

## **Attachment D: MCC Letter on LCP Conflicts, Inconsistencies, and Ambiguities**

12/21/01

Fax: 4 pages

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**Re:** LCP Conflicts, Inconsistencies & Ambiguities

LCP Conflicts, Inconsistencies & Ambiguities

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### 1. Ambiguity/Inconsistency – Base Land Use designations for different chapters

- Overall, the use of General Plan Land Use Map Designations (Locating New Development, Agriculture) versus Zoning (Energy, Aquaculture) or both in different Components

### 2. Ambiguity/Inconsistency - Applicability of rural development policies to land within the urban boundary.

- Within the urban boundary (1.4, 1.16) lands exist (1.3b) zoned RM/CZ and PAD that fit the definitions of rural areas (1.6) and are partially regulated (1.5b) by policies for rural lands (1.8c and Tables 1.2 & 1.3). Further confusion by General Plan Land Use Designations and LCP Designations of General Open Space, Agriculture and Sensitive Habitats that are treated differently in or outside the urban/rural boundary.
- Policies 1.5b and 1.18d should be made consistent with each other
- Policies affected: 1.3 through 1.9, 1.16, 1.18, Development Density tables 1.2 & 1.3

### 3. Ambiguity/Conflict - Designation & development of Rural and Rural Residential Areas

- Defined and Designated in Policies 1.13 through 1.15, Tables 1.2 & 1.3, and Map 1.1 with a density of 0.0 – 0.2 d.u./ac (1 per 5 acres). Area defined contains multiple legal parcels less than 5 acres, especially some immediately adjacent to the urban boundary that are similar sized (5,000 – 10,000 sq. ft) to those in urban areas.
- Policy 1.14 should reference Map 1.1, and Map should show the referenced

subdivisions

- No provision for enforcement of density requirement, along with mixed availability of utilities (see Policy 2.14) encourages sale of arbitrarily sized parcels that do not contribute to maintaining the rural nature of undeveloped areas (2.14c(2)) and often have problems meeting the setback requirements for wells and septic systems when needed.

4. Ambiguity - increased well production requirements:

- Policy 2.32 is not clear on whether this would apply to a utility, an individual parcel owner, the cumulative effects of more groundwater draw by many individual wells, or all three. It's inclusion within the Public Works component and the MidCoast Water Supply heading and its placement within the text would seem to indicate this applies to utilities only, but it is not real clear.

5. Ambiguity: Confusing grammatical tense:

- Policy 3.14a(2) – when read as constructed would come out as: “Mid-Coast: Locate affordable housing in the following locations: ... Other affordable housing within the urban boundary ...” – grammatically seems to (and I guess literally) say "locate affordable housing at the location of affordable housing."

6. Ambiguity – Farm Labor Housing location

- Policies 1.32, 1.33, 3.29 and Map 1.2 should reference each other and clarify whether these are really the same area being indicated. Map should be labeled better to show where it is.

7. Ambiguity – Energy facilities locations

- Clarification of whether these facilities would be allowed on RM/CZ and PAD zoned areas within the urban boundary, and if so, whether more stringent performance and evaluation standards would be required. Policy 4.3.

8. Inconsistency/Ambiguity/Conflict – Designation of Agricultural Lands and PAD zoning within the Urban Boundary

- Policies 5.2 and 5.4 specifically exempt lands within urban areas from designation as Prime Agricultural or Lands Suitable For Agricultural (SFA), yet there is a fair amount zoned PAD. The PAD Zoning Regulations state that part of their purpose is to establish “ ... stable boundaries **separating** urban and rural areas ... “ (Section 6350.2a)
- SMCo soil maps do show prime and SFA soils on PAD parcels within the Urban

Boundary, so the exclusion of Agricultural Designation within the Urban Area (Policies 5.2 and 5.4) would seem in conflict with the purpose of the PAD.

- Policies 5.5 through 5.10 specifically, and most of this chapter, refer to lands “ ... Designated as Agriculture” when addressing development, permitted uses, conversion, etc. The PAD does not make this distinction, resulting in a level of confusion as just what might be applicable to a PAD zoned parcel within the urban area.

9. Inconsistency from possible typo:

- Policy 7.13(8) states “ ... require motorized machinery to be kept to less than 45 dBA at any wetland boundary...” when discussing performance standards in buffer zones for riparian corridors.

10. Ambiguity – confusing grammatical tense:

- Policy 7.34 has inconsistent grammatical tense in second sentence for requirements (4) and (5) for the biological report.

11. Ambiguity – Use of common names:

- specifically in Policies 7.36 through 7.40 and 7.47 through 7.50, as well as throughout the chapter (riparian and wetland plants, invasive species, etc.) should be augmented with scientific names for clarification.

12. Inconsistency in reference:

- Policy 8.6(d) should reference the Sensitive Habitat Components as does 8.6(b).

13. Ambiguity in source data

- Policy 8.14: first mention of LCP Land Use Map. Should be included at end of chapter.

14. Inconsistency with Zoning Regulations:

- Policy 11.7a permits visitor-serving and commercial recreation facilities in areas designated Neighborhood Commercial – Zoning regulations for the C-1 district do not permit these uses.