



February 6, 2022

Chair Manuel Ramirez and Members of the  
San Mateo County Planning Commission  
455 County Government Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063

**Re: Agenda Item No. 3 on the February 9, 2022 Agenda: File No. PLN2021-00333; Off-Leash Dog Walking Pilot Program**

Dear Chair Ramirez and Commissioners,

On behalf of Green Foothills, I write to respectfully request that you deny the CDP for the proposed off-leash dog pilot program at Pillar Point Bluff (PPB) as it does not comply with Coastal Act requirements for safe access for all and LCP Sensitive Habitat protection policies. We support approval of the pilot program at Quarry Park (QP) with modifications to provide access for all trail users on some of its eight miles of trails.

**Public access to the coast is guaranteed for all people**

The California Constitution guarantees public access to California's coast (Article 10, Section 4). To carry out these constitutional requirements, the Coastal Act requires maximum access for all the people consistent with public safety needs, the need to protect public rights, rights of private property owners, and natural resource areas from overuse. (Coastal Act Section 30210).

Recently, the statewide public access debate has focused on environmental justice and the need to remedy patterns of inequity and discrimination regarding coastal access. On March 8, 2019, the Coastal Commission unanimously adopted an Environmental Justice Policy intended to integrate the principles of environmental justice, equality, and social equity into all aspects of the Commission's program. This includes consideration of Appeals of Coastal Development Permits such as the CDP for County Parks proposed Off-Leash Dog Pilot Program at PPB and QP that you will be considering at your February 9 meeting.

When a local government fails to consider environmental justice when evaluating a proposed development that has the potential to adversely or disproportionately affect a historically disadvantaged group's ability to access and enjoy the coast, that failure can be one of the reasons for an appeal to the Coastal Commission.

**Pillar Point Bluff's trails must provide access for all; unfortunately, the proposed off-leash dog pilot program does not meet this fundamental requirement.**

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Green Foothills and many other commenters regarding Off-Leash Dogs at PPB have pointed out that many people will be unable to visit and enjoy this unique park, adjacent to the Fitzgerald Marine Reserve along a mile of shoreline/bluffs. Allowance of dogs (both off-leash and on-leash) on all trails in this small blufftop gem of a park will exclude people with an innate fear of dogs, people with disabilities, small children, older people, people seeking a more contemplative experience in nature, and many on-leash dog walkers whose dogs become fear-aggressive when an unleashed dog runs up to them.

Most importantly, from an equity and environmental justice standpoint, are the pilot program's consequences of disproportionate exclusion of non-White people who make up the majority of San Mateo County's population.

As James Lee eloquently points out, in his January 24, 2022 letter to your Commission (attached), parks all across the nation, including in San Mateo County, suffer from racial disparities in access to, and time spent, in nature. This "nature gap" or "recreational displacement" is often difficult to quantify. It is even more challenging to document people's reasons for choosing not to visit a particular park. Just counting park visitors with or without dogs at PPB and concluding that because X percent of visitors don't have dogs, there is no recreational displacement misses the mark, as the people who aren't in the park (and their reasons) aren't taken into consideration.

Off-leash dog advocates assert that dogs have been running off leash for 50 years at PPB. All of the land comprising the Bluff had been private property prior to County Parks acquisition of various parcels from POST between 2011 and 2016. Any use by off leash dogs and other users prior to public acquisition was likely without permission, and therefore would have been in violation of long-standing County Trespass and Leash Laws.

**The proposed off-leash dog pilot program at PPB does not comply with the Sensitive Habitats policies of the County Local Coastal Program (LCP).**

LCP Policy 7.3 Protection of Sensitive Habitats, prohibits any land use or development which would have significant adverse impacts on sensitive habitat areas and requires that development (including any change in the type or intensity of use of land in areas adjacent to sensitive habitats) shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats.

No protocol-level biological and hydrologic surveys have been done along the full length of the Jean Lauer Trail and any associated trail segments proposed for the off-leash dog pilot project at PPB. The Staff Report and IS/MND conclusions that there are no coastal prairie or wetlands habitat areas within the project area were based on a one-day site visit to PPB and QP in February 2020 and a follow-up one-day visit to PPB in September 2021. The latter visit was at the end of a dry summer season where wetland and coastal prairie indicator plants would be least likely to be identifiable.



Coastal Prairie habitat is a rare and especially valuable native grassland habitat that supports several rare and endangered species and plays an important role in the ecosystem. The importance of coastal prairie habitat is widely recognized by both government and non-government organizations, including CA Fish and Wildlife.

A Biological Report, prepared by Biotic Resources Group for Peninsula Open Space Trust as part of a CDP (PLN2006-00026) authorizing restoration of old eroding ranch roads/trails, creation of new segments of the Jean Lauer trail, and construction of a 10-car parking lot on Airport Street, was approved by SMC Planning Commission on January 10, 2007. This Report identified both wetlands and coastal prairie habitats within and/or adjacent to trail segments on the 119-acre Strickler property, on the northern 1/3 area of PPB. The Report is the only protocol level biological/hydrological survey done for PPB, and is now undoubtedly stale due to the passage of time. Subsequent grading, widening, placement of compacted base rock, installing rolling dips for drainage, and brushing along the entire Jean Lauer Trail has likely changed hydrology and the extent and location of wetlands and coastal prairie. Absent a new protocol level survey, we don't believe your Commission can make the necessary Findings that the off-leash dog pilot project, as proposed, complies with LCP Policy 7.3.

LCP Policy 7.5 Permit Conditions requires the applicant to demonstrate that there will be no significant impact on sensitive habitats and requires where applicable, restoration of damaged habitats when restoration is partially or wholly feasible. Given the impacts cited above from changing a natural dirt trail to a much wider rock road (under several CDP Exemptions) the entire PPB area should have a comprehensive protocol level biological survey prepared by qualified biologists and hydrologists at the appropriate season to identify potential direct and indirect impacts from uses, including, but not limited to, trail and off-trail uses, with recommendations for restoration of rare habitats, particularly wetlands, Coastal Prairie, and wildlife habitats including ground nesting birds, winter raptors, and other protected avian and wildlife species. A comprehensive survey would inform Parks personnel, park partners and the interested public as to specific habitat requirements and best practices for ongoing management, and habitat restoration, consistent with LCP requirements.

In conclusion, Green Foothills respectfully requests that your Commission deny the CDP for the proposed off-leash dog pilot program at PPB as it does not meet fundamental Coastal Act requirements for safe access for all and LCP Sensitive Habitat protection policies. We support approval of the pilot program at Quarry Park (QP) with modifications to provide access for all trail users on some of its eight miles of trails.

Sincerely,

Lennie Roberts, Legislative Advocate

cc: Steve Monowitz, Community Development Director  
Mike Schaller, Project Planner  
Nicholas Calderon, County Parks Director  
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Kimberly Williams, Surfrider, San Mateo County Chapter  
Marshall Dinowitz, Conservation Chair, Sequoia Audubon  
Tom Ciotti, Friends of Fitzgerald Marine Reserve  
Marsha Cohen, Friends of Fitzgerald Marine Reserve