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December 21, 2021

County of Sonoma
Planning Department
Attn: Cecily Condon, Gary Helfrich
2550 Ventura Ave.
Santa Rosa, CA 95403

Subject: County of Sonoma Draft Local Coastal Program Land Use Plan Update: Land Use Chapter

Dear Mr. Helfrich:

Thank you for the opportunity to review and comment on the County's proposed update to the Local Coastal Program (LCP) Land Use Plan (LUP). We want to thank the staff involved in this update for their hard work, and for coordinating with us during this process. In our experience, this type of early coordination helps to ensure a smoother LCP certification process, including streamlining review and resolution of issues upon submittal to the Coastal Commission. The comments and recommendations below summarize the overarching feedback on Chapter 2: Land Use.

- 1. General Land Use Policies.** The Land Use element is missing a suite of general land use policies applicable to all development in the Coastal Zone. We highly recommend including a section at the beginning of this element that includes general policies on land use in Sonoma County. Sample policies from the certified Half Moon Bay LCP are listed below, as examples.

2-1. Land Use Plan Map. *Apply Land Use Plan designations in accordance with the policies of this Land Use Plan.*

2-2. Complete Policy Compliance. *Ensure that all new development as defined by the Coastal Act complies with the policies of the Land Use Plan. New development means any project for which a coastal development permit is required. Allow flexibility only when the Land Use Plan provides for an exception.*

2-4 Sustainable Land Use Pattern. *Concentrate new development within the defined Urban Boundary by prioritizing development in the Town Center, allowing for infill development within established neighborhoods, and protecting the rural, open space, agricultural and habitat values of undeveloped areas.*

2-6. Housing Diversity and Affordability. *Encourage a diversity of housing types, including housing at a range of affordability levels, densities, sizes, and ownership types with equitable access to environmental benefits. Meet the needs of Half Moon Bay's diverse population, including young families, multi-generational families, students, young professionals, and seniors.*

2-8. Community Needs. Support the development of land uses desired by the community and which contribute to quality of life. Uses include affordable and diverse housing types such as farmworker housing and smaller homes; light industrial uses including live-work and artisan uses; adaptive reuse of heritage buildings; agriculture and agriculture-compatible uses along with supportive accessory uses; commercial including neighborhood and local-serving uses; quasi-public uses including childcare, healthcare, animal care, and assisted living; and public uses including parks and other community facilities.

2-11. Development Permit Requirements. Require a coastal development permit for any project that meets the definition of development pursuant to Coastal Act Section 30106. Exempt certain categories of development from coastal development permit requirements pursuant to Title 14, Division 5.5, Chapter 6 of the California Code of Regulations. Establish a local coastal development permit waiver process for other types of de minimis development including qualifying agricultural uses, smaller structures, or temporary uses.

2-12. Non-Conforming Uses. Update the non-conforming uses implementation regulations in the IP to address standards for non-conforming uses and development with respect to land use, environmental hazards, and biological resources. Uses and development that were lawful at the time they were established may continue under the policies of this Land Use Plan unless the use is discontinued for a period of up to five years for agricultural uses, and up to one year for all other uses.

2-13. Constitutional Use of Property. Nothing in this Land Use Plan is intended to nor shall be construed as authorizing the City of Half Moon Bay to grant or deny a permit in a manner which will take or damage private property for public use without the payment of just compensation.

2-14. CEQA Thresholds of Significance. Use thresholds of significance for CEQA review purposes for impacts that require special consideration in Half Moon Bay.

2. **Priority and Non-Priority Uses.** Per Section 30255 of the Coastal Act, which provides that coastal-dependent developments shall have priority over other developments on or near the shoreline, the Land Use element should include both a discussion of, and policies around, priority and non-priority uses. While figure C-LU-1 provides an overview of County priorities, there needs to be further discussion on the balance between Coastal Act priority uses, local priority uses (such as affordable housing), and non-priority uses, with associated policies. Sample language from the HMB LCP is included below:

2-3. Priority Land Uses. Define priority land uses and support development of such land uses throughout the City by the following categories:

- a. **Coastal Act Priority Uses:** Coastal-dependent uses, agricultural uses, visitor-serving commercial uses, and coastal access and recreational facilities. Coastal Act Priority Uses are considered top tier priority in this LCP; and furthermore, as consistent with Coastal Act Section 30222, coastal-dependent industry and agriculture take precedence over all other uses including visitor-serving commercial recreation facilities.

b. Local Priority Uses: Affordable dwelling units for extremely low, very low, and low-income households. Local Priority Uses are considered second tier priority behind Coastal Act Priority Uses in this LCP.

3. Land Use Category Specific Policies. The Land Use element outlines each of the separate land use categories but does not have any policies that correspond to these uses. Each described land use should have corresponding policies detailing what is allowable and not allowable in each of these land use categories, as the tables are not actionable policies. For example, following the set of tables on Land Extensive Agriculture and Diverse Agriculture, there should be a set of policies similar to the sample policy language below:

2-86. Consistency with Agricultural Use Policies. *Policies and definitions in Chapter 4. Agriculture are specifically intended to supplement policies in Chapter 2. Development for lands in agricultural use and/or containing prime and non-prime agricultural soils, while the policies in this section address lands with Rural Coastal and Horticulture Business land use designations. As defined in this LUP, agricultural land uses are a Coastal Act Priority Use and include the cultivation of food, fiber or flowers; the grazing, growing or pasturing of livestock; and horse breeding operations.*

2-87. Minimum Lot Size. *Determine minimum lot sizes for lands with Rural Coastal and Horticulture Business land use designations on a case-by-case basis to ensure maximum existing or potential agricultural productivity, recognizing that subdivision of lands in agricultural use is discouraged; while lot line adjustments and other boundary adjustments may be found beneficial to the underlying use for purposes such as estate planning for the sake of maintaining a family farm or establishing agricultural conversation easements.*

2-88. Rural Coastal Permitted Uses. *Permitted uses in the Rural Coastal land use designation include agriculture; agricultural compatible uses including recreational equestrian uses, public recreation, and habitat restoration; greenhouses; horse breeding; grazing; equestrian centers; farmworker housing as provided for by State law; ancillary uses necessary to support the primary use or operation; and supplemental uses to support the long-term viability of the primary use. Conditionally permitted uses include single-family residences at no more than one unit per 15 acres.*

2-89. Rural Coastal Permitted Supplemental Uses. *Allow for a wide range of supplemental uses to support long-term viability of agriculture, including:*

- a. Agri-tourism uses that enhance the link between the agriculture use and tourism, such as farm-to-table establishments and tasting rooms;*
- b. Small-scale lodging such as farm-stays and other overnight accommodation options;*
- c. Educational opportunities for adults and children such as tours, classes, and day camps;*
- d. Temporary events and seasonal uses, including those that support coastal recreation provided that such uses do not include significant permanent structures;*

e. Research and development facilities and clinical uses connected to the primary use, including boarding for researchers and students and modest facilities for conducting basic laboratory functions or on-site veterinary care; and

f. Boarding and care of horses including training and demonstration clinics.

4. Changes in Land-Use Categories. With regards to the new land use maps, please indicate whether there are any proposed changes in land use designations from the currently certified LUP. If so, these should be clearly identified, with a description on why the change in these categories would not negatively impact coastal resources.

5. Land Use Designations and Corresponding Zoning Districts. The figure on page LU-4 has an updated list of uses and zoning districts that are confusing in structure for the following reasons:

- a. Many of the designations seem to be missing key corresponding zoning districts. These include:
 - i.* The Open Space land use designation is missing Recreational zoning
 - ii.* The Commercial designation is missing Marine Industrial zoning
 - iii.* The Timber, Timber Preserve, Land Extensive and Diverse Agriculture, and Visitor Serving zoning districts are not listed as associated with any of the land use designations
- b. Planned Community zoning is now allowed in the Open Space land use designation, which may be of concern regarding impacts to coastal resources and requires further explanation and analysis.
- c. The land use map series contains several land use designations that are not included in the table on page LU-4, including Timber and Land Extensive Agriculture.
- d. This figure does not correspond with the overarching categories presented in Section 2 "Land Use Designations".

6. Principally Permitted Uses (PPUs). In terms of principally permitted uses (PPUs), it is important for the County to carefully consider which uses are considered PPUs. For purposes of appeal of County CDP decisions to the Commission, the LCP can only identify a single PPU per zoning district in order for County decisions to not be appealable (i.e., per Coastal Act Section 30603, a CDP decision for any development that does not constitute that single PPU is appealable to the Commission). The single PPU can be a broader use type (e.g., residential in an R-1 district, where multiple residential uses are included). If multiple PPU use types are identified for any particular zoning district, then there is no single PPU for purposes of appeal, and CDP decisions for all uses in that zoning category would be appealable to the Commission. If such uses are specified as PPUs for some type of internal PPU processing purpose, and explicitly not the single PPU for purposes of CDP appeal to the Commission, we are open to discussing how to make this distinction clear in the LCP.

7. Details needed for PPUs. Most of the land use designation tables should be more specific in terms of the principally permitted uses. For example, in the Commercial

Tourist land use area, the principally permitted uses are described as “visitor-serving commercial uses”. Following this, there should be a list of what specific visitor-serving commercial uses qualify as PPU. This structure should be followed for the other land use areas as well. In addition, the County should avoid use of “may” in reference to approved uses listed in PPU categories to reduce unnecessary ambiguity.

8. Missing Policy. The current draft of this chapter seems to be missing a key policy that was present in the last draft Commission staff reviewed. This policy is (numbered by reference numbers from prior draft):

- a. C-LU-5u, regarding retention of adequate water and sewer for affordable housing units; and

The County should clarify whether this omission was purposeful and if so, what that means for the current Land Use provisions regarding such affordable housing.

9. Relevant Coastal Act Sections. Please include, in full, the relevant Coastal Act policies and how they apply to this Land Use Element. These include, but are not limited to, Section 30222 “Private Lands; priority and development purposes”, Section 30240 “Environmentally sensitive habitat areas”, Section 30250 “Location; existing developed area”, Section 30251 “Scenic and visual qualities”, Section 30252 “Maintenance and enhancement of public access”, Section 30253 “Minimization of adverse impacts”, Section 30255 “Priority of coastal dependent developments”, and Section 30010 “Compensation for taking of private property; legislative declaration”.

The list above is intended as a complement to the in-line edits and comments provided for the Land Use Element but is not exhaustive of every comment and edit included. Therefore, edits and comments in the chapter itself should be treated as the primary source of feedback, with this letter serving as guidance containing some of the major themes of our recommendations. We anticipate discussing these issues in more detail during staff-to-staff coordination meetings with Sonoma County staff. Again, we thank you for your efforts to date on the update to the LUP, and we look forward to continued coordination toward this end.

Sincerely,

Peter Benham

Peter Benham
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North Central Coast District Office
California Coastal Commission