

COMPARISON OF LCPA TO CERTIFIED LCP

AMENDMENT 1: LAND USE PLAN

BIOLOGICAL RESOURCES

ESHA Policies

LCPA

- Consistent approach to protection of ESHA (encompassing wetlands, streams and riparian vegetation, and terrestrial ESHA).
- Provisions for buffer adjustment and development within or adjacent to ESHA subject to a biological site assessment.
- Wetland policies provide setback exceptions for “man-made” wetlands constructed for treatment, conveyance, or storage of water.
- Detailed provisions provided for wetland impact mitigation measures.
- Absolute minimum buffer of 25 feet for terrestrial ESHA.
- Improved resource maps which incorporate “best available science” including dynamic information sources such as CNDDDB.
- Provisions encouraging the restoration and enhancement of degraded ESHAs including a streamlined regulatory process for restoration projects.

Certified LCP

- Inconsistent biological resource buffer policies (riparian area plus 50 feet but not less than 100 feet for streams, 100 feet for wetlands, no specific setback required for “wildlife habitat” or “native plant communities”).
- Development generally not allowed within a stream buffer area (unless development outside stream/riparian area would be more environmental damaging to riparian habitat).
- Outdated static resource maps.

WATER RESOURCES

Water Quality Protection

LCPA

- Improves the protection of coastal waters by addressing all phases of development, including design, construction, and post-construction maintenance of facilities.
- Incorporates the concept of Best Management Practices in order to acknowledge continuing improvements in technology and development practices.
- Requires a Water Quality Impairment Assessment for all development to identify potential water quality impacts.

Certified LCP

- Units I and II contain policies that address the water quality impacts of new development, but most of the policies address only development projects that involve significant grading (that is, 150 or more cubic yards of grading).
- Unit I and II policies lack an overall goal statement that addresses the need for a variety of measures to address the range of development types typical of the Coastal Zone.

Storm Water Drainage

LCPA

- Requires drainage controls in order to avoid an increase in peak flow and velocity following development for all but the largest storm events.
- Drainage controls required for two kinds of projects: those that involve a large area of impervious surface (i.e., 10,000 square feet or more), and those with a smaller area of impervious surface but where altered or increased flows from the project site have the potential to accelerate erosion or affect beneficial uses downstream.

Certified LCP

- Addresses storm water drainage, the extent of impervious surfaces, and the infiltration of storm water on-site, but only for those projects that involve substantial grading (more than 150 cubic yards).

Grading and Construction Phase

LCPA

- Requires development be designed and oriented to minimize the amount of grading, in addition to limits on the extent and timing of grading.
- Restricts vegetation clearing and grading during the winter rainy season, throughout the Coastal Zone, and requires use of measures, such as hydroseeding, to stabilize exposed soils.
- Requires development plans to incorporate erosion and sedimentation control measures. An erosion and sedimentation plan is required for development of 1 acre or more in size.
- Requires managing construction-phase impacts from chemicals, fuels, and other potentially hazardous materials.

Certified LCP

- Limits the grading and the clearing of land during the winter rainy season and requires all sediment removal and slope stabilization measures be in place prior to the beginning of the rainy season.

Post-Construction Impacts

LCPA

- Requires submittal of post-construction measures showing how storm water and polluted runoff would be managed or mitigated, using a variety of source control and treatment control measures and both structural and non-structural means.

Certified LCP

- Requires the use of a sediment basin, which is one type of structural measure to control polluted runoff, but only in certain instances and only during the construction phase of development. Measures to address polluted runoff following the construction phase of a development are not addressed.

High-Impact Projects

LCPA

- Requires projects that have a high potential for generating pollutants, such as auto repair shops and restaurants, to protect water quality, whether or not such projects are subject to a National Pollutant Discharge Elimination System Phase II permit. Among developments defined as high-impact projects are those that would result in the creation, addition, or replacement of 5,000 square feet or more of impervious surface if located near coastal waters, or development involving 10,000 square feet of impervious surface if located elsewhere.

Certified LCP

- Addresses grading, soil exposure, and certain other key aspects of development, however, but lacks measures to address the particular categories of development that have a high potential for generating pollutants. Projects such as automotive repair shops and restaurants and those with large impervious surfaces, for instance, have the potential to contribute oil, grease, and other pollutants to coastal waters.

COMMUNITY DESIGN AND DEVELOPMENT

Limited Conversion of Overnight Visitor-Serving Enterprises

LCPA

- Protects visitor-serving uses by discouraging the conversion of overnight accommodation into a more limited type of occupancy, but at the same time incorporates new language to develop a vacation rental ordinance to regulate the use of residential housing for short term vacation rentals.

Certified LCP

- Not addressed.

HOUSING

Affordable Housing

LCPA

- Provides for the maximum range of density for deed-restricted housing affordable to extremely low, very low or low-income households provided adequate water and services are available.
- Requires development consisting of 2 or more units to provide 20 percent of the total number of units to be affordable to household of very low or low income or a proportional “in-lieu” fee to increase affordable housing construction.
- Provides for density bonuses for affordable housing to the extent such increases are consistent with LCP policies.
- Expands the range of zoning designations in which affordable housing is permitted.

Certified LCP

- Provisions for affordable housing limited to: 1) discouraging demolition of affordable housing; 2) retaining small lot zoning in Tomales, Point Reyes Station, and Olema; and 3) considering a second-unit ordinance.

Agricultural Worker Housing

LCPA

- Specifically supports development of agricultural worker units in agricultural zones. Agricultural worker housing allowed as a principally permitted or permitted use in C-APZ, C-ARP and C-RA zoning districts.
- Allows farm owners in agricultural preserves to subdivide land for sale or lease to a nonprofit or government agency to facilitate agricultural worker housing, subject to specific provisions.

Certified LCP

- Allows agricultural worker housing as a principally permitted use in C-APZ and C-ARP only.

Short-term Rentals

LCPA

- Incorporates new language to develop a vacation rental ordinance to regulate the use of residential housing for short term vacation rentals.

Certified LCP

- Not addressed.

HISTORICAL AND ARCHAEOLOGICAL RESOURCES

Monitoring of Construction on Archaeological Sites by Appropriate Experts

LCPA

- Requires monitoring by an on-site Native American consultant of all grading, excavation, and site preparation that involves earth moving, including appropriate mitigation measures if significant resources are discovered.

Certified LCP

- Not addressed.

Structures of Special Character and Visitor Appeal

LCPA

- Carries forward existing approach to protect historic resources, while new terminology addresses protection of communities and structures of “special character” and “visitor appeal” in line with the Coastal Act’s mandate to protect coastal communities that are destination points for visitors.

Certified LCP

- Protects structures within designated “historic areas” and structures built prior to 1930, but does not address structures of special character and visitor appeal.

PARKS, RECREATION, AND VISITOR-SERVING USES

Lower-Cost Visitor Facilities

LCPA

- Requires both the protection of existing lower-cost visitor and recreational facilities and the inclusion in new facilities of a lower cost overnight component, either on or off-site.

Certified LCP

- Not addressed.

California Coastal Trail

LCPA

- Includes standards supporting completion of the California Coastal Trail through Marin County.

Certified LCP

- Not addressed.

AMENDMENT 2: THE AGRICULTURE CHAPTER OF THE LUPA
and

**AMENDMENT 3: CHAPTERS AND SECTIONS OF THE MARIN COUNTY
DEVELOPMENT CODE COMPRISING A PORTION OF THE IPA FOR THE
LUPA AGRICULTURE CHAPTER**

Agricultural Housing Units in C-APZ

LCPA

- Provides for up to two intergenerational (IG) units on C-APZ zoned land without the need to subdivide (up to 27 IG units allowed Countywide).
- Limits the scale of “residential” uses on agricultural land to a maximum of 7,000 sqft (plus 540 sqft of garage space and 500 sqft of office space) for the farmhouse and any IG homes (but excluding agricultural worker housing).
- Establishes the concept of “farm tract” which includes all contiguous legal lots under common ownership.

Certified LCP

- Allows one “single-family dwelling” per legal parcel.
- In concept, would allow subdivisions through the Master Plan process, but historically, stringent findings have effectively prevented division of C-APZ land.
- Requires Use Permit approval for agricultural worker housing.

Agricultural Production/Sales

LCPA

- Allows limited on-site agricultural sales (<500sqft) and processing (<5,000 sqft) as part of the principally permitted agricultural use, subject to standards.

Certified LCP

- Requires Use Permit approval for all agricultural sales and processing.

Agricultural Education/Tourism

LCPA

- Allows non-profit educational tours as part of the principally permitted agricultural use, subject to standards (for-profit tours require Use Permit approval).

Certified LCP

- Not addressed.

AMENDMENT 6: COASTAL PERMITTING AND ADMINISTRATION SECTIONS OF THE IPA CODE (CHAPTERS 22.68 AND 22.70)

Permit Streamlining

LCPA

- De minimis permit waiver - allows County review of certain minor developments, while affording an opportunity for public review and comment.
- Consolidated coastal permit - provides an option for a single consolidated Coastal Permit reviewed by the Coastal Commission for projects that straddle the jurisdiction line between the Commission and the County to avoid a duplicative process.
- Public hearing waiver - allows waiver of a public hearing that would otherwise be required for certain minor developments provided no person requests that a hearing be held. In addition, a project that qualifies for an administrative Coastal permit but also requires another “non-coastal” permit could now be handled administratively as long as no public hearing is required for the other discretionary permit.
- Coastal emergency permit - allows County issuance of a coastal permit to authorize emergency work to avoid or mitigate damage in the event of an emergency such as an impending bluff failure, landslide or storm.
- Coastal zone variance - provides relief from development standards relating to height, FAR and setbacks when special circumstances apply to the property.
- Temporary events - establishes a Coastal Permit exemption for certain temporary events authorized by the Coastal Act.
- Potential Takings Evaluation. New provisions allow proposed development that may otherwise be inconsistent with the LCP to avoid a taking of private property, subject to specific information and analysis requirements

Certified LCP

- The existing LCP lacks all of the above provisions.

AMENDMENT 7: ALL REMAINING CHAPTERS AND SECTIONS OF THE MARIN COUNTY DEVELOPMENT CODE COMPRISING THE IPA FOR THE LUPA

Density Requirements

LCPA

- New zoning development standards in Tables 5-4-a, 5-4-b and Table 5-5 would unreasonably restrict development by applying “lowest allowable” density and floor area restrictions to properties containing any hazardous areas and setbacks for commercial projects, regardless of whether the hazards can be mitigated or addressed. In addition, exceptions to these restrictions for beneficial projects (i.e., land divisions resulting in affordable housing and other public benefits) cannot even be considered because of the mandatory nature of the regulation that development “will avoid all hazardous areas and hazard setbacks.” This is a problem given the widespread nature of some hazard areas.

Certified LCP

- Density standards for certain zoning districts are implemented through the Marin Countywide Plan, which mandates calculating density and floor area ranges at the “lowest end” of portions of properties with sensitive habitat or for properties that lack public water or sewer systems. Hazardous areas are not addressed.

Grading

LCPA

- Provides a definition of grading that explicitly excludes plowing, tilling, planting, etc.
- Does **not** establish a quantitative “trigger” for what amount of earth movement would be considered grading
- Requires submittal of a grading plan for over 50 cubic yards

Certified LCP

- Did not define grading
- Required Coastal Permit approval and specified standards for grading/excavation exceeding 150 cubic yards

Floodplain Development

LCPA

- Proposed development within areas mapped on Federal Emergency Management Agency Flood Insurance Rate Maps are required to demonstrate compliance with Floodplain Management Ordinance standards, including the requirement to add up to a maximum of three feet to the Base Flood Elevation to accommodate anticipated Sea Level Rise. In addition, development shall not create a hazard or diminish the stability of the area.

Certified LCP

- Prohibits development of permanent structures and other significant improvements within the limits of the one hundred-year floodplain.

Public Facilities and Services

LCPA

- New regulations require applicants for new or expanded private wells and on-site sewage disposal systems submit a report demonstrating the new or expanded well will not impact biological and hydrogeologically-connected resources on the subject or neighboring lots, and would not adversely impact available water supply for agricultural production or other priority uses.

Certified LCP

- Requires a finding that the well will not have an adverse impact on coastal resources individually or cumulatively. New community and mutual water wells serving five or more parcels shall demonstrate that such groundwater withdrawal will not adversely affect aquifer systems.

Mixed Uses in Coastal Village Commercial/Residential Zones

LCPA

- In the C-VCR zoning district, residential uses proposed on the ground floor of a new or existing structure on the road-facing side of the property are designated as only a permitted use within a commercial core area. New residential uses on the ground floor of a new or existing structure are only allowed provided that the development maintains and/or enhances the established character of the commercial core area

Certified LCP

- Both residential and commercial are Principal Permitted uses in the C-VCR zoning district.