

MCC Recommendations on the LCP Update Tasks

This document represents the submissions of all the MidCoast Council members and comments by George Bergman and Mark Duino, as of Tuesday, July 29. Note that Task 6, Design Review Standards, is fulfilled by the Design Review Standards document (latest version).

Task 1: Recalculate LCP residential buildout based on existing LCP policy. Include single-family units, multiple-family units, second-dwelling units, and caretaker's quarters.

Findings:

- The existing buildout number of 6200 dwelling units was an estimate based on sampling and a method that did not take into account all substandard lots.
- The recalculation method used for the County's review involved examination and careful counting of all established parcels on the parcel maps for the entire study area, and incorporated the merger & use policies for substandard and non-conforming lots in contiguous common ownership that County Staff proposed for Task 5. This initial count produced a potential buildout number of 6,261 dwelling units, which, at an assumed average of 2.78 persons per household (from 2000 census) yields a population at buildout of 17,406.
- Further investigation included the existing PUDs in Montara & Moss Beach (+22 units), the El Granada Manufactured Home Community (+66 units) and adjustment for the existing PUD for the North Moss Beach affordable housing site (-43) and other additions for a total of units/population of 6,733/18,718. This number includes the existing residential units in Non-Residential districts (90) but does not include possible future residential use in these districts. The outcomes of Tasks 8 through 12, which deal with this issue, may further affect these totals.
- These calculations are made under existing LCP policy – primarily the zoning densities and parcel size policies of the established districts, but they do not take into account parcels that may not be developable because of other existing LCP policies that limit development in sensitive habitats and geologically unstable areas. The number of these parcels has not been determined.
- These calculations are also made under the assumption of an effective merger policy for the reduction of the number of substandard lots (refer to Task 5). Without this policy, units/population would increase to 7,472/20,772, an increase of approximately 11%. The merger policy is also limited to only merging parcels up to 5,000 sq. ft., which does not address the issue of higher development density than intended for districts with a 10,000 and 20,000 sq. ft. minimum parcel size. There is conflicting legal opinion as to whether the County would be allowed to

require mergers greater than 5,000 sq. ft. – if larger mergers were implemented in the appropriate districts, it would reduce the buildout number by possibly 100 –200 units.

- The calculations do not take into account existing second units that have not been approved through the permit review process: Only 64 second units currently have permits, and the number is limited to 466 at buildout. It might be assumed there are closer to 200 second units in the MidCoast, and that this number could increase to well beyond the established limit.
- The final buildout number will be used as the basis for all future planning in the MidCoast area, and as such needs to be assessed in respect to the protection of Coastal resources and the policies of the Coastal Act, specifically, but not limited to, CHAPTER 3 – COASTAL RESOURCES PLANNING AND MANAGEMENT POLICIES – Sections 30200 – 30265.5. [See Attachment A]. This assessment would need to include the adequacy for resource protection of the densities and minimum parcel sizes of the zoning district regulations that resulted in the calculation of the number, and as to whether these densities are compatible with allowable and desirable infrastructure expansion as described in the Coastal Act. It is important that a development density that is protective of the coastal resources of our communities and the environment is determined before a final buildout number is decided on.
- With the consideration that protection of our coastal communities and resources while maintaining property rights for reasonable use should be the prime factors in determining planning policy, the MidCoast Community Council recommends that the County fully analyze and consider these factors in determining a buildout number.

MCC recommends (Task 1):

That the County:

- (1) Accept the calculated totals of Planning Staff as a correct count of possible residential units under existing policies and regulations and the implementation of a limited merger policy.
- (2) Determine the true number of second units in the study area and establish a legalization procedure for non-permitted units so that the limit is not exceeded.
- (3) Assure that the creation of or sale of non-conforming parcels from contiguous ownership not increase the buildout number.
- (4) Analyze the projected density of development at buildout of the residential zoning districts for conformance to Coastal Act policies, and that once determined, set the number of residential units for each district and restrict development to just that district
- (5) Adjust the calculated totals to reflect changes to merger policy, as recommended in Task 5.

Task 2: Determine the number of residential zoned non-conforming parcels in the project area based on a reliable count rather than a sampling method.

Findings:

- The count conducted by the County determined there are 4,939 substandard lots in the MidCoast – 1,628 undeveloped and 3,311 developed.
- Of these, 501 were single parcels that were not in common ownership with contiguous property.
- The implementation of the merger policy described in Task 5 would reduce these numbers to 501 substandard parcels and 2,009 parcels of at least 5,000 sq. ft. The extension of the merger to the larger minimum parcel size of the 10,000 and 20,000 sq. ft. would reduce this number further. See discussion in Task 1.

The potential increase of density posed by development beyond that planned for increases the threat to our communities and coastal resources.

MCC recommends (Task 2):

That the County:

- (1) Accept the calculated totals of Planning Staff as a correct count of substandard lots in the study area.
- (2) Expand the future merger policy (see Task 5) to the minimum parcel size of all zoning districts with residential use.
- (3) Prohibit the creation of or sale of non-conforming parcels that were in contiguous, common ownership.

Task 3: Recalculate the infrastructure capacity (water, sewer, roadway, schools, parks) necessary to serve MidCoast residential buildout using the most current demand data

Findings:

- The estimates of water requirements and sewage generation in the original LCP appear to be significantly higher than current usage. Reliance on those estimates will result in vastly-overbuilt infrastructure.
- Experience demonstrates that it is difficult to foresee conditions even a few years in the future, much less 50 or 75 years. A prudent planning horizon anticipates needs that seem likely to develop within the next 20 years, and limits infrastructure development (and hence costs to citizens and impacts on coastal resources) to the minimum necessary to serve that projected growth.
- Water is the most critical limiting natural resource for development of land uses within the MidCoast.

- The carrying capacity of the MidCoast is limited by resources. Growth beyond the carrying capacity results in environmental degradation here as well as in areas from which resources are diverted.
- Given resource limits and the Coastal Act priorities for environmentally sensitive areas, the MidCoast Community Council recommends that the County complete hydrological and other studies that determine the available water resources for the community, and limit growth to that estimate.

MCC recommends (Task 3):

That the County:

- (1) Accept the projected demand and future capacity figures as correct estimates based on available data.
- (2) Adjust the demand data to reflect the ultimate policy changes made by the Board.
- (3) Complete hydrological and other studies that determine the available water resources for the community, and limit growth to the number of building units and population that the water resources can support.

Task 4: Reevaluate whether the annual residential growth rate limit (125 dwelling units/year) should be lowered, and develop alternatives as necessary. Clarify that the limit applies to number of dwelling units, rather than number of building permits.

Findings:

- In the Alternatives Report for this Task, County staff describes why communities want to control growth. A referenced study states that “communities were chiefly concerned with alleviating development pressure on public facilities, including sewer, water, transportation, and school facilities. Communities were also concerned with increasing population and land use density, changing the community character.”
- County staff describes the types of growth control methods. The method supported by the MidCoast Community Council is the fourth one or **carrying capacity** method. This method “restricts the amount of development equivalent to the level of available water supply, wastewater treatment and transportation capacity or environmental compatibility. In other words, growth is regulated in order not to overburden service levels or environmental quality.”
- The Alternatives Report describes the dangers of rapid, non-distributed development as residents note that “the level of recent construction activity has accelerated the rate of storm water runoff and erosion and increased flooding and sedimentation of natural drainage courses”.

Residents also refer to heightened traffic congestion and property damage in these rapidly developing areas.

- Recent discussions between the California Coastal Commission, the City of Half Moon Bay, the San Mateo County Board of Supervisors, and the Coastside/County Water District have been on the subject of *limiting the planning horizon of this LCP to 20 years*. Discussions on growth rate are therefore more critical than the final buildout number, which will occur beyond this planning horizon.
- The City of Half Moon Bay has voted to limit its annual growth rate to 1%.
- Half Moon Bay and the Unincorporated Coastside share all components of infrastructure including, Roads, Sewer, Water, Schools, and Parks.
- It is imperative that a uniform growth plan be applied to our entire coastal region or our local infrastructure will not be able to support it.

MCC recommends (Task 4):

That the County:

- (1) Apply the 1% growth rate to the Unincorporated MidCoast Region. This is consistent with Half Moon Bay's approved growth rate.
- (2) Under any planning scenario, never allow the annual growth in number of units on the MidCoast to exceed the historical rate of 52 housing units per year.
- (3) *Distribute* the number of new units across the sub-communities according to their growth potential in terms of remaining undeveloped lots (as in Task 4, recommendation 5c, but for a 20-year planning horizon).
- (4) Count *all* residential units in the buildout number, including second units and caretaker units. There is a concern that a new California law requires that second units are NOT to be counted in the growth rate. We recommend that they need to be included; each second unit would replace one new unit in our growth calculation.
- (5) Apply the limit to new dwelling units, not building permits.

Task 5: Evaluate the adequacy of existing development controls for residential non-conforming parcels. Consider the following options: (a) merge substandard lots, (b) prohibit exceptions to development standards, (c) establish disincentives for development on non-conforming parcels, and (d) evaluate the role of non-conforming parcels in providing affordable housing.

Findings:

- The county has recently shown that it will not force merger of contiguous non-conforming parcels by requiring that one neighbor buy the other out.
- The current calculation of buildout numbers assumes an optimum merger figure. Since owners of contiguous parcels need only change the name

on the title to maximize construction on these lots, we currently have no controls. Construction numbers will therefore always be higher than the proposed, optimal county number.

- The Coastal Commission has already stated that San Mateo County's current buildout numbers are too high. Having no merger policy will drive the number higher, thereby endangering approval of the LCP package.
- The City of Half Moon Bay has approved a proportionality rule for construction on non-conforming parcels. On lots that cannot be merged, this allows construction that is proportional to the lot. If the lot on which construction is proposed is 2/3 of the zoning minimum, then the maximum floor area allowed would be 2/3 of the amount allowed for a conforming parcel. Special allowances are made in some cases for garages and basements. A description of Half Moon Bay's Proportionality Rule is attached to this document. [See Attachment B]

MCC recommends (Task 5):

That the County:

- (1) Immediately approve a merger policy should immediately that would create conforming parcels in each of the zoning districts.
- (2) Not allow construction on contiguous non-conforming parcels if each of the parcels is less than 88% of the required zoning lot size minimums, whether the lots are in common ownership or not.
- (3) Adopt the current Proportionality Rule that is in force in Half Moon Bay for the Unincorporated Coastsides.

Task 6: Design Review Standards. See the latest version of the Design Review Standards document.

Task 7: Develop traffic mitigation requirements for new development that are derived from the City/County Association of Governments (C/CAG) Congestion Management Program (CMP)-Land Use Component Implementation Guidelines

Findings:

- The Level of Service on Highway 1 and Highway 92 is already unacceptable during peak commute hours. By 2010, the level will be "F" for most areas during the peak afternoon commute. Although the level of service during the morning commute has not been officially measured, it is clearly already at level "F" on most mornings.
- C/CAG's guidelines apply only to MidCoast development that requires CEQA review *and* generates 100 or more trips at peak hours. The only projects that could generate TDMs (Traffic Demand Mitigations) for the MidCoast are the three vacant affordable housing sites with a potential total of 513 units. Because development on the MidCoast takes place a little at a time, the County does not collect any TDM fees from

developers. The cumulative impact on traffic, which would generate TDMs if development took place all at once, is not mitigated. Therefore, the County recommends that TDMs be collected for all projects in the MidCoast that require CEQA review, whether or not they generate 100 or more trips at peak hours. MCC agrees with this recommendation, but we don't feel it goes far enough.

- Some money is also available for mass transit systems that could reduce dependence on private automobiles. At this time, less than one percent (0.7 percent) of MidCoast trips are mass transit trips, compared to 10 percent of trips in San Mateo County as a whole. There is a need to develop public transit improvements that will increase demand. (Just as increasing roadways increases traffic, so increasing the supply of buses and shuttles would increase ridership). However, the newly authorized \$1 million C/CAG "local alternatives" fund requires matching funds (dollar for dollar): here again, without a pool of money generated by TDM fees, the unincorporated MidCoast will not be able to take advantage of this fund.
- County-collected mitigation fees for the Midcoast area are low. The fund of money collected via Mitigation Fees for County Public Road Reconstruction is small: most of the money collected (\$1.5 million) was dedicated to the Navarra/Escalona/San Juan/ Paloma/Ferdinand project (\$1.1 million). Perhaps the remaining \$400,000 could be used for the dollar-for-dollar match for local transit alternatives.
- The County also collects mitigation fees from CalTrans that can be used for improvements to State Highways 1 and 92, but many of the planned improvements are not in the immediate vicinity of the MidCoast, and they are already funded. The MidCoast would need to demonstrate a clear connection of the impact of new development in the MidCoast on these areas. The only way the MidCoast could collect money for improvements to Highway 1 is to schedule improvements such as new turn lanes, bike lanes, and traffic signals in the immediate area of the MidCoast. This would require a new County ordinance.
- Situated as the Midcoast is between a rock and a hard place (Devil's Slide and Mirada Surf), the MidCoast Community Council recommends that the County find new ways to fund mass transit improvements and that it add additional measures to generate TDMs from all new residential and commercial development.

MCC recommends (Task 7):

That the County:

- (1) Revise the County-wide Mitigation Fee ordinance to authorize use of collected mitigation fees for road reconstruction, etc. as the dollar-for-dollar match for funds from the new Local Transit Alternatives fund. In particular, explore new shuttle (small van, on-demand) transit programs.
- (2) Revise the County-wide Mitigation Fee ordinance to require mitigation fees for Highway One improvements from all new construction based on

a per-square-foot formula comparable to that developed for the Parks and Recreation development fee.

- (3) Require TDMs from all new construction that requires CEQA review, i.e., require TDM's from relevant projects that generate <100 trips.
- (4) When CalTrans makes Highway 1 improvements, require the agency to provide multi-modal trail improvements parallel to the roadway (see Task 17).

Task 8: Evaluate the opportunities for, and the impacts from, increasing/expanding commercial and office development in the project area. Emphasize sites in Princeton and beside Half Moon Bay Airport.

Regarding the opportunities for and impacts from increasing/expanding commercial and office development in the project area, the Council considered each of the five zoning districts in the area under study.

MCC Recommends (Task 8):

- (1) In the Coastside Commercial Recreation (CCR) District, **the existing permitted uses should be retained and the zoning district boundaries should remain unchanged.** (See Task 10).
- (2) In the Light Industrial (M-1) District, the Council **recommends that the development potential for research and development facilities, offices uses and construction and maintenance businesses be exhausted before those additional land uses are added to the Waterfront (W) District.** (See additional comments below.) It must be recognized, however, that lands zoned M-1 in the area fronting Airport Road contain wetland areas that may make any development difficult if not impossible.
- (3) In the Resource Management (RM-CZ) District, **no changes are appropriate.**
- (4) In the Waterfront (W) District (Inland Area), permit one additional use – retail businesses for goods made on-site only, providing that the retail component is limited to 25% of the floor area. The remainder of the area may be used for on-site manufacturing of the commodities sold on-site. This will discourage the W District from being dominated by retail establishments which sell items manufactured off-site. **No additional uses should be permitted until the potential development of those uses in the M-1 District has been exhausted and there is a demonstrable need for additional locations to support such uses.**
- (5) **The W District (Shoreline Area) should not be expanded to include W zoned properties on the seaward side of Princeton Ave.** Generally speaking, these properties are already developed with non-shoreline dependent uses. Rather than legitimizing non-marine related uses in the Shoreline Area, the Council recommends that **future developments be restricted to the currently allowed uses in this area; i.e., permit no additional new uses in the Shoreline Area.**

(6) Deed restrictions outlining the special considerations within the W District (noise, odor, lighting, equipment storage) should be required if there are any additional uses allowed within this District. (Right to Rust Ordinance)

(7) Regarding the two sites at the Half Moon Bay Airport that have been identified as not necessary for Airport use, there are three important considerations that must be taken into account when determining whether additional uses should be allowed: 1) there may be wetlands on the 23 acre site 2) the HMB Airport Master Plan has not yet been completed and 3) aquifers located beneath the HMB Airport supply water for the Montara/Moss Beach municipal water system. Without full delineation of the wetlands on the 23-acre site, a completed Airport Master Plan and a completed study of the water resources in the Denniston Creek basin, **the MCC recommends the Status Quo Alternative.**

Task 9: Consider options within the Airport Overlay (AO) zone to increase opportunities for industrial, commercial, and office development.

Findings:

- Regarding options within the Airport Overlay (AO) Zone to increase opportunities for industrial, commercial and office development, the Council expressed concerns that until the Airport Master Plan is revised, the Airport Land Use Plan cannot be completed and new safety standards cannot be implemented.
- At this point it is impossible to determine whether the AO Zone will be increased, decreased or retain its current size and configuration. Under these circumstances, **the Council cannot recommend any changes to the status quo.**

Tasks 10-12

Tasks 10, 11, and 12: Task 10: Evaluate whether permitted residential units for the C-1 and CCR zoning districts should be limited to mixed-use development; Task 11: Evaluate whether permitted residential units for the W zoning district should be limited to caretaker's quarters (20%), or expanded to allow mixed-use development and caretaker's quarters (greater than 20%); Task 12: Evaluate whether residential units should be prohibited in the COSC zoning district.

Note: These three tasks are considered together because the major findings and recommendations are similar for all three tasks.

Findings Common to Tasks 10, 11, and 12:

- The Level of Service on Highway 1 and Highway 92 is already unacceptable during peak commute hours. By 2010, the level will be "F" for most areas during the peak afternoon commute. Although the level of service during the morning commute has not been officially measured, it is clearly already at level "F" on most mornings. [Citation to C/CAG traffic study.]

- The conclusion of the City/County Association of Governments (C/CAG) analysis of the causes for excessive congestion on Highway 1 and Highway 92 recognizes a severe "jobs/housing imbalance" in the MidCoast and the City of Half Moon Bay. On the Coastside, there is an excess of housing and a deficit of jobs. (This contrasts with many Bay-side communities, which have too many jobs and not enough housing.)
- The jobs/housing imbalance was further studied during the MidCoast Subregional Planning Project, which recommended methods to help restore a better balance between jobs and housing on the MidCoast. [Citation to SRPP.]
- As part of Task 7, the present LCP Update Project is attempting to develop traffic mitigation requirements for new development that are derived from the C/CAG Congestion Management Program (CMP)-Land Use Component Implementation Guidelines.
- C/CAG's guidelines apply only to MidCoast development that requires CEQA review *and* generates 100 or more trips at peak hours. The only projects that could generate TDMs (Traffic Demand Mitigations) for the MidCoast are the three vacant affordable housing sites with a potential total of 513 units. Because development on the MidCoast takes place a little at a time, the County does not collect any TDM fees from developers. The cumulative impact on traffic, which would generate TDMs if development took place all at once, is not mitigated. Therefore, the County recommends that TDMs be collected for all projects in the MidCoast that require CEQA review, whether or not they generate 100 or more trips at peak hours. MCC agrees with this recommendation, but we don't feel it goes far enough.
- No parcel or potential project in the C-1 (Neighborhood Commercial), CCR (Coastside Commercial Recreation), W (Waterfront), or COSC (Community Open Space Conservation) zoning districts is large enough to trigger any TDMs. Additional residential uses in these zones will exacerbate the existing jobs / housing imbalance without contributing to a solution to the traffic congestion problems. Each of these zoning districts is designed primarily for uses that would generate jobs, with residential uses a limited alternative or conjunctive (e.g., mixed project) land use.
- Recalculation of LCP residential buildout (Task 1) already indicates the potential for an overall population increase within the MidCoast that is almost **21%** greater than the projections from 1980, when the LCP was certified. This number makes the most optimistic assumptions about limiting further residential growth through merger of substandard lots (Task 2) and enforcement of other development restrictions. A worst-case analysis of potential population growth at buildout estimates a final population that is **34%** greater than the certified LCP population estimates.

- The MidCoast area, especially Montara and Moss Beach, has extremely limited water resources (see Task 3). Increased residential uses will most probably result in increased demands on the limited water supplies.

Findings Specific to Task 10:

- Some community members believe there is a shortage of opportunities for office and commercial development in the MidCoast. (See, for example, arguments put forth for expanded uses in the CCR and W zoning districts as part of the study of Task 8.) The most appropriate location for additional office, retail sales, or research and development facilities is in the existing C-1 zoning districts, which are located conveniently near restaurants, bus routes, and residential areas.
- Given the perceived need for office and other commercial development, the limited amounts of land already zoned C-1 can best serve the needs of the community, and meet Coastal Act priorities, by favoring land uses likely to result in job creation, rather than additional residential uses.
- Residential uses are not coastal-dependent land uses; they can be located outside the Coastal Zone or away from the shoreline without diminishing the residential use. Coastside Commercial Recreation uses, by definition, are coastal-dependent and cannot be effectively relocated outside the Coastal Zone. Commercial uses allowed in the C-1 zoning district, in many cases, could be located outside the Coastal Zone, but only at the cost of increased travel demands on Highways 1 and 92.

Findings Specific to Task 11:

- Past experience demonstrates that projects permitted as caretaker's quarters have the potential to be resold as shorefront residences.
- The W zoning district is close to the approach end of Half Moon Bay Airport runway 30 (and the departure end of runway 18). Updated requirements from the California Department of Transportation Aeronautical Division regarding appropriate airport safety zones are not yet available as part of the Half Moon Bay Airport Master Plan and associated Environmental Impact Report. A preliminary analysis indicates that residential uses are discouraged in many of the safety zones.
- Any decision that might increase the number of permanent residents in the W zoning district (through relaxation of the limitation on caretaker's quarters, or expansion of the permitted size of caretaker's units) must take revised airport safety zones into account.

Findings Specific to Task 12:

- The County originally included residential uses in the COSC zoning district when it submitted the LCP for certification by the Coastal Commission in 1980. The Coastal Commission found that this land use

was inconsistent with the Coastal Act and required elimination of residential uses from the COSC zoning district.

- The County proposed adding residential uses for the COSC zoning district as part of a large package of amendments submitted shortly after LCP certification. Staff analysis at the time considered the impacts of residential uses on parcels of two acres or more and concluded that limited residential uses could be permitted.
- However, no existing parcel within the COSC zoning district meets this two-acre parcel size.
- This is a discretionary use permit. The only reason that alternative uses other than the primary uses should be permitted is if there is a compelling reason to do so. Since Open Space is the commodity we have the least of, and market value homes the commodity we have the most of, there can be no compelling reason to approve alternative uses.
- These lots are specifically in the Scenic view corridor. Any residences built here will also block views from Principal Public roads in El Granada.
- The homes are not counted in the buildout numbers and will drive our totals even higher.
- Specific residential project proposals have already been rejected by the SMC Planning Commission.

Given the apparently inexorable increase in residential densities in the zoning districts already intended for residential uses, and given the clear need for commercial and coastal-dependent land uses within the Coastal Zone, the MidCoast Community Council recommends that the County retain the existing limits on residential uses in the non-residential zoning districts, and explore methods for encouraging greater development that meets the community commercial and Coastal Act objectives within those non-residential zoning districts.

MCC Recommends (Tasks 10-12):

That the County:

- (1) Enact the Mixed-Use Alternative for the C-1 district, and the Status Quo alternative for the CCR district, as recommended by staff. The C-1 district would thereby be changed to permit residential units only above the ground floor and residential floor area cannot exceed the commercial floor area. Building height would be reduced to 28 ft., and stand-alone houses or apartment houses would be prohibited. This acknowledges that mixed office and rental apartment housing may offer a developer greater stability than a project that is all housing or all commercial.
- (2) Our endorsement of the Mixed-Use Alternative notwithstanding, In the Neighborhood Commercial (C-1) District, MCC recommends that the

County retain existing uses, but as existing residential sites are demolished or converted to commercial uses, **no new residential components should be added**

- (3) For Task 11, enact the Conforming Parcel Alternative, as recommended by staff. This alternative also encourages merger of parcels into conforming minimum parcel sizes prior to development.
- (4) For Task 12, support the No Residential Alternative, to bring the LCP back to its original certified intent.
- (5) The MCC recommends that the alternative use of single family residences be removed from COSC zoning.

Tasks 13 & 14

Task 13: Evaluate methods to increase protection of MidCoast land designated Agriculture (PAD) and Open Space (RM-CZ).

Task 14: Evaluate the appropriateness of the existing LCP and Zoning Controls for the Rural Residential area designated Very Low Density Residential (RM-CZ) located just outside the Urban MidCoast.

Findings for Task 13 & Task 14:

- Most problematic of the Open Space, Agricultural and Very Low Density Residential (RM/CZ) parcels on the midcoast are those with underlying substandard lots in the urban area. Although the zoning appears to limit development densities as specified in LCP Table 1.2, the County practice has been to grant use permits and variances to set backs or to allow antiquated subdivisions to take precedence, thus allowing development at densities similar to R1-S17 and defeating the intent to preserve open space areas.
- The next most problematic parcels are the Very Low Density Residential (RM/CZ) parcels with substandard lots in the Rural Residential area. Development here occurs on larger lots, because public sewer and water services are not available. Thus space must be used for septic systems and wells. The setbacks necessary for unsewered areas enforce, to a limited extent, the intent of the LCP. However, there are conflicting sections in the LCP: Table 1.2 and Policy 2.14. Table 1.2 defines the allowed development densities, but Policy 2.14 enables building on lots as small as 2500 square ft (1/17th the density) if the setbacks for the zoning are allowed a variance.
- When the Local Coastal Program was originally written the environmental constraints of the undeveloped areas were examined to determine the most environmentally protective zoning designations. (These can be

found as part of the Local Coastal Program - Volume 1). Those areas with the most sensitive areas, due to slope, wetlands, scenic qualities or other important resources requiring protection were zoned RM/CZ. Or given the "OS" or "AG" designations. They were assigned a development density by LCP Tables 1.2 & *1.3. In the early years of the LCP the County was careful to ensure that new development in the RM/CZ, OS and AG designated areas conformed to the allowed density.

- When the State re-wrote the subdivision laws in 1985 the County became unable to enforce the zoning if it conflicted with the underlying antiquated subdivisions.
- Sensitive areas are subject to intense development pressure. If these areas are developed at the smallest parcel size needed to meet the health and safety requirements set by the Environmental Health Dept., this will be counter to the intent of the zoning and will create many more lots than are counted in the buildout number.
- Substandard lots can be sold off separately - multiplying the number of parcels and shrinking the size simultaneously.
- Currently there are 51 units in the Rural Residential District with projections for a total at buildout of 119 units. Urban open space and PAD districts have 11 units with 41 projected at buildout -- without an increase in the number of parcels in separate ownership.
- OS, Ag and Very Low Density Residential areas need to be defined as rural and specifically fall under the prohibition of extension of sewer and water utilities.
- The minimum size to which any lot can be subdivided must be clearly stated: perhaps "No parcel may be created by any means that results in a parcel smaller than allowed by Table 1.2 , and it may be more depending on the results of the density analysis."
- Rezoning the urban RM with existing development to a designation mirroring the existing permitted (with use permits and variances) development would help to stop inconsistencies in the urban area. This is the Very Low Density Residential area inside the urban/rural boundary, north of Drake Street and bisected by Cedar Street.
- This will not increase the buildout number as the houses currently exist. However, these houses do contribute to congestion and resource use in ways not anticipated in the original, current LCP.
- To reduce any unanticipated buildout increase created, all the lands owned by Cal Trans as part of the obsolete bypass should be merged and given an appropriate zoning and community parks overlay to ensure that they are acquired by a recreation agency for the recreational benefit of the surrounding community. This will also help to keep traffic reduced on Highway One so that coastal access will be preserved for visitors.

- Undeveloped RM parcels in the urban areas should have very strict controls encouraging developers to meet the intended subdivision lot minimums. The County should adopt the house size limitation alternative proposed in the workshops.
- However, adoption of the "Compatible Uses Alternative" and the "Scaled House Alternative" would provide greater protection with the associated limitations on house size. It is probably the most effective way of implementing open space protections. The only new development in PAD or RM/CZ in the Montara area has been residential: limiting the uses will have little effect on protecting open space uses.
- Merger of lots should be given a high priority.

MCC Recommends (Task 13):

That the County:

- (1) Merge all lots held in contiguous common ownership (at a specific date, such as 10/01/03) in the "OS" and "AG" areas to meet the zoning minimums.
- (2) Base PAD and RM-CZ buildout on carrying capacity, not buildable parcels or subdivisions pre-existing the Coastal Act.
- (3) Survey and inventory all areas with "OS" and "AG" designations for sensitive habitats, including but not limited to creeks and riparian habitats, wetlands, visual resources, slopes and bluff tops, ocean shore/bluff tops. (See Task 18).
- (4) Limit uses on parcels designated "OS" and "AG" to those compatible with scenic resources and protection of wetlands and other sensitive habitat resources.
- (5) Rezone to Design Review and adopt Design Review standards and procedures for these areas.
- (6) Limit house heights, as follows:
 - Within 500 feet of the shoreline maximum height of 16 feet.
 - Twenty eight foot height limit for all other areas.
- (7) Limit house size: (from workshop recommendations)

• Parcel size	House size
< 10,000 sq. ft	.30 parcel size
10,000 - 5 ac.	3,000 to 5,000 sq ft
	(sliding scale?)
> 5acres	5,000 sq ft

- (8) Not expand Urban Services: In order to maintain the open space and agriculture uses, sewer and water services should not be expanded into the areas designated "OS" or "AG" on the MidCoast LCP Update Project map.
- (9) Recognize and enforce LCP Policies 1.3 (b) and 1.5 (b) (see below) in a manner that is most protective of coastal resources, instead of allowing unlimited development of antiquated subdivisions pre-existing the adoption of the County Subdivision Ordinance (around the 1920's)

LCP Policy 1.3

Definition of Urban Areas

- b. Recognize, however, that in order to make a logical urban/rural boundary, some land has been included within the urban boundary which should be restricted to open space uses and not developed at relatively high densities (e.g. prime agricultural soils, and sensitive habitats).

LCP Policy 1.5

Land Uses and Development in Urban Areas

- b. Permit in urban areas land uses designated on Land Use Plan Maps and conditional uses up to the densities specified in Tables 1.2 and 1.3. The use and amount of development allowed on a parcel, including parcels in areas designated "General Open Space," "Agriculture," or "Public Recreation-Community Park" on the General Plan Land Use Map within the urban boundary in the Coastal Zone, shall be limited to the uses and to the amount, density and size of development permitted by the Local Coastal Program, including the density credit requirements of Policy 1.8c and Table 1.3.

MCC Recommends (Task 14):

That the County:

- (1) Merge all lots in common ownership on a specific date, such as November 1, 2003, to the zoning minimum for lots designated Very Low Density Residential (RM-CZ).
- (2) Base buildout on carrying capacity, not on buildable parcels or subdivisions pre-existing the Coastal Act. For example if a parcel will not accommodate a septic system, a well and a house then it may be used for uses other than those needing a well and septic system, but it should not have a home built on it.
- (3) Survey and inventory all areas (perform "Characterization studies, as in the previous LCP) with Very Low Density Residential (RM-CZ) designations for sensitive habitats, including but not limited to creeks and riparian habitats, wetlands, visual resources, and slope. (See Task 18).
- (4) Limit uses as appropriate to protect the intent of the designation Very Low Density Residential (RM-CZ)

- (5) Design Review standards and procedures should be adopted for these areas.
- (6) Change house height limitations, as follows:
- Within 500 feet of the shoreline maximum height of 16 feet.
 - Twenty eight foot height limit for all other areas.
- (7) House size limitations: (from workshop recommendations)
- | | |
|-----------------|----------------------|
| • Parcel size | House size |
| < 10,000 sq. ft | .30 parcel size |
| 10,000 - 5 ac. | 3,000 to 5,000 sq ft |
| | (sliding scale?) |
| > 5acres | 5,000 sq ft |
- (8) Not expand Urban Services: In order to maintain the open space and agriculture uses, sewer and water should not be expanded into the areas designated Very Low Density Residential (RM-CZ) on the MidCoast LCP Update Project map. Any urban level services necessary for safety (trash pick up and fire sprinklers and hydrants) should be allowed. In order to match the assumptions in LCP Task 3 on sewer and water service needs for buildout, LCP Policy 2.14 should be amended to note that existing sewer and water connections in the areas designated Very Low Density Residential (RM-CZ) will be permitted to continue, but new service connections in these areas will not be allowed.
- (9) The County should recognize and enforce LCP Policy 1.15, instead of allowing unlimited development of the antiquated subdivisions pre-existing the adoption of the County Subdivision Ordinance (around the 1920's).

Tasks 15-17:

Task 15: Evaluate opportunities to re-designate the Devils Slide bypass right-of-way to a very low intensity use, e.g., park, trail, open space or resource preserve.

Task 16: Evaluate opportunities to add remaining segments to the Coastal Trail.

Task 17: Evaluate opportunities to establish a parallel trail within the Highway 1 right-of-way, and underground pedestrian crossings at locations along Highway 1.

MCC Recommends (Tasks 15-17):

That the County:

- (1) Merge all the lands currently owned by CalTrans as part of the obsolete "Devil's Slide Bypass" right of way in the areas designated "Very Low Density Residential" into a single parcel.

- (2) Amend: (a) the land use designation of those portions of the “Devil’s Slide Bypass” property designated *Residential* to *Open Space*, and (b) change the zoning of this area to COSC
- (3) Add a Parks overlay: designate all the lands currently owned by CalTrans as part of the obsolete Bypass right of way in the areas designated “Very Low Density Residential” as “Public Recreation/Community Park”. For these lands residential uses should be prohibited.
- (4) Adopt the other policy changes resulting from the discussion of Tasks 15,16, and 17 as contained in the document GDBN0661_wfm.doc, dated May 8, 2003, except as amended below.
- (5) Section 3c: to the proposed revision of LCP Policy 2.56.c, add the phrase “or directly adjacent to” after the word “in”, so that the policy reads: “When warranted by the size of Highway 1 projects in or directly adjacent to the MidCoast, require that CalTrans ... “
- (6) Make the same change to LCP Policy 11.26d, and elsewhere as needed.
- (7) With reference to “safe crossings” as shown on Map 3 of the MidCoast Recreational Needs Assessment, MCC recommends the following priority order for implementing safe crossings:
 1. From the vicinity of 14th Street in Montara, to a location near the Point Montara Hostel
 2. At California Avenue in Moss Beach
 3. At 2nd St. in Montara and/or near the Outrigger Restaurant
 4. At Surfer’s Beach in El GranadaSee also the letter dated April 14, 2003 [See Attachment C] on safe crossings from MCC’s Parks and Recreation Committee.
Another “safe crossing” location should be designated at the South Portals of the Devils Slide tunnels, to provide safe access to the abandoned Highway 1 roadway.
- (8) Trails: to Section 11.13.b.2, add another proposed LCP trail: the “Beach to Ridge” trail, with an alignment that goes through the Mirada Surf West and East parcels, to the connector roads through Quarry Park, the Wicklow property, and Rancho Corral de Tierra.
- (9) MCC strongly supports the development of the commuter trail parallel to and east of Highway One, using the CalTrans right-of-way where feasible.
- (10) Re: in-lieu fees (Section 11.27.e): instead of contributing the in-lieu fees to the County’s General Fund, MCC recommends adding these monies to the Parks and Recreation development fee account, or depositing them to another separate account dedicated to parks and recreational use for the MidCoast.
- (11) Adopt the following priorities for spending on Tasks 15, 16, and 17:

1. Highway One commuter trail: the pedestrian/bicycle/multi-purpose path parallel to Highway One
2. The MidCoast Foothill Trail, which incorporates the Devil's Slide Bypass property
3. The Beach-to-Ridge Trail from Mirada Surf to the ridgeline
4. Safe Crossings of Highway One in the MidCoast area, including Devil's Slide
5. Development of trailheads with signage, rest rooms, and other visitor-serving facilities (Section 11.24.a.1,2)
6. Completion of the Coastal Trail in the MidCoast area, particularly from Surfer's Beach through Mirada Surf.

Task 18: Revise the MidCoast LCP Sensitive Habitats Map to: (1) correct identified omissions, (b) incorporate information attained from site specific biological reports, (c) reflect changes in endangered species listings, and (d) reconcile with other adopted maps.

Findings:

- The new map is based on a GIS system structure that allows site specific data on habitats and limits to be entered on a parcel by parcel basis, and the map may be printed at any magnification for clarity.
- Data on habitats and species were entered from all known data bases, regional surveys and all existing property reports that could be located.
- Input was received from many local sources and entered into the map data. The map is expected to undergo continued refinement before the Planning Commission hearing.
- After extensive input, staff developed a new proposed definition of sensitive habitats for the LCP, as well as a series of proposed policy changes to clarify the implications and implementation of the map, including both State and Federal endangered species listing categories, the California Native Plant inventory, and the specific designation of Monarch Butterfly Roosting sites and Vernal Pools as distinct and defined sensitive habitats.

The identification and protection of sensitive habitats is a critical part of implementing the Coastal Act as specified in Articles 4 and 5 of Chapter 3 (Sections 30230 – 30244) and referenced in other parts of the act. The existing LCP map was outdated and inadequate in its information and level of detail, and the accompanying LCP policies were too open to interpretation to allow effective and consistent application of the regulations.

MCC Recommends (Task 18):

That the County:

- (1) Accept the proposed Sensitive Habitats Map, definition of Sensitive Habitats and accompanying LCP policy changes.

- (2) Implement a program to track and maintain new information on sensitive habitats as it is discovered, to be kept as an easily referenced addendum to the new map.
- (3) That the County add to the list of unique species the following five plants which were identified in the course of the workshops:
 - Arabis blepharophylla* (Coast Rock Cress)
 - Erysimum franciscanum* (San Francisco Wallflower)
 - Linanthus croceus* (Golden Linanthus)
 - Linanthus rosea* (Rose Linanthus)
 - Lupinus eximius* (San Mateo Tree Lupine)

Task 19: Resolve conflicts in the definition of wetland, and clarify who enforces wetland violations.

Findings:

- Staff has developed an extensive report on enforcement of wetlands violations, explaining the roles of the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, the Secretary of the Interior, State Regional Water Quality Control Board, California Department of Fish and Game, and the Coastal Commission.
- After extensive input, staff developed a new proposed definition of wetlands for the LCP, based on the definition developed by the Coastal Commission, to replace existing LCP Policy 7.14.

The identification and protection of wetlands and sensitive habitats is a critical part of implementing the Coastal Act as specified in Articles 4 and 5 of Chapter 3 (Sections 30230 – 30244) and referenced in other parts of the act. The existing LCP wetland definition was outdated, inadequate in its information and level of detail, and too open to interpretation to allow effective and consistent application.

MCC Recommends (Task 19):

That the County:

- (1) Accept the report on wetland enforcement.
- (2) Accept the proposed wetland definition with the following minor changes:
 - (a) that the third sentence under GENERAL DEFINITION be changed to read: "Wetlands include **but are not limited to** saltwater marshes, freshwater marshes ..."
 - (b) that the first sentence of the last paragraph be changed to read: "...wave action, turbidity, ~~or~~ high concentrations of salt or other substances in the substrate, **or disruption by mowing, disking, grading, pumping or other mechanical means.**"

Task 20: Resolve LCP policy conflicts and clarify ambiguous provisions. Where conflicts and ambiguities occur, retain the most restrictive or protective policy/provision. Where possible, develop; objective, rather than subjective zoning standards.

Findings:

- The MCC, at the request of County staff, compiled a list of LCP conflicts, inconsistencies and ambiguities [See Attachment D, the MCC letter of 12/21/01]. Staff then developed these into a set of issues to be addressed at the March 3, 2003 workshop.
- These were issues that had been perceived as points of contention and interpretation within the body of regulation and policy, such that the overall effectiveness of the protection of coastal resources could be compromised.
- The Coastal Act specifies that where conflicts and ambiguities occur, the most restrictive or protective policy/provision should be applied.
- Clarification and elimination of conflicts will result in a more consistent and protective application of LCP policies and Zoning regulations in regards to development.

MCC Recommends (Task 20):

Of the specific issues developed by staff for this task, the MCC recommends:

- (1) Regarding whether the policy requiring that development be located **at the least visible site** from scenic road should apply in the urban area, the MCC recommends that this apply to **urban lands designated Agriculture and Open Space** as well as any development on a parcel larger than 20,000 sq. ft.
- (2) Regarding whether the policy requiring **safe yield** applies to utility wells only or all wells including individual wells, the MCC recommends that this policy should be **revised to explicitly apply to all wells**, including individual wells.
- (3) Regarding whether to **improve consistency** between LCP density for Rural Residential area (1 unit/5 acres) and actual higher density found in the area, the MCC recommends **merging lots in common ownership to a minimum of 5 acres** consistent with the RM/CZ zoning regulations.
- (4) Regarding **correcting the inconsistency** between LCP policy and map for the Rural Residential area, the MCC recommends **reducing the Rural Residential area** consistent with the policy, with the remainder to become Rural.

- (5) Regarding **correcting the inconsistency** between LCP policy and map for urban areas designated Agriculture, the MCC recommends **correcting the policy to retain existing lands designated Agriculture in the urban area.**
- (6) Regarding whether the **inconsistent election requirement** to amend density provisions for land designated Agriculture and Open Space should change, the MCC recommends **applying the election requirement in the urban area**, consistent with the existing policy for the rural area.
- (7) The MCC is in agreement with the staff recommendations on the remaining issues:
- Improve wording and clarify the types of affordable housing allowed in the MidCoast
 - Improve wording of farm labor housing site policies and map
 - Standardize policy references to LCP Land Use Map
 - Revise select policies to include a reference to LCP Land Use Map
 - Preclude oil and gas well drilling on RM-CZ and PAD zoned land in the MidCoast
 - Correct riparian corridor policy to eliminate an erroneous reference to wetlands
 - Clarify and remove ambiguities in biological report requirements
 - Add scientific names for species instead of using common names only
 - Standardize references to Sensitive Habitats Component policies

Task 21: Identify the MidCoast related responsibilities assigned to the County by the Local Coastal Program. Determine the status of each, and evaluate the County's effectiveness in meeting these responsibilities.

Findings:

- Of the 14 areas of responsibility identified, staff contends that 10 have been successfully addressed. This is not the overall opinion of the MCC.
- The Tasks listed below are those containing responsibilities *that remain unmet*.

1. LCP Policy 1.20 – Lot Consolidation

While the County states that this responsibility has been met, the MCC does not entirely agree.

MCC Recommends: The County should merge all lots to the extent allowed by law and should not condone efforts to avoid the merger of parcels in common ownership.

3. LCP Policy 1.30 – Notices of Violation

Writing a letter to the owner of an illegal subdivision advising her/him of the need to comply with Planning Department regulations falls short of the requirement in the LCP

which states "Notices of violation, as provided for in Government Code Section 66499.36, shall be promptly filed on the deeds of those parcels which have not received required government approvals."

MCC Recommends: The specific procedure required in the LCP should be followed.

4. LCP Policy 2.5 – Review of Public Works Projects

Staff admits that neither of these responsibilities is currently being met by the County. Adhering to these requirements reinforces the policy that all public works and special district projects must be carefully reviewed, strategically coordinated and properly permitted. Obtaining lists of capital improvement plans will aid in the dissemination of information throughout the MidCoast and allow for projects to be coordinated, thus maximizing cost savings when possible and minimizing negative impacts in the community during construction

MCC Recommends: County compliance with both sections of this policy.

6. LCP Policy 2.58 – Increased Commuter Transit Use

The County has not fully met this responsibility. A County agency or body must take the lead in establishing a park and ride facility in the area around Highways 92 and 1.

MCC Recommends: Working with the City of Half Moon Bay to develop an implementation strategy for the creation of this facility.

9. LCP Policy 3.17 – Evaluating the Use of Alternative Housing Techniques

The County has chosen to address this issue in ways other than those put forward in the LCP. The creation of affordable housing in locations other than the three sites designated in the LCP has been regularly discussed within the community. Constructing smaller houses within existing residential districts has been one proposal, as has the implementation of incentive programs to encourage the construction of lower than market rate priced housing. At this point no specific proposals exist.

MCC Recommends: Exploring ways to create affordable housing dispersed throughout existing neighborhoods, rather than confining it to specified sites that may or may not be environmentally or practically suitable for large-scale development.

10. LCP Policy 5.28 - Monitoring of Wells

The County contends that they have met this responsibility. The monitoring that is required in the LCP has not been conducted on a regular basis until the very recent past. While the County is currently conducting a study of MidCoast aquifers, permits for new residential wells continue to be issued. Over-development of wells and insufficient water supply continue to pose potential health and safety risks to the community.

MCC Recommends: The metering of all wells should be required with data collection and reporting to the County occurring on a yearly basis.

12. LCP Policy 10.36 – Coastal Access Acquisition and Development Fund

The County met this responsibility until 2000.

MCC Recommends: The Fund should be reactivated as soon as possible and used for the construction of new trails and for the repair and general maintenance of existing access-ways and trails.

13. LCP Policy 11.13 – Trails

With the adoption of the County Trails Plan in 2001, the County believes that this responsibility has been met.

MCC Recommends: Creating plans to address the continuing need for urban trails, which are not yet provided. (See Task 17)

15. In addition, LCP Policies 2.25 – 2.28 need to be analyzed added to the list of items in this Task. These cover MidCoast Water Supply, Phase I Capacity Limits, Monitoring of Phase I, Timing and Capacity of Later Phases, Phase I Capacity Allocations.

MCC Recommends: These items should be analyzed to determine the degree to which the County has met its responsibility in each case.

Task 22: Consider adopting Coastal Act Sections 30250-30254 as County LCP Policy. These Coastal Act sections establish statewide coastal development criteria.

Findings:

- The sections of the Coastal Act proposed for adoption (Chapter 3, Article 6, Sections 30250-30254) deal specifically with new residential, commercial, or industrial development within the coastal zone. Staff recommends that adoption of these codes is unnecessary, as a certified LCP is the “functional equivalent” of the coastal act, and that the policies are directly reflected in specific LCP policies.
- These sections are not inclusive of all the issues that arise from this sort of development, just as the LCP is required to address these issues, and just as aspects of this LCP update process deal with much more than direct development policies.
- The other articles from Chapter 3, if included, provide a comprehensive regulatory framework for Coastal Resource Planning, and are all relevant to the MidCoast area. These other articles include:
 - Standards and resolution of policy conflicts (Article 1)
 - Public Access (Article 2)
 - Recreation (Article 3)
 - Marine Environment (Article 4)
 - Land Resources (Article 5)
 - Industrial Development (Article 7)
- Legal opinions and case law indicate that the LCP would be significantly strengthened and be less susceptible to challenge and/or erosion from lawsuit and interpretation with the direct adoption and reference to the underlying Coastal Act policies. This would be basing the administrative law of the County (to make Land Use decisions and to grant Coastal Development Permits) on the statutory authority of the Coastal Act,

Without direct reference to the Coastal Act, we fear the LCP, as administrative policy based on local land use agendas, may not have the legal defensibility it should have.

- The inclusion of Article 1 of Chapter 3 institutes the basic “most protective in case of conflict” premise by its direct reference to Section 30007.5.

MCC recommends:

- (1) **Adopting and incorporating by reference all of Chapter 3 (Sections 30200 through 30265.5) of the Coastal Act for Coastal Resources Planning and Management Policies pertaining to all aspects of development in the coastal zone.** Chapter 3 is included as an attachment to these recommendations. [See Attachment A].
- (2) **MCC also recommends the addition of the following section of the Public Resources Code [PRC]/Coastal Act - if not as written exactly in the PRC, we recommend it should be rewritten to be applicable to our own LCP.** This was not directly discussed in the earlier public meetings but is directly on point with the intent with which sections 30250 through 30254 were discussed.

PUBLIC RESOURCES CODE

30007.5. The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

Alternatively we might want it to read: *When conflicts occur between one or more of the policies in the Local Coastal Program the County declares that such conflicts be resolved in a manner which is the most protective of coastal resources.*

We should also examine other LCPs to see how other jurisdictions incorporate the Coastal Act with their own LCPs. Half Moon Bay has done a good job and might be considered a good model.

Task 23: Develop impervious surface zoning standards and up-date LCP non-point source surface runoff controls for application in the MidCoast.

Findings:

- Recent development activity and increased impervious surfaces of new construction has accelerated stormwater runoff causing flooding, erosion and sedimentation problems

- This increased runoff often exceeds the capacity of existing drainage systems, causing property damage from flooding and environmental damage from non-point source pollution.
- Funding for the LCP Update Project from the Coastal Commission is conditioned that updated non-point source pollution controls be included
- The Planning Commission, in response to hearings on drainage, flooding and pollution issues in Montara and throughout the MidCoast, has requested that Planning Staff evaluate impervious surface limits on new construction.
- Existing policies and practices require implementation of Best Management Practices (BMPs) during and after construction to control erosion and sedimentation, and the current *Design Review Criteria* encourage design and siting of structures to minimize required grading and conform with site topography to reduce drainage and runoff impacts. The County is required to conform with the conditions of its National Pollutant Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board (RWQCB) through implementation of the City/County Association of Government's (C/CAG) Stormwater Pollution Prevention Program (STOPPP).
- Staff had developed analysis and recommendations for limits to impervious surfaces and controlling grading activities during the rainy season.

MCC recommends (Task 23):

- (1) That pavement and ground level impervious surfaces not exceed 10% of the parcel size in all zoning districts.
- (2) That in non-residential districts, this amount may be exceeded provided that a professionally prepared site plan can demonstrate to the satisfaction of County Engineering that there is no additional off-site drainage or runoff
- (3) That these regulations be administered in addition to the existing STOPPP best management practices defined in the County's NPDES permit from the RWQCB, and in addition to any other existing controls of stormwater runoff.
- (4) That, in lieu of any seasonal grading prohibition, operational policies be adopted to rigorously control and prevent erosion and sedimentation from development and construction sites, and that compliance with these policies be demonstrated before allowing any grading or ground disruption activity.

