

**COUNTY OF SAN MATEO
PLANNING AND BUILDING**

County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063
650-363-4161 T
650-363-4849 F
www.planning.smcgov.org

February 23, 2017

Kristin L. Schober, Senior Right of Way Agent
Caltrans – Right-of-Way Local Programs, MS 11A
P.O. Box 23440
Oakland, CA 94623-0440

Dear Ms. Schober:

SUBJECT: Right-of-Way Excess Land Sales Circulation #B-4225 SM-1-PM 37.0 Montara

Thank you for notifying the San Mateo County Planning Department regarding this proposed decertification and potential sale to the Montara Water and Sanitary District. The transfer of this land to a local (San Mateo County) government agency has been a topic of discussion between the CalTrans, the County, and the Coastal Commission for a number of years and has resulted in the adoption of Policy 11.33 into the County's certified Local Coastal Program. This policy requires the development of a Specific Plan for these lands before they are transferred to another government agency:

11.33 Use of CalTrans' Devil's Slide Bypass Alignment within Montara

- b. Except for park, open space, trail or habitat protection and restoration purposes, the County shall not permit any requests for subdivisions, lot line adjustments, conditional or unconditional certificates of compliance, or coastal development permits within the "Adopted Alignment" area until the LPTP Overlay Specific Plan is adopted by the County and effectively certified by the Coastal Commission through an LCP Amendment. The underlying zoning remains RM-CZ, R-1/S-17 and PAD within the LPTP Overlay area until such a Specific Plan is effectively certified by the Commission. Notwithstanding the provisions of any R-1 categorical exclusions, all overlay provisions will apply to the "Adopted Alignment" area. Further, until such time that a Specific Plan is effectively certified by the Coastal Commission, all uses within the LPTP Overlay area will be treated as conditional uses, except that linear park uses shall be considered the principally permitted use for purposes under the Coastal Act. **Any proposed transfer of title of the State Department of Transportation ("Department") property within the adopted alignment cannot proceed until the Department, County, and Commission jointly determine that there is no conflict with the proposed LPTP Overlay Specific Plan as specified below.** (emphasis added)

Please be aware that the potential transfer of this land to the Montara Water and Sanitary District will require the determination, by the Board of Supervisors, that such transfer conforms to the County's General Plan, of which the LCP is a subset. Because the required Specific Plan has not been prepared, the Board of Supervisors will not be able to make the necessary findings.



Until such time as this Plan is completed and certified, transfer of title is premature.

Additionally, the Montara Water and Sanitary District is not authorized to provide recreational services at the present time. Water Code Section 31130 sets forth that a water district may use any water or land under its control for recreational purposes and in connection therewith may construct, maintain, and operate any works or facilities appropriate or ancillary to such recreational use; provided, that recreational use of water shall be subject to the approval of the public health authority having jurisdiction. In 2008, San Mateo Local Agency Formation Commission (LAFCo) prepared a municipal service review and sphere of influence update which cited recreation as an authorized but inactive function of the District. The report stated that activation of the recreation function would require LAFCo approval pursuant to Government Code Section 56824.12.

If you have any questions regarding the San Mateo County Planning Department's position regarding this matter, please contact me at 650/363-1861 or at smonowitz@smcgov.org.

Sincerely,

A handwritten signature in black ink that reads "Steve Monowitz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steve Monowitz
Community Development Director

SAM:jlh – SAMBB0069_WJN.DOCX

cc: Renee Ananda, California Coastal Commission