas, as well as dogs travelling more than 10 feet off trail in any location.

The Parks Department will review the results of the Pilot Program after 12 months to determine if off-leash dog use in the subject parks should continue, and if so, under what conditions. Data gathered for the AMP will guide changes to the Pilot Program as needed, both during the initial test period and any subsequent periods if the Pilot Program is continued. The design of the Pilot Program and inclusion of the Adaptive Management Program will avoid significant adverse impacts to sensitive habitat areas, consistent with Policy 7.3.

d. Visual Resources Component

Policy 8.5 - Location of Development. This policy requires that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads; and (2) is least likely to significantly impact views from public viewpoints. The vast majority of Quarry Park is within the boundaries of the Cabrillo Highway County Scenic Corridor. The only new physical development proposed by the project is a limited number of signs at various trailheads, parking areas and trail junctions, and a limited amount of split rail fencing around sensitive habitat areas, as previously discussed. The proposed signage will be small in nature and consistent with signage already used in County parks.

The signs are intended to inform visitors which trails are accessible to off-leash dogs and which trails require leashes. They will also inform users of the park rules including, but not limited to, owners cleaning up after dogs, dogs must stay on trails at all times, and dogs must be under voice and sight control at all times. Trailhead signs will be posted at an elevated height (eye level) for initial visibility and smaller signs along trails will be shorter and mounted at pedestrian scale (approximately knee height) similar to wayfinding signs. There will be “Dogs On-Leash” signs, two “No Dogs in Reservoir” signs, and six “No Dogs in Playground Area” signs.

As discussed previously, the proposed fencing will be approximately waist high (3.5 feet tall), utilizing an open, split beam design and constructed of wood. While both parks are within the boundaries of the Cabrillo Highway County Scenic Corridor, the areas where the new signage and fencing will be constructed is generally well away from the travel way of the Highway. Moreover, the signage and fencing will be of a size and height that they will

not be readily visible to motorists traveling on the Highway. For users of the parks, while these new structures will initially be obvious, the use of natural materials and earth tones for the signage will ameliorate any visual impact from or to the scenic corridor.

e. Recreation/Visitor-serving Component

Policy 11.4 (*Recreation and Visitor-Serving Facilities Permitted in the Coastal Zone*). This policy permits commercial recreation and public recreation facilities which (a) are designed to enhance public opportunities for coastal recreation, (b) do not substantially alter the natural environment, and (c) do not subvert the unique small town, rural character of the individual communities on the Coastside. Since 2018, dogs on-leash have been allowed on certain trails within the park. The Pilot Program would allow for enhanced recreational opportunities for those owners who wish to allow their dogs off-leash but within the parameters of the program's rules regarding voice control and only in certain areas that are away from sensitive habitats. No significant structures or alterations to the natural environment are proposed as part of the pilot program.

3. Compliance with San Mateo County Zoning Regulations

The Coastal Act of 1976 requires that the County's Local Coastal Program (LCP) include zoning ordinances, zoning district maps and any other actions necessary to implement the requirements of the Coastal Act in San Mateo County. To that end, all projects, including government projects, must show compliance with not only the LCP, but with the applicable zoning regulations.

At Quarry Park the two underlying zoning districts are PAD and Resource Management - Coastal Zone (RM-CZ). As with the PAD zoning district, "Public Recreation" is a permitted use in the RM-CZ zoning district. This is the existing permitted land use in Quarry Park, and the Pilot Program will not alter that existing condition.

C. ENVIRONMENTAL REVIEW

The County prepared an Initial Study and Mitigated Negative Declaration, with a public review period of July 15, 2021 to August 13, 2021, to evaluate the environmental impacts of the Pilot Program. The County addressed comments received in the Final Initial Study/Mitigated Negative Declaration (included as Attachment F). The Board of Supervisors adopted the Mitigated Negative Declaration on November 9, 2021.

D. OTHER REVIEWING AGENCIES

California Coastal Commission
MidCoast Community Council

FISCAL IMPACT:

No Fiscal Impact

ATTACHMENTS:

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Quarry Park Pilot Program Trails

- D. Detailed Project Description (including Adaptive Management Plan)
- E. Final Initial Study/Mitigated Negative Declaration

Attachment A

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Project File Number: PLN2021-00333

Hearing Date: April 5, 2022

Prepared By: Michael Schaller
Senior Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That, the Mitigated Negative Declaration adopted by the Board of Supervisors on November 9, 2021 adequately analyzes the proposed Pilot Program pursuant to the California Environmental Quality Act ("CEQA"), and that no subsequent environmental review is required pursuant to CEQA Guidelines Section 15162 (*Subsequent EIRs and Negative Declarations*).

Regarding the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program with regards to the protection of archaeological, biotic, visual and recreation resources.
3. Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, that the project is in conformity with the public access and public recreation

policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code) and Chapter 3 of the Coastal Act of 1976. As modified by the appellant, no component of the Pilot Program will occur on lands between the sea and the nearest public road.

4. That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program as discussed in Section A(2) of this staff report. Protection measures will be implemented to prevent any unanticipated impacts to archaeological resources. Additionally, measures have been built into the design of the Pilot Program and Adaptive Management Plan to address water quality and protection of sensitive habitats.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal as described in this report and materials submitted for review and approval by the Board of Supervisors on April 5, 2022. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.
2. If, at the end of the 12-month test period, the Parks Department wishes to extend the Pilot Program for an additional amount of time, they shall file for a permit extension with the Planning Department, at least two months prior to the expiration of the test period. Said request for permit extension shall be considered by the Planning Commission in a timely manner.

3. **Mitigation Measure CUL-1: Accidental Discovery of Archaeological Resources.**

If indigenous or historic-era archaeological resources are encountered during proposed project development or operation, all activity within 100 feet of the find shall cease and the find shall be flagged for avoidance. Parks and a qualified archaeologist, defined as one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology, shall be immediately informed of the discovery. The qualified archaeologist shall inspect the find within 24 hours of discovery and notify Parks of their initial assessment.

If Parks determines, based on recommendations from the qualified archaeologist, that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5), or a tribal cultural resource (as defined in PRC Section 21074), the resource shall be avoided if feasible. Avoidance means that no activities associated with the proposed project that may affect cultural resources shall occur within the boundaries of the resource or any defined buffer zones. If avoidance is not feasible, Parks shall consult with appropriate Native American tribes (if the resource is indigenous), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery or other measures. Treatment for most resources would consist of, but would not be limited to sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource. The resource and treatment method shall be documented in a professional-level technical

report to be filed with the California Historical Resources Information System. Work in the area may commence upon completion of approved treatment and under the direction of the qualified archaeologist.

4. **Mitigation Measure CUL-2: Accidental Discovery of Human Remains**

If human remains are uncovered, all visitor use shall immediately halt within 100 feet of the find and the San Mateo County Coroner shall be contacted to evaluate the remains and follow the procedures and protocols set forth in CEQA Guidelines Section 15064.5(e)(1). If the County Coroner determines that the remains are Native American, the County shall contact the California Native American Heritage Commission, in accordance with California Health and Safety Code Section 7050.5(c) and PRC Section 5097.98. As required by PRC Section 5097.98, Parks shall ensure that further development activity avoids damage or disturbance in the immediate vicinity of the Native American human remains, according to generally accepted cultural or archaeological standards or practices, until Parks has conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

5. **Mitigation Measure NOI-1: Noise Complaints**

Parks shall establish a means of monitoring any noise complaints and shall document and report any complaints to the County Health Officer.