



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

MEMORANDUM

TO: Members of the Planning Commission

FROM: Veronica Corella-Pearson, Planner

RE: Errata to the December 1, 2011 and January 9, 2012 Decision Tables, and the January 23, 2012 staff report

DATE: January 18, 2012

Errata to the December 1, 2011 Decision Table: At the January 9, 2012 hearing when reviewing the Decision Table of December 1, 2011, the Planning Commission requested the following changes to C-BIO-5.b, C-BIO-8, C-EH-5.b, and C-MAR-2. These changes were not requested during your Commission's hearing on December 1, 2011; therefore, they are being presented below for your review and final approval. Errata are highlighted in yellow, modifications tentatively approved are indicated in track changes without highlighting. Changes request by the Commission in the December 1, 2012 hearing are shown in double strike through.

- **Program C-BIO-5.b:** The PC requested that staff return with language that clarifies whether this policy applies to all future property owners, or if it applies only to the owners of the property at the time of restoration. To address this question, staff has modified this policy to clarify that it applies to the property and runs with the land, as follows:

Program C-BIO-5.b ~~Expand Environmentally Sensitive Habitat Areas Allowed Development in an ESHA.~~ ~~Encourage the expansion of environmentally sensitive habitat areas by establishing criteria that would~~ Where a restoration project has resulted in an expanded ESHA, allow property owners the property shall remain subject to the buffers from the pre-existing edge of the habitat area rather than from the edge of the expanded habitat area.

- **Policy C-BIO-8:** The PC approved staff's recommended changes on December 1, 2011 to Policy C-BIO-8 (not highlighted), and requested the following modifications be made:

C-BIO-8 Stringline Method of Preventing Beach Encroachment. In a developed area, ~~where most lots are developed with residential dwellings and where there are relatively few vacant lots, where new construction is generally infilling~~ no part of a proposed new structure (other than a shoreline protective device), including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjoining structures. Enclosed living space in the new unit shall not extend farther seaward than a second line drawn between the most seaward portions of the enclosed living space of the adjoining adjacent structures.

- **Program C-EH-5.b:** The PC requested that “Geologic” be included in the title of Program C-EH-5.b, as follows:

Program C-EH-5.b Require Developers of Blufftop Parcels To Investigate Geologic Hazards. Amend the development code to require a complete geotechnical investigation if one of the following conditions is met: (1) the development site is located in stability zone 2, 3 or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County"; (this report and accompanying maps are incorporated by reference as part of the LCP), or (2) development is proposed on a blufftop parcel. The required geotechnical investigation shall address the entire site and describe the methodology used for determining setbacks. Analysis of bluff stability shall take into account the hazards associated with strong seismic shaking.

- **Policy C-MAR-2:** At the 1/9/12 PC meeting, the Commission had requested that staff review the recording of the December 1, 2011 meeting to verify whether the Commission had voted to delete this policy. In reviewing the recording of the December 1, 2011, staff found that your Commission had recommended deleting this policy if it could be found that there were no existing mariculture operations in parks or on private landowners. Therefore, staff has addressed this question in Attachment #1 of the January 23, 2012 staff report.

C-MAR-2 Mariculture in Parks. Existing maricultural operations in the parks are encouraged in a manner compatible with natural resource protection and should be permitted to continue. Additional mariculture activities should be considered, provided that they are compatible with other park uses, and do not conflict with public access, recreation, the protection of natural and visual resources, water quality, or National Park Service policies concerning commercial development. New mariculture activities should be subject to permit review by the Coastal Commission.

Errata to the January 9, 2012 Decision Table:

- **Policy C-AG-7:** At the January 9, 2012 meeting, the Planning Commission approved staff’s recommendation for Policy C-AG-7, except for a possible addition to Section A.2, where it was suggested that language be added to require that water diversions or use not adversely impact groundwater levels or existing wells on other properties. Staff has now discussed the issue more fully with County Counsel and EHS and offers the following revised policy for Commission consideration:

C-AG-7 Master Plan for Non-Agricultural Development of Agricultural Production Zone (C-APZ) Lands

2.4. Development shall be permitted only where Adequate water supply, sewage disposal, road access and capacity and other public services are available to support the proposed development after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats, have significant effects on groundwater resources, or significantly reduce freshwater inflows to water bodies including but not limited to Tomales Bay, either individually or cumulatively.

Errata to the January 23, 2012 Staff Report, Attachment #1:

- **Policy C-WR-3:** As part of the January 23rd staff report (Attachment #1, page 13), staff is proposing modifications to Policy C-WR-3 which will focus storm water runoff provisions on projects resulting in the addition or creation of 10,000 square feet or more of impervious surface, rather than one acre or more as originally proposed at the December 1, 2011 hearing. To clarify that the previously proposed text related to the one acre standard has been deleted and to further clarify Policy C-WR-3 and corresponding Development Code provisions, staff recommends the following revisions (errata are highlighted in yellow, modifications shown in staff report are indicated in track changes without highlighting):

Policy C-WR-3 Storm Water Runoff. Where a project would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site) or where altered or increased flows from a project site have the potential to accelerate erosion or affect beneficial uses downstream, incorporate drainage controls so that the post-project peak flow and velocity of runoff rate from the project site for a storm of up to 100-year 2 and 10-year intensity storms does not exceed the peak flow and velocity of runoff rate from the site in its pre-project (existing) state. Where a drainage problem unrelated to a proposed project already exists, the Department of Public Works should encourage the project applicant and neighboring property owners shall be encouraged to develop a solution.

Where a project would add or create 1 acre of impervious surface and the altered or increased flows from the project site have the potential to accelerate erosion or affect beneficial uses downstream, the project plan shall include a hydromodification management element. This element shall be prepared and signed by a California licensed water quality professional and shall include the following:

1. Hydrograph modification management controls designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations from 20 percent of the pre-project 2-year peak flow up to the pre-project 10-year peak flow, or;
2. Provide an alternative analysis that includes a completed screening checklist that evaluates the project's potential to accelerate downstream erosion or affect beneficial uses downstream, an analysis of the effects based on the results of the screening tool, and a description of the management measures that will be implemented in order to prevent downstream erosion and downstream impacts to beneficial uses.

The corresponding revisions to Development Code Section 22.64.080 are shown below:

Dev. Code 22.64.080 – Water Resources

A. Application requirements.

1. Drainage plans. Coastal permit applications for development that would add or create a total of 10,000 square feet **or more** of impervious surface **(collectively over the entire project site)** or would alter the land or drainage patterns, shall be accompanied by a preliminary drainage plan, where appropriate as determined by the Department of Public Works, that shows The plan shall include existing and proposed drainage patterns and storm drain improvements for the site, all structures and impervious areas, driveway, and any other improvements. The plan must indicate the direction of surface runoff, path, and method of water on-site run-off dispersal for existing and proposed drainage channels or facilities. The drainage plan must also indicate existing and proposed areas of impervious surfaces. Draining to existing watercourses or detention basins may be allowed if negative impacts to biological resources, water quality, channel stability or flooding of surrounding properties can be avoided or if existing soil conditions do not allow infiltration. Hydrologic calculations may be required to determine whether there would be any additional surface run-off resulting from the development.

Where a project would add or create 1 acre of impervious surface and the altered or increased flows from the project site have the potential to accelerate erosion or affect beneficial uses downstream, the project plan shall include a hydromodification management element. This element shall be prepared and signed by a California licensed water quality professional and shall include the following:

1. Hydrograph modification management controls designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations from 20 percent of the pre-project 2-year peak flow up to the pre-project 10-year peak flow, or;
2. Provide an alternative analysis that includes a completed screening checklist that evaluates the project's potential to accelerate downstream erosion or affect beneficial uses downstream, an analysis of the effects based on the results of the screening tool, and a description of the management measures that will be implemented in order to prevent downstream erosion and downstream impacts to beneficial uses.

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7. Site Plan Contents – Construction-Phase Element. All projects that would add or create a total of 10,000 square feet **or more** of impervious surface **(collectively over the entire project site)**, projects that may impact environmentally sensitive habitat (i.e., projects within, directly adjacent to or discharging directly to an environmentally sensitive area), county-defined high-impact projects or other projects that the county staff finds to be a threat to coastal water quality, shall require a Construction-Phase element shown on the site plan. The Construction-Phase element shall specify which interim Best Management Practices (BMPs) will be implemented to minimize erosion and sedimentation during construction and address potential construction runoff contamination with fuels, lubricants, cleaning agents and/or other potential construction-related pollutants or chemicals.

(Note: remainder of 22.64.080.A.7 not shown)