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San Mateo County Board of Supervisors
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Redwood City, CA 94063

RE: Midcoast LCP Update Comments for February 15, 2005 Board Meeting

Honorable Board Members:

This letter is a follow up to our letter of January 25, 2005 concerning the San Mateo County Midcoast LCP Update project. Workload and staffing issues permitting, we hope this to be the first in a series of more detailed comment letters addressing issues of particular concern to the Coastal Commission staff. The issues addressed in this letter pertain to the specific LCP topics included in the agenda for the February 15, 2005 Board Meeting.

1. Residential Buildout

We support the proposal to update residential buildout projections in the LCP, as well as the identification of unpermitted units. This information is central to both on-going land use planning and assuring that the planning and development of community infrastructure is neither inadequate nor growth inducing. To avoid unnecessary conflict in future development proposals, we recommend that the LCP language clarify that the buildout estimates are the planned theoretical <u>maximum</u> buildout of the community, assuming consistency with all other LCP policies. In other words, the LCP should acknowledge that the buildout estimates may not account for the reductions in density that consistency with other LCP policies may dictate given the constraints of any given parcel (e.g. the presence of sensitive habitats, steep slopes, significant views, etc.), and are therefore not an entitlement to a particular density or intensity of development. In addition, the LCP should include a requirement that significant new public works projects be sized and designed based on an updated buildout estimate at the time of the development proposal. The County might also consider incorporating a more regular buildout update process into the LCP, such as every five years, to facilitate on-going planning. Buildout numbers should be adjusted annually to reflect development of substandard lots, which are assumed to be merged in this analysis. The updated buildout table should clarify that the unit numbers represent existing and future development.

With respect to County staff's recommendation for unpermitted residential units, in addition to identifying these units, the County should identify the approximate time period that these units

were constructed or became living units (e.g. pre-LCP, post-LCP) and, as proposed, pursue legalization and permitting of those that can be made to meet current standards. Options for handling those units that cannot meet current standard should be developed and included as part of the LCP update.

2. Infrastructure Demand

Commission staff supports the County's efforts to provide accurate projections of infrastructure demand. Our overarching concern regarding infrastructure planning in the Midcoast is the constraint posed by very limited roadway capacity. Current and projected (2010) level of service on Highway 1 and 92 are LOS E or worse. As such, the highways do not provide adequate service for the existing population much less the anticipated demand levels at buildout. The resulting congestion on Highway 1 and 92 produces significant adverse impacts to coastal access and conflicts with the public access policies of the Coastal Act. Thus the deficient transportation infrastructure should be the limiting factor in determining allowable growth rates and other infrastructure planning in the Midcoast.

Plans for expanding the capacity of public works such as sewer and water that can be potentially growth inducing and lead to greater traffic should only proceed after roadways capacity has been increased sufficiently. However, we realize that the potential to significantly improve Highway 1 and 92 are extremely limited, therefore, the more realistic solution for easing traffic congestion in the area is to reduce total demand on the roadways. Policies should prohibit potentially growth inducing public works projects and reduce the amount of available opportunities for new development. Commission staff recommends that the County adopt the following approaches to limit development in the Midcoast in light of insufficient transportation system capacity (in addition to the Annual Growth Limit and Merging of Substandard Lots currently proposed):

- Prohibit new subdivisions until such time as there is adequate infrastructure capacity to support such development.
- Require traffic impact mitigation fees for <u>all</u> new development to be used for a purchase of development rights program and effective transportation demand management (TDM) measures.

With respect to the specific infrastructure demand estimates in the County's current proposal, we have the following comments:

Wastewater

The wastewater treatment demands have been calculated with the assumption that all residential units at buildout (6993 units) will have the 2.78 persons per unit (the average number of people per household according to 2000 census) including second units and caretaker's quarters. Is the current average household size (2.78 persons per unit) the appropriate factor for calculating sewage and water demand for second units and caretaker's quarters or would another number that assumes fewer persons per unit result in a more accurate projection?
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In addition to addressing wastewater demand at buildout, storm water treatment capacity should be incorporated into the LCP to improve water quality and meet the requirements in Section 30250 of the Coastal Act. Current storm water treatment capacity is inadequate as evidenced by frequent sewage spills during heavy rains. The County should consider prohibiting new residential sewer hookups until adequate capacity has been provided to treat all wastewater during (at minimum) a typical 10-year storm event.

Water

As with wastewater treatment demand, it appears that the demand for domestic water service assumed for second units and caretaker's quarters may be overstated. Are data available (e.g., from the 2000 census) to assess whether the level of demand for water service generated by second units and/or caretaker's quarters is less than that generated by a single-family residence?

The water demand analysis assumes that all residential units demand and receive water from the urban water systems. However, we are aware that private wells supply many residents in the urban Midcoast, and unless policies are designed to assure that all residential units would be supplied public water, this water demand analysis should be recalculated to exclude residential units that currently and for the foreseeable future rely on private wells. We strongly support policies that prohibit the development of new private wells and encourage urban residents to abandon private wells and connect to public water systems. Incorporating these policies would improve water supply planning efforts, reduce the potential impacts of private wells on water supplies to wetlands, streams and other aquatic habitats, and ensure that public water projects are adequately sized to eliminate growth-inducing effects. The County should consider providing incentives to encourage property owners to phase out existing groundwater wells (e.g., a one-time property tax credit or other fee waiver to help offset the cost of conversion to urban supply). The County should also add policies reinforcing that the transfer of service connections reserved for priority land uses to residential units with failed wells is strictly limited to the number of remaining connections reserved for this purpose under LUP Policy 2.8d.

With respect to the County planning staff's hydrological study recommendation, we recommend that until the study is complete, new private wells in urban areas should not be permitted. If this is not feasible due to lack of available service connections, we suggest that the County only approve new private wells with comprehensive groundwater basin analysis showing no negative impact (including cumulative impact) to groundwater supply and/or riparian/wetland resources, and conditioned to require recordation of assumption of risk deed restrictions in case of future well failure or contamination and to require future connection to the public water supply system as soon as when service is available.

3. Traffic Mitigation

Mitigation should be required for the traffic impacts of <u>all</u> development irrespective of whether the development is exempt from review under CEQA. The greatest traffic impact in the Midcoast arise from the cumulative impact of single-family residences, which for the most part are exempt under CEQA. As such, the proposed traffic mitigation policy would not address the impacts of the biggest source of traffic congestion in the region.

We recommend that all new development that contributes to transportation infrastructure demand, regardless of scale, provide traffic impact mitigation by: (1) reducing demand for future capacity and (2) to the extent feasible increasing transportation system capacity.

4. Non-Conforming Parcels and Merging of Sub-standard lots

We support the County's efforts to provide a complete census of non-conforming parcels and to merge sub-standard lots. We suggest that the County also consider consolidating substandard lots through a purchase of development rights program funded by traffic mitigation fees.

5. Impervious Surface Limits and Winter Grading

We fully support the County's efforts to impose controls on impervious surface coverage and winter grading to benefit water quality. We recommend that the updated zoning code make explicit that the impervious surface and winter grading restrictions apply to all zoning districts in the LCP.

The proposed impervious surface limits and winter grading prohibitions are important policies for the protection of coastal water quality, but as proposed, these policies would include exceptions that could subvert their intent. As a general practice, exceptions to LCP coastal resource and public access protection policies should only be granted under the limited circumstances where the Board of Supervisors determines that the exception is necessary to avoid a taking of private property. Unless necessary to avoid a regulatory taking, exceptions from LCP resource protection policies should only be allowed when narrowly construed, precisely defined, and with clear criteria to ensure that there is no potential that the exception would result in adverse impacts to coastal resources or public access to or along the coast.

The proposed exceptions for the impervious surface area are as follows:

"An exception to the limit may be granted by the Planning Director for selected development upon finding that off-site project drainage, i.e. runoff will not exceed that amount equivalent to 10% (parcel size). The applicant all submit a professionally prepared site plan showing topography and drainage which demonstrates this finding can be made. The exception provision applies to:

1. *Non-residential development, or*
2. *Residential development, only if the Planning Director determines that the exception is necessary for compliance with site planning and design requirements."*

The meaning of the phrase "runoff will not exceed that amount equivalent to 10% (parcel size)" is unclear. Criteria used to determine if an exception to this standard may be allowed should be clear, unambiguous, and precise. In addition, the criteria provided for the Planning Director's determination "that the exception is necessary for compliance with site planning and design requirements" is broad and imprecise. Commission staff recommends that the proposed exception from the impervious surface coverage limit be deleted. However, if the County believes that this exception is necessary, the policy should be revised to provide clear,

unambiguous, and precise criteria for determining when the exception may be granted and to ensure that there is no potential that the exception would result in adverse impacts to coastal water quality.

The proposed exception for the limits on winter grading states:

"*…unless applicant demonstrates to the satisfaction of (1) the Planning Director that the development site will be effectively contained to prevent erosion and sedimentation and (2) the Building Official that such site containment has been established and is ongoing. Winterization site containment shall include, but not limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets"*

This exception in effect allows grading to occur in the winter months if project proponents implement site containment measures. We suggest that the County remove this exception if feasible. However, should the County determine that this exception is necessary, the policies regulating winter grading should be revised to require specific quantitative performance standards (e.g., no offsite sediment transport, 100% onsite containment of all pollutants, etc.), mandatory inspections during the rainy season, monitoring, and maintenance.

To comprehensively address water quality issues, including non-point source pollution, agriculture runoff, and sensitive aquatic habitats, we recommend that the County add a new chapter to the LUP and adopt corresponding zoning provisions specifically for the protection of water quality. We have attached model LCP policies prepared by the Commission's Water Quality Unit and water quality policies from the City of Carmel's LCP, which is the most recent LCP update certified by the Commission. Not all policies will be applicable to the Midcoast and the County is encouraged to modify the policies to meet site-specific requirements.

We hope these comments are of assistance to the County's LCP update process. Thank you for this opportunity to provide comments. If you have any questions, please contact Chris Kern or me at (415) 904-5260.

Sincerely,

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Enclosures: Coastal Commission Model LCP Policies
City of Carmel LUP Water Quality Chapter
City of Carmel Water Quality Zoning Ordinances