

# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

## STAFF REPORT TO THE PLANNING COMMISSION LOCAL COASTAL PROGRAM AMENDMENT (LCPA)

### Built Environment and Socioeconomic Elements

Item No: 4  
Workshop Date: September 19, 2011  
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### RECOMMENDATION:

1. Conduct public workshop;
2. Approve Built Environment and Socioeconomic elements and related Development Code Amendments;
3. Provide direction to staff.

**SUMMARY:** Today's hearing is the second Planning Commission hearing on the Local Coastal Program Amendment (LCPA). This hearing will focus on the Built Environment and Socioeconomic Elements of the Local Coastal Program. Subsequent meetings will focus on the topics listed below:

October 10, 2011	Agriculture Allowable Land Uses & Standards	10:00 AM - 5:00* PM
October 24, 2011	Natural Systems Resource Management Standards	10:00 AM - 5:00* PM
November 7, 2011 (Special Meeting)	Contingent Meeting <i>If unresolved issues remain from previous hearings</i>	10:00 AM - 5:00* PM
November 14, 2011 (Special Meeting)	Final PC Hearing and Adoption	10:00 AM - 5:00* PM

*\* Please note the proposed subject areas and times are estimates only and may be subject to change. Specific dates, topics, and times will be set for each continued hearing as revised and confirmed at each previous hearing.*

At the previous hearing your Commission provided tentative approval to changes to the overall structure and format of the LCP Development Code and specific changes to the coastal permit requirements and administration provisions of Chapter 22.60, 22.68, and 22.70, including public notice procedures, the addition of "de minimis" waivers, emergency permits and coastal zone variances consistent with the Coastal Act and the Coastal Commission's

Administrative Regulations. The following attachments are provided for today's hearing concerning the Built Environment and Socioeconomic elements:

**Attachments:**

1. Overview of the Public Review Draft Built Environment and Socioeconomic Policies and Amendments. The LCP Amendment Public Review Draft (PRD) recognizes that most of the policy provisions of the existing certified LCP continue to adequately carry out Coastal Act policies even thirty years after they were first adopted. Those policies which are proposed to be carried forward in substantially the same form or with modifications intended to clarify, broaden, or strengthen their application are identified under the heading "Concepts Continued." Amendments that are proposed to LUP policies have been the subject of more than two years of community meetings, public review and comment and a series of public workshops, at which the Planning Commission considered and preliminarily endorsed the proposed amendments. These more substantively amended, or in some cases new policies are identified as "New Concepts." In addition, specific amendments to the Development Code to carry out both the "continued" and "new" policies are cited. Finally, revised staff recommendations are included in some sections to reflect modifications based on additional staff review and public consultations since the release of the PRD.
2. Staff Response to Coastal Commission Memorandum, dated August 29, 2011. California Coastal Commission staff submitted a letter dated August 29, 2011 providing preliminary comments on the Built Environment and Socioeconomic sections of the PRD. These comments were received too late for the analysis and response of each point to be fully integrated into the staff report; however, staff has provided answers to all questions in the context of the letter itself.
3. Comparison of Zoning District Uses (Title 22I and June 2011 PRD). This document provides a comparison of the different zoning district uses from Title 22I and the June 2011 PRD Development Code.
4. Desalination. This attachment includes the initial draft and revised policy language on desalination discussed by the Planning Commission at their workshops on April 27, 2009 and May 26, 2009.
5. Letter from the North Marin Water District, dated August 4, 2010.
6. Table of Overnight Accommodations in the Coastal Zone. This table provides a comparison of the current number of overnight accommodations to Units I and II.
7. Title 22 Development Code Amendments Approved by the Planning Commission. This document summarizes the recommendations made by the Planning Commission at the August 8, 2011 hearing on amendments to Marin County Title 22 (Development Code), which includes zoning and subdivision regulations for the unincorporated area of Marin County. The changes include amendments that impact Chapters of the Development Code that apply to the Coastal Zone. These changes were initially presented to the Commission at the first LCP hearing on August 31, 2011. The Commission provided direction to

bring back these changes for further consideration in tandem with the relevant PRD sections.

**BACKGROUND:** In the Marin County Coastal Zone, the Built Environment is subordinate to the natural environment. Natural landforms, streams, forests, and grasslands are dominant. Yet the residential, agricultural, and commercial buildings, as well as the community services that support them, have particular significance, both as the scene of daily life and for their potential impacts on natural resources. The pattern and intensity of development are inextricably linked with the protection of coastal resources, energy use, and recreational opportunities, all of which are addressed by the Local Coastal Program (LCP).

The Built Environment section includes the following subjects (addressed at the indicated pages of Attachment 1):

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The Socioeconomic Element serves to protect resources reflecting the history of the coast, including historical, archaeological, and paleontological resources. The Element contains measures designed to provide recreational opportunities for both coastal residents and visitors, including public recreational opportunities such as federal, state, and county parks, and commercial visitor-serving uses. It also contains policies to protect and expand opportunities for the public to access the ocean shoreline and other coastal water bodies. Protection and enjoyment of coastal resources and recreational opportunities are essential components in enhancing the quality of life for Marin County's residents and visitors.

The Socioeconomic section addresses the following subjects (at the following pages of Attachment 1):

♦ Historical and Archaeological Resources (HAR).....	36
♦ Parks, Recreation and Visitor-Serving Uses (PK).....	38
♦ Public Coastal Access (PA) .....	41

**RECOMMENDATION:** Staff recommends the workshop be conducted as follows:

- Staff presentation of the Built Environment and Socioeconomic element highlights.
- Public testimony (per adopted protocols attached: 3 minutes per individual, 6 minutes per organization).
- Close public testimony and conduct Commission deliberations.
- Tentatively approve proposed changes.
- Provide comments and direction to staff.
- Continue public hearing to October 10, 2011.

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## **Overview: Public Review Draft (PRD) Built Environment and Socioeconomic Policies and Amendments**

### **COMMUNITY DESIGN (DES)**

#### **Background**

The Coastal Act requires that the scenic and visual qualities of the coast be considered and protected as a resource of public importance. The protection of views to and along the coast is particularly important. Communities such as the coastal villages of Marin, which are visitor destinations because of their unique characteristics, must also be protected. The visual resources of the coastal zone, both natural and manmade, can be affected by the design and siting of development, the removal or alteration of vegetation, and the placement and design of features such as signage and utility lines. Accordingly, the PRD incorporates policies to ensure that development is compatible with the existing character of the Coastal Zone and that significant coastal views, vegetation, and visually-prominent ridgelines are protected. A more detailed description of these policy areas is provided below.

#### **Concepts Continued**

1. Protection of visual resources. The protection of visual resources is a major policy concern of the Coastal Act. Section 30251 of the Act requires that the scenic and visual qualities of coastal areas be protected. LCP Units I and II contain policies which address the protection of visual resources through the establishment of various height limits, design standards, and requirements for the protection of scenic views from Highway One and Panoramic Highway. However, the policies do not apply consistently throughout the Unit I and II areas. The PRD would broaden these policies by applying them throughout the entire coastal zone (see Land Use Policy C-DES-1 and C-DES-2, Development Code Section 22.64.100.A.1 and 2). It should be noted that Policy C-DES-2 refers to the protection of views, "...both to and along the coast as seen from public viewing spaces..." During preparation of the PRD, questions were raised regarding the meaning of "public viewing spaces." Accordingly, a recommended definition for this term is provided below (see Revised Staff Recommendations).
2. Height limits. LCP Units I and II and the certified coastal zoning districts establish height limits for structures throughout the coastal zone. Generally, the coastal zone height limit is 25 feet, although more stringent height limits apply in certain areas such as the Highlands Subdivision in Stinson Beach (17 feet) or the village area of Dillon Beach (20 feet). None of the existing height limits are proposed to be changed as part of the LCP update (see Land Use Policy C-DES-4, Development Code Section 22.64.100.A.4). However, the PRD does propose an amendment to height measurements in the Seadrift Subdivision to account for Federal Emergency Management Agency (FEMA) flood hazard zone requirements, as detailed below (see New Concepts, Item 2).

3. Underground utilities. Existing LCP policies require that utility lines be placed underground in new development to protect scenic resources, except where the cost of undergrounding would be so high as to deny service. The PRD continues this policy with an added provision that also allows an exception to this requirement where undergrounding would result in greater environmental impacts (Land Use Policy C-DES-6, Development Code Section 22.64.100.A.6).
4. Protection of trees. LCP Unit II policies encourage the protection of natural features and native vegetation to the maximum extent feasible through appropriate development siting and design. The PRD would strengthen tree protection provisions through a policy that specifically requires that structures and roads be sited to avoid the removal of trees that contribute to scenic and visual resources, except where required to reduce the spread of disease or for fire safety reasons (Land Use Policy C-DES-8, Development Code Section 22.64.100.A.8). Regarding fire safety, a related *new* policy recognizes the habitat impacts that can result from defensible space requirements and promotes the minimization of fuel modification through appropriate siting and design (Land Use Policy C-DES-11, Development Code Section 22.64.100.A.11).
5. Landscaping requirements. Existing LCP policies require the re-vegetation of disturbed areas with native species and appropriate non-native plants. The proposed PRD would broaden these provisions to apply to all required landscaping with an additional clarification that non-native invasive species should specifically be avoided (Land Use Policy C-DES-9, Development Code Section 22.64.100.A.9). It should be noted that a related policy in the Biological Resources section goes further by specifying that the removal of existing non-native, invasive plant species may be required where feasible (Land Use Policy C-BIO-6, Development Code Section 22.64.050.B.4).
6. Sign regulations. The PRD would continue existing policies designed to ensure that commercial signage does not detract from the scenic resources in the coastal zone (Land Use Policy C-DES-5, Development Code Section 22.64.100.A.5). To address concerns raised regarding the proliferation of A-frame signs and other similar small free-standing commercial signage, a related program has also been added to consider amending the sign ordinance to develop size, location, and design standards for A-frame signs in coastal village areas (Program C-DES-5.a).

### **New Concepts**

1. Protection of ridgeline views. Ridgeline protection policies and zoning standards have existed in Marin County for many years. However, visually significant ridgelines are not specifically addressed in LCP Unit I or II and the ridgeline protection provisions contained in the County's planned district zoning design standards have only applied to development in certain zoning districts. In order to extend ridgeline protection to the entire coastal zone, the PRD incorporates new a ridgeline protection policy which would restrict the height and location of development near visually prominent ridgelines regardless of zoning (Land Use Policy C-DES-3, Development Code Section 22.64.100.A.3). An associated program to



work with communities to identify and map visually prominent ridgelines is also proposed (Land Use Program C-DES-3.a).

2. Seadrift Subdivision height exception. The measurement of height within the Seadrift Subdivision is more complicated than elsewhere in the coastal zone. Existing LCP Unit I policies limit development in Seadrift to one story and 15 feet in height. These requirements are implemented through the C-RSPS (Coastal, Residential, Single Family Planned, Seadrift Subdivision District) zoning governing Seadrift, which incorporates height limits for both maximum finished floor and maximum total height based on specific elevation levels above MLLW (mean lower low water), a fixed reference point, rather than existing grade, which varies from one site to another. For example, development on lots within Seadrift Subdivision No 1 and 2 is restricted to a maximum finished floor elevation of 13 feet above MLLW and a maximum total structure height of 28 feet MLLW. However, portions of the Seadrift Subdivision are also subject to separate requirements by the Federal Emergency Management Agency (FEMA) which impose *minimum* finished floor elevation standards on construction for purposes of flood safety.

Over time, conflicts have developed in some areas between the minimum finished floor height requirements of FEMA and the maximum finished floor and building height standards of the governing C-RSPS zoning. Specifically, many of the properties located on the seaward side of Seadrift Road are at least partially located within a FEMA special flood hazard zone (or V zone) where the minimum finished floor elevations required by FEMA exceed the applicable zoning standard. Since the strict application of the maximum finished floor height standard required by zoning would preclude the construction of a house that complies with mandatory FEMA requirements, Variance approvals are required for each new or substantially enlarged residence on lots within these special flood hazard zones (i.e. most of the oceanfront lots in Seadrift). Similarly, FEMA requirements in combination with the zoning maximum overall height standard often restrict or preclude the use of standard plate heights and moderately pitched roof elements.

To address this persistent conflict, the PRD proposes that within areas of the Seadrift Subdivision located with a FEMA special flood hazard zone, the 15 foot maximum building height should be measured from the minimum finished floor elevation required by the applicable FEMA flood hazard zone designation (Land Use Policy C-DES-4, Development Code Section 22.64.100.A.4 and Land Use Policy C-EH-11). This modification would maintain the one story, 15 foot height standard established by LCP Unit I while allowing compliance with mandatory FEMA regulations without the need for an expensive and time-consuming Variance application for each residence. In those areas of Seadrift outside of special flood hazards zones, height measurement and standards would remain unchanged.

It should be noted that the Environmental Hazards Chapter contains a related policy regarding Variances resulting from FEMA requirements elsewhere in the Coastal Zone, which will be addressed as part of the Natural Systems and Agriculture Section in a subsequent hearing.

3. Exterior lighting. Exterior lighting is not specifically addressed in the existing LCP. However, the undisturbed natural nightscape is an important characteristic of the coastal zone. To ensure that outdoor lighting does not detract from enjoyment of the night sky, the PRD incorporates a policy which requires that exterior lighting needed for safety reasons be minimized or designed to prevent adverse lighting impacts on surrounding properties or the rural character of the area (Land Use Policy C-DES-7, Development Code Section 22.64.100.A.7).
4. Gated communities. The potential development of gated communities was not anticipated in the existing LCP. To address this issue, the PRD incorporates a policy adapted from the Countywide Plan which prohibits the establishment of gated communities in the coastal zone (Land Use Policy C-DES-10, Development Code Section 22.64.100.A.10).

### **Revised Staff Recommendation**

As mentioned previously, during preparation of the PRD there was interest in clarifying the meaning of the term “public viewing spaces” as used in proposed visual resource protection policy C-DES-2. A slightly different version of this term, “public viewing *places*” can be found in an existing LCP Unit II policy related to the siting of structures (Land Use Policy 3.2, p 207), but the term is not further defined. However, both LCP Unit I and Unit II reiterate that with respect to visual resources, the primary concern of the Coastal Act is to protect views to scenic resources *from public roads, beaches, trails, and vista points* (emphasis added). Land Use Policy C-DES-2 already identifies Highway One, Panoramic Highway, and Sir Francis Drake Boulevard as the primary public roadways in the Coastal Zone. Accordingly, staff is recommending that the term “public viewing spaces” be defined to mean, “parks, beaches, trails, and vista points that are in public ownership.”

## COMMUNITY DEVELOPMENT (CD)

### **Background**

Coastal Act policies provide that new residential, commercial, or industrial development, in general, shall be located within, contiguous with, or in close proximity to existing developed areas. If existing developed areas are not able to accommodate it, then development may be located elsewhere as long as adequate public services are available and significant adverse effects on coastal resources will not result. Furthermore, Coastal Act policies set certain priorities and standards for new development, for instance by limiting strictly the types of land uses that may be allowed in wetlands or other sensitive areas.

The community character of Marin County's coastal villages is important to both residents and visitors. The PRD continues to guide proposed development toward existing villages in an effort to preserve the natural landscape. PRD policies ensure that new development is consistent with the character of the surrounding community and maintains village limit boundaries in order to concentrate development and avoid sprawl. In addition, service constraints and the large amount of publicly owned land will act as a natural restraint to future development. A more detailed description of the proposed changes is provided below.

### **Concepts Continued**

1. Location and density of new development. The location and density of new development is a major policy concern of the Coastal Act. Section 30250(a) of the Act provides that new development shall be located within, contiguous with, or in close proximity to existing developed areas or in areas with adequate public services and where it will not have significant adverse affects on coastal resources. Units I and II sufficiently addressed this concept by establishing community expansion boundaries for each of the villages (renamed village limit boundaries), recommending a variety of zoning changes and standards for development, and by requiring that adequate public services, such as water supply, sewage disposal, and road access and capacity, are available to serve the proposed development. Land Use Policy C-CD-2 directs new development to be located close to existing development, while Land Use Policy C-PFS-1 requires adequate services prior to approving new development (Development Code Section 22.64.110.A.1 and A.2). This latter policy is discussed in more detail in the Public Facilities and Services section.
2. Village limit boundaries. Section 30241 of the Coastal Act requires that stable boundaries separating urban and rural uses be established to preserve existing agricultural lands for agricultural use while Section 30250(a) allows for reasonable growth within established developed areas through infill and limited expansion. Only rural or low density development is to be permitted outside of these boundaries. The villages of Olema, Point Reyes Station, Inverness, Tomales, Marshall, and Dillon Beach had village limit boundaries certified by the California Coastal Commission based on the unique characteristics of each area. However, similar boundaries were not prepared for the Unit I villages of Muir Beach, Stinson Beach,

and Bolinas since the surrounding parklands act as development barriers. The village limit boundaries are maintained since they are essential to maintaining existing development while allowing for planned and orderly growth within village areas where facilities and infrastructure already exist. However, minor changes have been made to the boundaries for Point Reyes Station, Inverness, and Olema to exclude publicly owned lands. In addition, village limit boundaries have now been drawn for the communities of Muir Beach, Stinson Beach, and Bolinas. As provided by Development Code Section 22.64.110.A.9, Land Use Policy C-CD-11 describes the criteria used to establish the village limit boundaries while Land Use Policy C-CD-12 defines the boundaries for each village area.

3. Non-conforming uses and structures. Units I and II do not contain policies addressing non-conforming uses. However, standards and regulations for non conforming uses are provided in Chapter 22.78I of the Interim Zoning Code. Under the proposed Development Code Amendments, provisions related to non-conforming structures, uses and parcels would now be contained in Chapter 22.112, which would apply throughout the County, not just in the Coastal Zone. There are no substantial differences between the existing provisions of Chapter 22.78I and those of Chapter 22.112 with the exception of the method of calculating the value of repair and maintenance work done to nonconforming structures. Specifically, under Chapter 22.112, the value is based on “fair market value” of the structure for the fiscal year in which the repair is undertaken, where previously (under Chapter 22.78I) it was based on the building’s appraised value according to the appraisal of the County Assessor for the fiscal year in which the work is done. This change would provide for a more reasonable determination of value. In addition, a condition allowing a non-conforming use to be reconstructed if damaged or destroyed by a natural disaster or an emergency provides for a period of up to 12 months of the date of damage for the reconstruction to occur, where previously no time limit was provided. To reflect existing practice and provide a basis for the implementation of Chapter 22.112, a policy addressing non-conforming structures and uses had been added to the Land Use Plan (Land Use Policy C-CD-5 and Development Code Section 22.64.110.A.4, which refers to Chapter 22.112 – Non-conforming Structures, Uses, and Parcels).
4. Standards for development on the shoreline of Tomales Bay. The shoreline of Tomales Bay is considered one of the more sensitive areas with development potential, with many narrow shoreline lots with steep or sloping terrain and sandy or rocky beaches. To minimize impacts from the blockage of public physical and visual access to the water, among other issues, height limitations and standards of development were established in Unit II for all development along the shoreline of Tomales Bay. These standards, which limit the height of structures to 15 feet, have been carried forward in Land Use Policy C-CD-6 (Development Code Section 22.64.110.A.5). However, it should be noted that the process for measuring the maximum height of a structure has changed to be consistent with the method used for areas outside the Coastal Zone, as defined in “Height” in Chapter 22.130 – Definition.

The standard for the replacement of structures destroyed by disaster was also carried forward. Similar to height, the policy was broadened to apply to the entire Coastal Zone, not just specific to Tomales Bay, with a minor modification to the size allowance to clarify when a

coastal permit may be waived, as shown in Land Use Policy C-EH-24 (Development Code Section 22.68.050.C).

5. Structures on public trust lands. Units I and II allowed the reconstruction of existing structures on public trust lands if damaged and destroyed by natural disaster. However, the construction of new single-family dwellings (on public trust lands) is not considered an appropriate use and, therefore, is not allowed. This policy remains unchanged and is carried forward as shown in Land Use Policy C-CD-7 (Development Code Section 22.64.110.A.6).
6. Shoreline structures and piers. Shoreline structures are regulated in Coastal Act Section 30235, which limits the purposes for when such structures can be built. For new piers and other similar recreational and commercial structures, Unit II provided criteria for when such piers would be allowed. Unit I did not contain such language. The Unit II language has been carried forward and now applies to the entire coastal zone, as shown in Land Use Policy C-CD-8 and Development Code Section 22.64.110.A.7.

Similarly, Unit II also addressed public access requirements to shoreline structures. Specifically, the existing LCP required public access to new piers or similar recreational or commercial structures unless such access would interfere with commercial fishing or similar operations on the pier, or would be hazardous to public safety. A public access easement from the first public road across the applicant's property to the pier would also be required. This language has been carried forward to Land use Policy C-CD-9 and Development Code Section 22.64.110.A.7.

7. Subdivision of beachfront lots. Unit I prohibited both the subdivision of beachfront lots as well as the construction of fences, signs or other structures seaward of any existing or proposed development due to impacts on public and private use of the beach. The language remains intact and now applies to the entire coastal zone as shown in Land Use Policy C-CD-10 and Development Code Section 22.64.110.A.8.
8. Zoning maps. A Local Coastal Program is defined to include a local governments land use plan, zoning ordinances, zoning district maps, and other implementing actions. The zoning maps are required to conform with and be adequate to carry out the provisions and policies of the Land Use Plan. With any Coastal Permit, the County must make findings that the proposed development conforms to the certified LCP, which includes the zoning maps. The California Coastal Commission has certified the zoning maps for Marin's Coastal Zone, which are on file at the Marin County Community Development Agency. No changes to the zoning maps are proposed at this time; any amendments would be required to be reviewed and certified by the Coastal Commission in a separate process. Zoning in the Coastal Zone can be viewed online via a Geographic Information Systems application here: <http://199.88.77.39/dataviewer2/> [Note: the map may load slow. Also, some layers may not be visible at the current map scale (zoom level). These layers are called scale dependent. You may need to zoom in or out to see a particular layer displayed, even if its check-box is checked to draw. See "Help" on the map application's top right navigation bar for further assistance.]

The zoning maps show the zoning applied to the site and whether the site is subject to limitations on maximum residential density. Chapter 22.62 – Coastal Zoning Districts and Allowable Uses, describe the allowable land uses and coastal permit requirements and regulations for each zoning district, which are detailed in Tables 5-1-a through 5-3-f.

The format of the allowable use sections has been modified to reflect the structure and nomenclature of the Development Code that applies to the rest of Marin County. This format tends to break down basic uses into constituent parts, to allow more specific standards to be applied to control impacts and other effects (see Chapter 22.32). While they may be named differently, the majority of uses certified by the Coastal Commission in the category of Principal Permitted Uses (PPUs) are carried forward as PPUs. The certified zoning designations generally did not have a “permitted use” category, listing instead “conditional uses” that require a Use Permit in addition to a Coastal Permit. Attachment \_\_\_\_ compares the use categories for each of the zoning districts related to the Built Environment.

### **New Concepts**

1. Land use maps. Land use maps designate the kinds, location, and intensity of land use for each lot in the Coastal Zone. New land use maps, based upon the land use maps in the Marin Countywide Plan ([www.future-marin.org](http://www.future-marin.org)), have been added to the Local Coastal Program since such maps were not previously included as part of the LCP. See Map Set 18a – 18m Land Use Policy Maps. The land use categories include agriculture, residential, commercial and mixed use, public facility, quasi-public facility, and open space. The intensity of residential land use is described by density (number of dwellings per acre) while intensities for non-residential uses are described by floor area ratio. The land use categories are described in more detail in Land Use Policies C-CD-22 through C-CD-26, including standards for population density and building intensity, as well as examples of consistent zoning designations. See Chapter 22.130 – Definitions for the definition of “density” and “floor area ratio.” While including the maps as part of the LCP is a new step, no changes to any land use designations are proposed at this time.
2. Community Plan policies. A number of new policies have been added to the Land Use Plan based on the review of each of the village’s community plans. These policies stood out because the content either tended to repeat among the various community plans, creating a trend, or the topic was important or significant enough to apply to the entire coastal zone. In all cases, the policies provide guidance to ensure new development is consistent with the character of the surrounding community. These new policies are as follows:
  - C-CD-13 Chain Store Operations. This policy discourages the establishment of chain store operations that are not consistent with the existing character of the surrounding community (Development Code Section 22.64.110.A.10).
  - C-CD-14 Limited Conversion of Visitor-Serving Enterprises. This policy discourages the conversion of establishments providing visitor-serving overnight accommodations into time shares, clubs, or condominiums (Development Code Section 22.64.110.A.11).

- C-CD-15 Residential Character in Villages. This policy discourages the conversion of residential to commercial uses in coastal villages, unless such conversion is allowed under the applicable zoning code. In such cases the architectural style of the home should be preserved (Development Code Section 22.64.110.A.12).
  - C-CD-16 Maintenance of the Rural Character of Roadways. This policy limits sidewalk, curb, and similar roadway improvements within the downtown areas of Point Reyes Station, Stinson Beach, and Tomales (Development Code Section 22.64.110.A.13).
  - C-CD-17 Commercial Development on Highway One. This policy discourages commercial strip development along Highway One (Development Code Section 22.64.110.A.14).
  - C-CD-18 Visitor Notification. To address visitor related traffic congestion within the coastal villages, this policy suggests notifying visitors of highway and parking conditions in coastal communities before visitors commit themselves to Highway One. Electronic signs, a regularly updated website, and other telecommunication methods to provide real time information could be used.
  - C-CD-19 Windbreaks. This policy discourages new wind breaks along Highway One to preserve coastal views (Development Code Section 22.64.110.A.15).
  - C-CD-12 Lighting for Recreational Use. This policy prohibits the use of night lighting for privately-owned recreational facilities such as tennis courts, sports courts, and other similar outdoor recreational activity areas to avoid glare and noise intrusion from the nighttime use of such areas and to minimize disruption of the surrounding ecology (Development Code Section 22.64.110.A.16).
3. Density bonuses. Density bonuses, which allow for an increase in the number of dwelling units over the base density, would be allowed for the construction of affordable housing in the Coastal Zone consistent with Government Code Section 65915 and Coastal Act Section 30604(f), and the density bonus provisions in Chapter 22.24 (Affordable Housing Incentives). This would be allowed to the extent that such density increases would not adversely impact coastal resources consistent with new Land Use Policy C-CD-27 and Development Code Section 22.64.130.A.2.

Please note that the Planning Commission is currently in the process of reviewing amendments to Chapter 22.24 – Affordable Housing Incentives. Consequently, the provisions of this chapter may be subject to change. The Public Review Draft Land Use Plan and proposed Development Code Amendments will be updated accordingly once Chapter 22.24 is adopted by the Board of Supervisors.

## COMMUNITY SPECIFIC POLICIES

### **Background**

The Marin County Coastal Zone is home to distinctive towns and villages that have a strong sense of place with unique characteristics. The character of these communities depends in large part on their physical setting, the nature of land uses within them, and their visual appearance. The desire to maintain local community character is reflected in the various Community Plans that have been prepared for these communities with the strong participation of the residents of each respective area. The Community Specific policies that follow have, in most cases, been drawn from the County-adopted Community Plans, and their inclusion here is a means of ensuring that applicable land use policies of the Plans are firmly rooted in the Local Coastal Program (LCP). In this regard, local community groups and organizations were engaged throughout the update process in the crafting of the policies. In addition, a number of existing community specific policies from Units I and II have been maintained or slightly amended. A more detailed description of which policies have been carried forward, in addition to proposed changes, are described below in more detail.

### **Concepts Continued**

#### **Stinson Beach**

1. Community character. Unit I recommended a number of rezonings in the Stinson Beach area to protect and maintain the existing character of the community, minimize septic tank issues, minimize flood hazards and adverse impacts on Easkoot Creek, assure protection of the marsh areas adjacent to Bolinas Lagoon, and preserve the natural sand dunes and sandy beach areas located seaward of Mira Vista. These rezonings have been implemented and no additional rezonings are recommended. However, in recognition of the continued significance of the intent of those rezonings, the PRD includes a policy to maintain the existing character of residential and small-scale commercial development in the community in C-SB-1. Section 22.66.040 – Stinson Beach Community Standards implements this policy.
2. Seadrift. Unit I included a number of policies addressing the location and density of new development in the Seadrift subdivision, including other policies relating to access, visual compatibility, and water quality. These policies are carried forward, with amendments, in C-SB-3 and in Section 22.66.040 – Stinson Beach Community Standards.

#### **Bolinas**

Bolinas Gridded Mesa Plan. The Bolinas Gridded Mesa Plan was certified by the California Coastal Commission on March 27, 1985 to address development on the Gridded Mesa. The Plan was prepared within the framework of the goals, policies, and objectives of the 1975 Bolinas Community Plan as well as the LCP. Land Use Policy C-BOL-3 requires new construction and the redevelopment and rehabilitation of existing structures on the Gridded Mesa in accordance with the adopted policies of the Gridded Mesas Plan. This policy is implemented through Section 22.66.050 – Bolinas Community Standards.



## Olema

Community character. Unit I contained designed standards for the hillside area of Olema to minimize impacts on the site. These standards have been carried forward in C-OL-1 and are implemented through Section 22.66.060 – Olema Community Standards.

## Point Reyes Station

Visitor serving and commercial uses. Unit II recognizes Point Reyes Station as the commercial center of the Unit II coastal zone and encourages the development of additional visitor-serving and commercial facilities, especially the development of overnight accommodations, since none exist. Specific recommendations supporting overnight accommodations at the Grandi Building, as well as a parcel at the junction of Highway One and Point Reyes – Petaluma Road, are carried forward in Land Use Policy C-PRS-3. In addition, language supporting the rezoning of part of the downtown area to C-VCR to promote commercial infill of visitor-serving and local-serving commercial uses, is carried forward as well in Land Use Policy C-PRS-2. These policies are implemented through Section 22.66.070 – Point Reyes Station Community Standards.

## Inverness

Paradise Ranch Estates design guidelines. Unit II contains design guidelines that apply to all new development within the Paradise Ranch Estates subdivision. These guidelines address the protection of visual resources, paving and drainage requirements, and the protection of trees. While the majority of the existing language has been carried forward, minor amendments have been made to clarify and update the language. This work was done in close collaboration and consultation with members of the community. See Land Use Policy C-INV-3 and Section 22.66.080 – Inverness Community Standards.

## East Shore

Visitor-serving and commercial development. Unit II provides a number of recommendations for additional visitor-serving or commercial development on parcels within the East Shore and Marshall area, as long as such development would be compatible with the small-scale and character of existing development along Tomales Bay. This language has been maintained and carried forward, with minor amendments to update and clarify language. For example, while the recommendations for Nick's Cove continue to support visitor-serving uses on the site, the policy was updated to remove an outdated reference to zoning. Meanwhile, the recommendations for the Synanon property were deleted and replaced with updated language since the property has since been purchased by the State and is now known as the Marconi Conference Center State Historic Park. However, the language for Jensen's Oyster Beds has been deleted altogether since the property is now federally owned and part of the Golden Gate National Recreation Area.

## Tomales

Community character. Unit II recommends no additional expansion of commercial zoning for Tomales since adequate undeveloped land for visitor-serving and commercial development remained for anticipated future needs. Meanwhile, the development of overnight accommodations, such as a motel, cottages, and a hostel, is encouraged and new development is required to reflect the historic character of the town's architecture. These

recommendations have been continued in C-TOM-1 and are implemented through Section 22.66.100 – Tomales Community Standards.

#### Dillon Beach

Community character. Unit II recommends a number of potential visitor-serving uses for Lawson's Dillon Beach Resort, and would allow limited residential development provided it is developed as a secondary use in conjunction with the visitor-serving uses. These and other recommendations are carried forward to C-DB-1 are implemented through Section 22.66.110 – Dillon Beach Community Standards.

#### New Concepts

##### Muir Beach

Community character. Except for recommending changes in land use designations, Unit I did not provide specific community based standards for the community of Muir Beach. The PRD proposes a new policy to maintain the small-scale character of Muir Beach as a primarily residential community with limited agriculture and very limited commercial use (see Land Use Policy C-MB-1). This new policy is in line with the Coastal Act provision that permitted development shall be visually compatible with the character of the surrounding area. It is implemented in the Development Code through Section 22.66.030 – Muir Beach Community Standards.

##### Stinson Beach

1. Easkoot Creek. A new policy from the Stinson Beach Community Plan has been added in recognition of the unique significance of Easkoot Creek, a small perennial stream flowing into Bolinas Lagoon through Stinson Beach, which supports habitat for steelhead trout and Coho salmon. The community had been involved in several efforts to restore and protect fish habitat. This new policy recommends restoring the original channel of Easkoot Creek, as feasible, to flow into the lagoon in the vicinity of the old causeway between Calle del Arroyo and Highway One to improve the hydraulic action of the lagoon (see Land Use Policy C-SB-4). This is implemented in the Development Code through Section 22.66.040 – Stinson Beach Community Standards. Program C-BIO-5b. supports this policy by calling for a “safe harbor” provision that would allow property owners who accommodate restoration projects to maintain the pre-existing buffer boundaries.
2. Camping and hostel facilities. The provision of recreation and visitor-serving facilities, in particular lower cost and public facilities, is a high priority of the Coastal Act. The Stinson Beach Community Plan supports additional camping and hostel facilities on the surrounding Golden Gate National Recreation Area lands (GGNRA), in particular the “Christmas Tree Ranch” site near Morse Gulch, consistent with the GGNRA current General Management Plan (An updated GMP is expected to be release for comment in the Fall, 2011). See Land Use Policy C-SB-5 which is implemented through Development Code through Section 22.66.040 – Stinson Beach Community Standards.
3. Seadrift. Modifications are still in progress to update Land Use Policies C-SB-2 and C-SB-3 and Development Code Section 22.65.070 – C-RSPS Zoning District Standards (Seadrift

Subdivision) to reflect settlement agreements in Seadrift. These changes will be brought to the Commission for review in the future.

#### Bolinas

1. Community character. Unit I did not provide language addressing the community character of Bolinas. The PRD includes a new policy to maintain the existing character of small-scale residential, commercial, and agricultural uses in Bolinas. See Land Use Policy C-BOL-1, which is implemented through Section 22.66.050 – Bolinas Community Standards.
2. Development standards for the C-RCR zoning district. Bolinas is known for discouraging tourists from finding or visiting the area to prevent the community from becoming a destination in its own right. The preference is for visitor accommodations to be of local residential scale. New policy C-BOL-2, based on a policy from the Bolinas Community Plan, is added to provide standards for new development or the conversion of existing structures to hotel, motel, hostel, lodge, resort, or campground facilities. Specifically,
  - a) The degree to which facilities would become destinations in their own right (creating their own demand);
  - b) The degree to which such facilities would disrupt immediate neighbors and the community at large;
  - c) The availability of waste disposal and water services;
  - d) That access can be provided without unreasonable disturbance of resident traffic patterns;
  - e) The degree of environmental impact of the project on all natural systems but especially increased recreational use will affect beaches, reefs, waterfront lands, and other recreational areas endangered by overuse;
  - f) The degree to which architecture and landscaping conform to village scale and character.See Land Use Policy C-BOL-2, which is implemented through Section 22.66.050 – Bolinas Community Standards.

#### Olema

Community character. Unit I did not contain language addressing the community character of Olema. A new policy has been added to maintain Olema's existing mix of residential, commercial, and open space land uses and the small-scale, historic community character, as shown in C-OL-1 and Section 22.66.060 – Olema Community Standards.

#### Point Reyes Station.

1. Community character. Unit II did not provide language addressing the community character of Point Reyes Station. The PRD includes a new policy to maintain the existing mix of residential and small-scale commercial development and small-scale, historic community character in Point Reyes Station. See Land Use Policy C-PRS-1, which is implemented through Section 22.66.070 – Point Reyes Station Community Standards.
2. Criteria for new development. The Point Reyes Station Community Plan contains a number of specific development criteria for new residential development. Those criteria related to

scale and character have been added to Land Use Policy C-PRS-5, including building height, building size, and landscaping requirements. Revised staff recommendations to this policy are proposed below to add language that was mistakenly omitted when the policy was originally drafted.

### Inverness

Community Plan policies. Two policies from the Inverness Community Plan have been brought into the PRD. One such policy, Land Use Policy C-INV-2, provides standards for evaluating new visitor-serving uses, which was not addressed in Unit II. In addition, Land Use Policy C-INV-4 addresses circulation and suggests projects that might improve mobility and capacity of the existing roadway system within the community without expanding the present roadway system. While Unit II acknowledged that these transportation options should be pursued further as a means of addressing community concern regarding safety and road capacity, no specific policy recommendation was provided. These policies are implemented through Development Code Section 22.66.080 – Inverness Community Standards.

### East Shore

Community Plan policies. A number of new policies derived from the East Shore Community Plan have been added to the PRD based on input from the East Shore Community Group. These policies seek to:

- Identify and protect significant stands of trees in the East Shore planning area (Land Use Policy C-ES-2),
- Require prioritizing water-related uses over other uses along the shoreline (Land Use Policy C-ES-3),
- Limit development of commercial and public facilities to existing activity centers (Land Use Policy C-ES-4),
- Incorporate local-serving facilities in all new development, where feasible (Land Use Policy C-ES-5, and
- Require new marina development to allow local commercial and recreational boaters use of such facilities (Land Use Policy C-ES-6).

These policies are implemented through Development Code Section 22.66.090 – East Shore Community Standards.

### Dillon Beach

Lawson's Landing. Unit II provided policy guidance that Lawson's Landing is an appropriate site for limited expansion of boating facilities and overnight accommodations. This language is updated to reflect the recent Coastal Commission project approval (with conditions) for recreational and agricultural use of the approximately 960-acre property. The approved project includes 417 RV and tent spaces and 233 year-round travel trailer spaces; day use parking; boating facilities, mooring, and launching; support facilities including store, offices, recreational center, employee housing, boat sales and repair, fuel service and storage; waste water/septic system; water tanks; and road improvements; a 465 acre Natural Resources Conservation Service conservation easement; and habitat restoration activities. The updated

policy directs retaining Lawson's Landing as an important source of lower cost visitor serving access and recreational opportunities, including coastal-dependent water-oriented activities such as boating and fishing. See Item 5 below under Revised Staff Recommendations.

This would need to be added Development Code Section 22.66.1100 – Dillon Beach Community Standards

### **Revised Staff Recommendations**

Staff recommends the following additional amendments as highlighted below:

1. Add two new proposed policies to the Community Specific policies for Stinson Beach to address existing language from Unit I regarding Location and Density of New Development Policy 29, p. 79. This language was overlooked in the PRD.

**C-SB-6 R-2 Zoning.** Maintain the existing R-2 zoning in Stinson Beach in order to protect and maintain the existing character of the community.

*[Unit I Location and Density of New Development Policy 29, pg. 79]*

**C-SB-7 Repair or Replacement of Structures.** Allow the repair or replacement of existing duplex residential uses on parcels less than 7,500 square feet in the R-2 zoning district that are damaged or destroyed by natural disaster in Stinson Beach.

*[Unit I Location and Density of New Development Policy 29, pg. 79]*

Corresponding additions to the proposed Development Code Amendments to implement these two additional policies would include the following:

#### **22.66.040 Stinson Beach Community Standards**

...

**I. R-2 zoning.** Existing R-2 zoning in Stinson Beach shall be maintained per Land Use Policy C-SB-6.

**J. Repair or Replacement of Structures.** The repair or replacement of existing duplex residential structures shall be permitted per Land Use Policy C-SB-7.

2. Modify the Point Reyes Station Community Specific Land Use Policy C-PRS-5 to include criteria for building size exceptions from that were omitted from language taken from the Point Reyes Station Community Plan.

**C-PRS-5 Criteria for New Development in Point Reyes Station.** New residential development in Point Reyes Station shall meet the following criteria:

1. **Building Height.** The height limit for residential structures shall be regulated as follows: In areas other than ridge line lots, no part of a primary building shall exceed 25 feet above natural grade and no part of an accessory building shall exceed 15 feet above natural grade. New development near ridgelines shall be sited and designed so that rooflines are below the visual plane of ridges when viewed from Point Reyes-Petaluma Road or Highway One.

Where a ridge lot is too flat to allow placement of new construction below the visual plane of the ridge, up to a maximum of 18 feet above natural grade shall be imposed.

- 2, Building Size. The maximum floor area to be allowed on any lot located in the planning area shall be 4,000 square feet. Building Area shall mean the sum of the gross horizontal areas of all floors of the building or buildings measured from the exterior faces of exterior walls excluding only unenclosed horizontal surfaces, such as balconies, courts, decks, porches, and terraces. To clarify the intent of the preceding two sentences, "floor area" is defined to include the total floor area of any detached structures and the total floor area of any garage. It is not the intention of this program to make any existing building, which complied with the building regulations at the time of its construction, nonconforming with respect to floor area limitations.

- 3, Building Size Exceptions. Exceptions to maximum permitted floor area may be permitted upon a determination by the Community Development Agency Director, in consultation with the Point Reyes Station Community, that the proposed development:

- a. Maintains adequate setbacks from property lines and surrounding development;
- b. Is located on a parcel which is large enough (generally greater than one acre) to accommodate the additional floor area while maintaining consistency with the surrounding built environment with respect to height, mass, and bulk;
- c. Is adequately screened by existing and proposed vegetation;
- d. Is adequately screened by the topography of the property or of surrounding properties;  
and
- e. Would not significantly limit or reduce sun and light exposure to adjacent properties

43. Landscaping. Require landscape and irrigation plans for all new developments or major modifications to existing buildings. Where applicable, the preservation of natural habitats and installation of additional plants native to the Point Reyes Station area is encouraged. Proposed trees and shrubs, when mature, should not deprive adjoining properties of views or sunlight. Weedy and/or invasive plants such as Eucalyptus, Acacia, Monterey Pine and Pampas Grass are discouraged. The choice of plants should be guided by the Point Reyes Station Landscaping Guide, Appendix K, in the Point Reyes Station Community Plan.  
(PC app. 07/29/10)

*[New - Not in Unit I or II; adapted from the Point Reyes Station Community Plan Programs RL-3.3b, c and e p. 32 - 33]*

3. Add a new policy to the Community Specific policies for Point Reyes Station to address the development standards for the Point Reyes Affordable Homes project, which was certified by the Coastal Commission as a mixed use development on an 18.6 acre site. The language defines the types of land uses and development allowable on the site. The existing Unit II policy was mistakenly omitted from the PRD.

**C-PRS-7 Point Reyes Affordable Homes Project**. Development of the 18.59-acre property consisting of Assessor's Parcels 119-260-02 through 06 (formerly 119-240-45), 119-240-02 through 13 (formerly 119-240-46, 57, and 58) and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E, shall be subject to the following land use

designations, as defined in the Marin Countywide Plan and further incorporated as Appendix G to the Local Coastal Program: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-NC (Coastal, Neighborhood Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

The site shall be subject to an overall single site development plan for the entire 18.59-acre area that consists of Areas A, B, C, D, E and F. The site development plan shall be subject to the review and approval of the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements:

1. The total number of residential units on the entire 18.6-acre area shall not exceed 36.
2. Area A shall be developed with a maximum of seven detached affordable and/or market-rate for-sale units ranging in size from approximately 900 to 1,155 square feet.
3. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet, with a manager's unit/community building of approximately 2,180 square feet.
4. No more than two residential dwelling units may be developed within Area C.
5. A minimum of 12 public parking spaces shall be provided within Area D.
6. A minimum of two acres shall be reserved for a future overnight visitor-serving facility, preferably providing lower cost services to the maximum extent feasible, or an alternative commercial use deemed appropriate by the Coastal Commission within Area E.
7. Future use of the approximate 18.59-acre area depicted on Exhibit E, including all wetlands shall be consistent with the Local Coastal Program, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.

*[Unit II New Development and Land Use Policy 8(b) p. 210]*

The corresponding addition to the proposed Development Code Amendments to implement this policy would read as follows:

#### **22.66.070 Point Reyes Station Community Standards**

...

**G. Point Reyes Affordable Homes Project.** Development of the 18.59 acre property consisting of Assessor's Parcels 119-260-02 through -06 (formerly 119-240-45) and 119-240-02 through 13 (formerly 119-240-46, 57, and 58) shall conform with the provisions of Land Use Policy C-PRS-7.

4. Modify the Dillon Beach Community Specific Land Use Policy C-DB-1 to include zoning designation language for Oceana Marin and Lawson's Dillon Beach Resort that was mistakenly omitted, as follows:

**C-DB-1 Community Character of Dillon Beach.** Maintain the existing character of residential and small-scale commercial development in Dillon Beach and Oceana Marin. Dillon Beach Resort, including all properties zoned C-RCR and C-RMPC between Dillon Beach Road and Dillon Creek, would be an appropriate site for new development of a modest scale, including a small motel; cafe, delicatessen, or restaurant; and day-use facilities. Due to the proximity of the site of the former Pacific Marine Station to the shoreline, it is an especially suitable area for facilities where many people can enjoy its prime location. The site offers opportunities, for example, for community services, a conference center, and youth hostel. Limited residential development would be appropriate at the Dillon Beach Resort, provided it is developed as a secondary use in conjunction with visitor-serving uses. All development shall demonstrate adequate water supply and sewage disposal, and shall be sited out of sand dunes and other environmentally-sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area. Existing C-RCR and C-RMPC zoning shall be maintained.

Maintain existing C-RCR and C-APZ-60 zoning at Lawson's Landing.

The zoning designations for the C-RMP parcels in Oceana Marin represent the low end of the residential density ranges specified in the Dillon Beach Community Plan for the respective parcels. Development at higher density ranges may be approved if subsequent studies demonstrate that additional development can be accommodated in accordance with Policies CD-4.6 and CD-10.6 through CD-10.16 of the Dillon Beach Community Plan.

(PC app. 07/29/10

*[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 3.g(1) & (2), p. 51 – 52 and New Development and Land Use Policy 8(h)(7), p. 218 (as amended )]*

5. Add new policy C-DB-2 to the Dillon Beach Community Specific Policies to provide policy guidance for Lawson's Landing as a result of the recent Coastal Commission project approval as follows:

**C-DB-2 Lawson's Landing.** Retain Lawson's Landing as an important source of lower cost visitor serving access and recreational opportunities, including coastal-dependent water-oriented activities such as boating and fishing.

*[Not in Unit I or II; adapted from the Coastal Commission staff report for Lawson's Landing, Appeal No. A-2-MAR-08-028]*

The corresponding addition to the proposed Development Code Amendments to implement this policy would read as follows:

#### **22.66.110 Dillon Beach Community Standards**

...

**C. Lawson's Landing.** Lawson's Landing shall be retained as an important lower cost visitor serving facility per Land Use Policy C-DB-2.



## ENERGY (EN)

### **Background**

Local Coastal Program (LCP) Units I and II prohibit the development of industrial and energy facilities because of their potential impacts to coastal resources. Unit I Public Services Policy 2 prohibits all “industrial and energy facilities,” while Unit II New Development and Land Use Policy 7 prohibits “major energy or industrial development ... both on and offshore,” such as oil and gas development or nuclear power plants. However, the Unit II policy exempts “alternative energy sources such as solar or wind energy” from this prohibition. Because the zoning did not provide for such industrial and energy uses when it was certified, the uses were, and are, by definition not allowed. Consequently, the policies were not carried forward. As a result of recent public discussion, it has become apparent that clarification on the issue is needed, so the Revised Staff Recommendation proposes that the original policy language be carried forward as LCP Public Review Draft (PRD) Policy C-EN-6.

Alternative, or renewable, energy development, such as that for wind and solar energy, was often much more limited in the late ‘70s/early ‘80s than it is today. It was frequently smaller in scale, low-impact, and typically developed for private use on individual properties, for which the benefits were thought to outweigh potential impacts. These smaller-scale facilities continue to be developed today, however renewable energy sources are also being utilized on a much larger scale in some cases, with facilities that can cover large areas of land and tie into public utility grids for distribution. Various types of renewable energy development require different types of facilities, with varied kinds of adverse impacts. Large solar arrays may have significantly less adverse impacts than large wind turbines, including those to visual resources, people, and wildlife. Large solar arrays are often installed on rooftops of existing development, and those mounted on the ground have an average maximum height of approximately twelve feet, thus creating minimal impact to the surrounding environment. Large wind turbines, however, can be well over 100 ft in height, have large moving parts, and can impose significant adverse impacts to visual resources and bird and bat species, among other factors.

For this reason, it is the intent of the PRD to encourage the development of certain renewable energy facilities appropriate for the Coastal Zone, but prohibit others that would significantly impact coastal resources. The PRD establishes that renewable energy facilities such as solar arrays and small wind turbines would be allowed in the Coastal Zone with measures to minimize and avoid impacts consistent with PRD Policy C-EN-5. However, other renewable energy facilities, such as large wind turbines, may have more significant impacts, and should be carefully considered before they are established as an allowed use in the Coastal Zone. As such, staff is proposing three alternatives for consideration by the Planning Commission in regard to wind turbines, or “Wind Energy Conversion Systems (WECS).” All energy production facilities in the Coastal Zone, regardless of type, would be required to be consistent with proposed PRD Policy C-EN-5, which ensures that the development of such facilities avoids or minimizes adverse impacts. The PRD also incorporates several measures from the Marin Countywide Plan to help encourage more efficient energy practices and usage, including the increased use of renewable energy resources where available.

The Coastal Act stresses the protection of coastal resources, while acknowledging that some development of energy facilities may be necessary for the social and economic well-being of the community. Proposed LCP amendments in the PRD are consistent with the Act in that they provide limited opportunity for the development of appropriate energy facilities, and encourage the use of renewable energy which in turn helps to conserve coastal resources.

### **Concepts Continued**

1. The LCP would continue to prohibit major energy development in the Coastal Zone. See PRD Policy C-EN-6 below (continued policy, inadvertently not in Public Review Draft).
2. The LCP would continue to encourage the use of renewable energy resources, where appropriate. See PRD Policies C-EN-4 and C-EN-5 (Development Code Sections 22.64.120.A.2 and A.3), and Programs C-EN-4.a and C-EN-4.b (new programs, not in Public Review Draft, proposed below).
3. The LCP would continue to ensure that proposed energy facilities do not impact coastal resources. See PRD Policies C-EN-5 (Development Code Section 22.64.120.A.3) and C-EN-6 (below).

### **New Concepts**

1. PRD Policies C-EN-1, C-EN-2, and C-EN-3 introduce new measures to encourage energy efficiency, by providing standards, education, and incentives for efficient energy practices. Introducing a higher standard of energy efficiency in the Coastal Zone is not a direct implementation of a specific section of the Coastal Act. However, by reducing the consumption of energy resources overall, these policies do in turn help to protect coastal resources, which is a primary goal of the Coastal Act.
2. PRD Policy C-EN-4 makes the use of renewable resources a priority and encourages the shift from imported energy to renewable resources where feasible. PRD Program C-EN-4.a implements Policy C-EN-4 by encouraging collaboration between the County and other agencies to identify appropriate sites for renewable energy facilities and to evaluate ways to preserve areas best suited for such uses. PRD Program C-EN-4.b also implements Policy C-EN-4 by allowing for future consideration of non-grid local-serving renewable energy systems in the Coastal Zone that would provide energy service exclusively from renewable energy resources to one or more communities. This program would not allow such systems to be permitted at this time, but would open up the possibility for a future LCP amendment to eventually permit these systems in the Coastal Zone, where appropriate. Encouraging the shift of energy consumption to more renewable resources in the Coastal Zone is not a direct implementation of a specific section of the Coastal Act. However, as stated above, by reducing the consumption of energy resources overall, these policies do in turn help to protect coastal resources, which is a primary goal of the Coastal Act.
3. PRD Policy C-EN-5 ensures that proposed energy facilities are appropriately sited and designed to avoid and minimize adverse impacts on coastal resources and communities. This

policy is consistent with Coastal Act Section 30250, which requires development to be sited so that it does not have significant adverse impacts on its surroundings, and Section 30253, which requires new development to minimize adverse impacts to life and property, maintain stability and structural integrity, protect air quality, minimize energy resource consumption, and preserve the character of coastal communities. Policy C-EN-5 is also consistent with Coastal Act Sections 30251, and 30240 through 30243, which protect various types of coastal resources such as Environmentally Sensitive Habitat Areas (ESHAs).

### **Revised Staff Recommendation**

1. Add a new PRD program to allow for future consideration of permitting new non-grid local-serving renewable energy systems in the Coastal Zone that would utilize renewable energy resources.

**Program C-EN-4.b Consider Policy to Allow the Creation of Non-Grid Local-Serving Renewable Energy Systems.** Evaluate the future implementation of a policy that would allow non-grid local-serving renewable energy systems in the Coastal Zone. Such systems would provide energy service exclusively from renewable energy resources such as solar or wind power to one or more coastal communities.

2. Revise PRD Policy C-EN-5 to include “agricultural resources” as a specific coastal resource to be protected from energy facility impacts.

**C-EN-5 Energy Production Facility Impacts.** Ensure through siting, “stealth” design and other measures that all energy production facilities are designed and constructed to avoid and minimize impacts on public health, safety and welfare, public views, community character, natural resources, agricultural resources, and wildlife, including threatened or endangered species, bat populations, or migratory birds.

3. Add a new PRD policy to carry forward the existing LCP Unit II policy language that prohibits the development of major energy or industrial facilities.

**C-EN-6 Prohibit Major Energy and Industrial Development.** The coastal zone contains unique natural resources and recreational opportunities of nationwide significance. Because of these priceless resources and the very significant adverse impacts which would result if development of major non-renewable energy or industrial development were to occur, such development, both on and offshore, is not appropriate and shall not be permitted. The development of renewable energy sources such as solar or wind may be considered where appropriate.

*(Adapted from Unit II New Development and Land Use Policy 7, pg.209)*

The corresponding addition to the proposed Development Code Amendments necessary to implement this policy would read as follows:

#### **22.64.120 Energy**

...

**B. Major Energy Facility Development.** Major energy or industrial facilities in the coastal zone shall be subject to Land Use Policy C-EN-6.

4. Determine how to address the development of Wind Energy Conversion Systems (WECS) in the Coastal Zone. Three alternatives are presented:
  - a. **Alternative 1:** Implement the Board-adopted countywide WECS ordinance in the Coastal Zone (see Marin County Ordinance No. 3548, adopted by the Board of Supervisors on 08/10/10).
  - b. **Alternative 2:** Allow Small WECS (roof-mounted, non-grid-tied agricultural, and freestanding) in the Coastal Zone, but prohibit all Medium and Large WECS.
  - c. **Alternative 3:** Allow Small WECS (roof-mounted, non-grid-tied agricultural, and freestanding) and Medium WECS up to 100 ft in height in the entire Coastal Zone, and prohibit Medium WECS over 100 ft in height and all Large WECS only within geographic appeal areas of the Coastal Zone.

Once an alternative is selected, staff will revise text in the Land Use Plan and the Development Code as appropriate, and bring back to the Planning Commission for final approval at the hearing scheduled on November 7, 2011.

**Definitions**

1. Add the following new definitions for clarification of proposed LCP amendments.

**Energy Production Facility (coastal).**

Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, solar or wind conversion, wave and tidal energy, biogas, or other source of energy.

*[Not in Draft Dev Code, adapted from California Coastal Act Section 30107]*

**Freestanding Wind Energy Conversion System (WECS).**

Any Wind Energy Conversion System (WECS) that is a self-supporting, stand-alone structure detached from any other type of structure.

*[Not in Draft Dev Code, new definition]*

**Non-Grid-Tied Agricultural Wind Energy Conversion System (WECS).**

Any Wind Energy Conversion System (WECS) used solely to pump water for agricultural uses that does not connect to a public utility grid for distribution of energy.

*[Not in Draft Dev Code, new definition]*

## HOUSING (HS)

### **Background**

Housing is a vital component of Marin's coastal communities. In particular, affordable housing supports sustainable communities by providing needed housing to the full range of the coastal zone's diverse community and workforce. The PRD continues to maintain and encourage affordable housing in the coastal zone through a number of measures, including prohibiting the demolition of deed restricted housing for very low, low, and moderate income persons, retaining small lot zoning to provide housing opportunities at less expense than larger-lot zones, and continuing to encourage second units. Proposed changes further promote affordable housing, as described in more detail below.

### **Concepts Continued**

1. Affordable housing. The PRD continues to protect and provide affordable housing opportunities for very low, low, and moderate income households by prohibiting the demolition of existing deed restricted affordable housing units as provided in Land Use Plan Policy C-HS-1. Previous LCP language was broader and prohibited the demolition of any structure providing moderate income housing so that they were not demolished merely to allow construction of newer, more expensive homes. However, this is not legally enforceable. The proposed language has been updated to only prohibit demolition of "deed restricted" units. This requirement is shown in Section 22.64.130 (Housing) of the Development Code.
2. Small lot zoning. The PRD continues to retain small lot zoning of parcels 6,000 – 10,000 square feet in the communities of Tomales, Point Reyes Station, and Olema for the purposes of providing housing opportunities at less expense than available in large lot zones. The zoning for the various communities is available online by clicking on the following link <http://199.88.77.39/dataviewer2/>. The development and resources standards for the various zoning districts are provided in Tables 5-4-a and 5-4-b in Chapter 22.64, while the minimum lot size for the (-B) combining district is shown in Table 5-5 in the same Chapter. See Land Use Plan Policy C-HS-4 (Development Code Section 22.64.130.A.4).
3. Residential second units. Residential second units are an important way to provide workforce and special needs housing. The PRD continues to support the construction of second units in both new and existing residential neighborhoods per Land Use Policy C-HS-5 (Development Code Section 22.64.130.A.5). In addition, second units continue to be limited to a maximum size of 750 square feet and are also prohibited in the Paradise Ranch Estates subdivision in Inverness due to concerns regarding road safety and emergency access. However, the Development Code Amendments propose to allow residential second units as a principal permitted use in residential zones. It is still a permitted use in the C-ARP zoning district.

Another amendment allows coastal permits for second units to be approved ministerially in accordance with State law. The current Interim Code requires a public hearing for any project which requires a public hearing or other discretionary action by the County. Since second unit applications often require some sort of Design Review or other discretionary approval, the majority of second unit applications have been required to go through the more expensive public hearing Coastal Permit process. The newly proposed Development Code Amendments add a provision that would specifically allow a second unit Coastal Permit to be processed administratively as long as a public hearing is not required for some other type of discretionary permit (see Development Code Section 22.70.030.B.4). So a Coastal Permit would still be required, but in many cases, it could be handled administratively.

In addition, another change would allow the “de minimis waiver” of Coastal Permit requirements (Development Code Section 22.68.070) under certain circumstances. Such a waiver could apply to certain cases where, for example, the second unit is created entirely within an existing structure with no other external construction or site disturbance.

Second unit standards are spelled out in Chapter 22.32.140 (Residential Second Units) while Land Use Policy C-HS-5 is referenced in Section 22.64.130.A.5 (Housing) of the Development Code.

### **New Concepts**

1. Density for affordable housing. The maximum range of density for deed-restricted housing developments that are affordable to extremely low, very low, or low income households and that have access to adequate water and sewer services would be allowed. This is consistent with the objective of the Marin County Housing Element to plan sustainable communities by supplying housing affordable to the full range of our diverse community and workforce (see Land Use Policy C-HS-2 and Development Code Section 22.64.130.A.2) In particular, providing affordable workforce housing closer to jobs in the coastal zone could reduce commute traffic on limited, narrow coastal roads including Highway 1, alleviating conflicts with coastal recreational use..

Similarly, the County provides for incentives and concessions for the construction of affordable housing. Such density bonuses for affordable housing projects would also now be allowed in the Coastal Zone consistent with Government Code Section 65915 and Coastal Act Section 30604(f), and the density bonus provisions in Chapter 22.24 (Affordable Housing Incentives) to the extent that such increases in density do not adversely impact coastal resources (see Land Use Policy C-CD-27). Both of these new requirements are shown in Section 22.64.130.A.2 of the Development Code.

Please note that the Planning Commission is currently in the process of reviewing amendments to Chapter 22.24 – Affordable Housing Incentives and these provisions may be subject to change. The Public Review Draft will be updated accordingly once Chapter 22.24 is adopted by the Board of Supervisors.

2. Inclusionary housing. Inclusionary housing requirements have been added to facilitate the improvement and development of housing affordable to all economic segments of the community, consistent with State and local law (see Land Use Policy C-HS-3 and Development Code Section 22.64.130.A.3). Specifically, residential developments in the Coastal Zone consisting of 2 or more units would be required to dedicate 20 percent of the total number of units within the development to affordable housing, consistent with Marin County Code Chapter 22.22 Affordable Housing Regulations. It should be noted that the inclusionary housing standards contained in Chapter 22.22 are also currently under consideration by the Planning Commission and Board of Supervisors. Therefore Land Use Policy C-HS-3 is subject to change. The Public Review Draft will be updated to reflect any modifications to Chapter 22.22 adopted by the Board of Supervisors.
3. Short term-rental of primary or second units. The abundance of vacation rentals in the coastal zone has raised concerns with many residents over the perceived negative impacts on community character. At the same time, vacation rentals provide an important visitor function that allows groups and families another option for overnight accommodations. The LCP does not regulate vacation rentals; however the County has added a new program to work with community groups to consider options for developing rules for restricting the use of residential housing for short term vacation rentals or bed and breakfast uses. See Land Use Policy C-HS-6 and Program C-HS-6.a.
4. Williamson Act modifications. Units I or II do not address agricultural worker housing. Government Code Section 51230.2 pertains to the Williamson Act, which allows a landowner to subdivide land that is currently designated as an agricultural preserve in order to facilitate the development and provision of agricultural worker housing. This would now be allowed if all of the following applied (see Land Use Policy C-HS-7):
  - a) The parcel to be sold or leased is no more than 5 acres
  - b) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner.
  - c) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to agricultural laborer housing facilities for not less than 30 years. That deed restriction shall also require that parcel to be merged with the parcel from which it was subdivided when the parcel ceases to be used for agricultural laborer housing
  - d) There is a written agreement between the parties to the sale or lease and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the contract executed pursuant to Article 3 (commencing with Section 51240).
  - e) The parcel to be sold or leased is (A) within a city or (B) in an unincorporated territory or sphere of influence that is contiguous to one or more parcels that are already zoned residential, commercial, or industrial and developed with existing residential, commercial, or industrial uses.
  - f) The agricultural labor housing project shall be designed to abate, to the extent practicable, impacts on adjacent landowners' agricultural husbandry practices. The

final plan for the housing shall include an addendum that explains what features will be included to meet this goal.

- g) A subdivision of land pursuant to this section shall not affect any contract executed pursuant to Article 3 (commencing with Section 51240). The parcel to be sold or leased shall remain subject to that contract.
5. Agricultural worker housing. The County supports the development of agricultural worker housing in agricultural zones, which was not addressed in Units I or II. Policy C-HS-8 and Program C-HS-8.a promote an expedited permitting process to facilitate the development of legal agricultural worker units. This topic will be discussed in more detail at the Planning Commission hearing on the topic of agricultural and allowable land uses and standards on October 10, 2011.
6. Allowed uses and permit requirements. Affordable housing would now become a principal permitted use in all coastal residential districts and commercial/mixed use districts. However, it would remain a permitted use in C-ARP and C-OA districts and a conditional use in the C-APZ zoning district. The allowed uses and permit requirements for affordable housing are shown in Tables 5-1-c, 5-2-c, and 5-3-c in Chapter 22.62.

#### **Revised Staff Recommendation:**

Policies C-HS-5 and C-HS-9 are redundant. Staff recommends deleting C-HS-9 and modifying C-HS-5 as follows:

**C-HS-5 Adjustments to Second Unit Development Standards.** Consistent with Senate Bill 1866 the requirements of California Government Code Section 65852.2, continue to enable construction of well-designed second units in both new and existing residential neighborhoods as an important way to provide workforce and special needs housing. Ensure that adequate services and resources, such as water supply and sewage disposal, are available, consistent with Policy C-PFS-1 Adequate Services. (PC app. 10/26/09)

*[Adapted from July 2009 draft Housing Element program 1.h]*

~~**C-HS-9 Second Units.** Enable construction of well designed second units in single family and multifamily residential zoning districts, consistent with parking and street capacity, as an important way to provide workforce and special needs housing. Ensure that adequate services and resources, such as water supply and sewage disposal, are available, consistent with Policy C PFS-1, Ensure Adequate Services.~~

~~(PC app. 10/26/09)~~

~~*[Adapted from CWP HS-3.24 p. 3-120]*~~

The reference to C-HS-9 is also proposed to be deleted from Section 22.64.130.A.5 of the Development Code Amendment.

Finally, to acknowledge that the County's Draft Housing Element has identified several potential affordable housing sites in the Coastal Zone, staff recommends the following revision to the final paragraph of the Background Section of the Housing Chapter:



The LCP provides several measures to address low and moderate income housing needs in the Coastal Zone, such as affordable housing provisions and retention of zoning for small lots of 6,000 to 10,000 square feet. These needs are also addressed by LCP policies that support the development of second units and agricultural worker housing where appropriate. To protect existing lower income units, the LCP also limits the conditions under which such units can be demolished, although hazardous structures may be demolished even if no replacement housing is built. Finally, it should be noted that the County's draft Housing Element identifies several sites in the Coastal Zone that could potentially accommodate affordable housing.

## **PUBLIC FACILITIES AND SERVICES (PFS)**

### **Background**

In the Coastal Zone, community water supply and sewage disposal systems are limited and exist only in some of the village areas, so most development relies on on-site sewage disposal systems and in many cases, on site wells. Accordingly, maintaining a balance between the level of development and the capacity of limited public services is essential to avoid adverse impacts such as inadequate water supply or water pollution that could result from inadequate on-site sewage disposal.

The Coastal Act addresses the provision of adequate public services in several ways. Section 30250 of the Coastal Act directs new development to existing developed areas that are able to accommodate it or to other locations outside developed areas where adequate services can be provided. So regardless of location, new development must be supported by adequate services. In addition, Section 30254 states that public works facilities should be sized to provide adequate services to development consistent with the Act, but not sized to create growth inducing effects. Furthermore, this section provides that where service capacity is limited, priority should be provided to coastal-dependent land uses, essential public services, public recreation and other visitor-serving land uses. The policies and programs of the Public Review Draft Land Use Plan are consistent with the Coastal Act in that they carry over existing LCP policies ensuring adequate services for each individual development are available prior to approval while also limiting the expansion of public services that could be growth-inducing. A more detailed description of the specific policies in this section is provided below.

### **Concepts Continued**

1. Adequate services. The existing Unit I and Unit II LCPs require that a determination of adequate services be made prior to approving new development, and proposed Public Review Draft (PRD) policies would continue that policy approach. Furthermore, the PRD would continue to provide that a lack of available services shall be grounds for denial of a project or for a reduction in density (Land Use Policy C-PFS-1 and Development Code Section 22.64.140.A.1).
2. Adequate water. With respect to water supply, proposed PRD policies would maintain existing requirements for ensuring that water wells and other water sources are determined to be adequate to support new development. Specifically, recommended policies would continue to prohibit the development of new wells in most cases where an existing public or private water system is available to serve development (Land Use Policy C-PFS-14, Development Code Section 22.64.140.A.14); require rigorous hydrological and environment studies in conjunction with applications for new wells or other water sources serving five or more parcels (Land Use Policy C-PFS-13, Development Code Section 22.64.140.A.13); provide yield and location standards for individual water wells and other domestic water sources (Land Use Policy C-PFS-16, Development Code Section 22.64.140.A.16); require Coastal Permit approval for the development of water sources including wells, streams, and

springs, unless specifically exempted or categorically excluded (Land Use Policy C-PFS-15, Development Code Section 22.64.140.A.15); and require the use of water saving devices to minimize wastewater generation and encourage the conservation of Coastal water resources (Land Use Policy C-PFS-17, Development Code Section 22.64.140.A.17).

3. Adequately sized sewage disposal systems. As noted previously, most areas of the coastal zone rely on individual on-site sewage disposal systems and the PRD would continue to require that new or expanded systems be designed and sized to meet the needs of new development, including any changes to the type or intensity in use of existing structures (Land Use Policy C-PFS-7, Development Code Section 22.64.140.A.7).
4. Expansion of public services. PRD policies would continue to require that new or expanded utility services, roads, or other public works facilities be sized to provide only the minimum necessary capacity without encouraging growth that cannot be handled by other public works facilities (Land Use Policy C-PFS-2, Development Code Section 22.64.140.A.2). However, this concept would be further strengthened by a new policy stating that special districts which provide public facilities and services be formed only where provision of the service would not induce new development inconsistent with other LCP policies (Land Use Policy C-PFS-3, Development Code Section 22.64.140.A.3). Similarly, proposed PRD policies would require a determination that adequate capacity is available for high-priority visitor-serving uses where the expansion or enlargement of community water or sewage treatment facilities are considered, a policy originally developed for Bolinas in LCP Unit I which is proposed to be extended to the entire Coastal Zone (Land Use Policy C-PFS-4, Development Code Section 22.64.140.A.4).

### **New Concepts**

1. On-site sewage disposal. Although existing Unit I and II LCP policies address the need for adequate on-site sewage disposal *capacity*, the proposed PRD amendments include a new policy which explicitly identifies protection of the quality and biological productivity of coastal waters as a factor to consider in the design, construction and maintenance of new and expanded sewage disposal systems (Land Use Policy C-PFS-6, Development Code Section 22.64.140.A.6). In addition, certain requirements of existing County waste water treatment regulations which have been amended or expanded since the existing LCP was certified would be incorporated into the PDR. For instance, variances to applicable regulations would not be permitted for sewage disposal systems on newly created lots (Land Use Policy C-PFS-8, Development Code Section 22.64.140.A.8), compliance with Regional Water Quality Control Board regulations regarding the functioning and repair of existing septic systems would be required (Land Use Policy C-PFS-10, Development Code Section 22.64.140.A.10), and new development on lots within 400 feet of a public sewer line would be required to connect to the sewer system in most cases (Land Use Policy C-PFS-5, Development Code Section 22.64.140.A.5). It should be noted that a minor change to Land Use Policy C-PFS-5 is proposed below (see Recommended Modifications Section).

2. Alternative on-site sewage disposal systems. Current county regulations related to the design and use of alternative on-site sewage disposal systems were not in place at the time the current LCP was adopted in 1980-81. Accordingly, the proposed PDR includes a new policy to provide guidance regarding the circumstances under which alternative systems may be considered, as well as standards related to their design, operation, and maintenance (Policy C-PFS-11, Development Code Section 22.64.140.A.11). A new program has also been added to reflect the County's interest in researching and implementing safe and effective innovative waste water disposal systems (see Program C-PFS-11.b).
3. Limited off-site sewage disposal. Where on-site systems that serve existing development have failed, a new PRD policy is proposed that would allow construction of an off-site system only when there is no alternative means to protect coastal water quality and appropriate controls would be in place in order to prevent new or expanded development (Policy C-PFS-12, Development Code Section 22.64.140.A.12).
4. Desalination facilities. The use of desalination as a water resource is not addressed in LCP Units I or II. In anticipation of potential proposals for desalination facilities in the future, a draft policy was prepared which proposed standards for the operation of desalination facilities in the Coastal Zone (see Attachment 4). However, the Planning Commission had serious concerns that the unique coastal resources of Tomales Bay would be adversely impacted by the development of such facilities. As a result, a new policy was incorporated in the PRD which prohibits the development of desalination facilities (Policy C-PFS-18, Development Code Section 22.64.140.A.18). It should be noted that following release of the PRD, North Marin Water District (NMWD) staff submitted comments regarding this policy which are included as Attachment 5 to this report. Specifically, NMWD has indicated that the water service they provide to the Point Reyes Station, Olema, Bear Valley, Inverness Park, and Paradise Ranch communities is subject to periodic salinity intrusion and flooding due to the location of existing wells adjacent to Lagunitas Creek. To address this issue, NMWD has requested that limited desalination be considered in the future if necessary to address drinking water quality requirements. Accordingly, the Planning Commission may wish to consider directing staff to prepare revisions to this policy which would allow potential authorization of small scale desalination projects of facilities for existing providers in limited circumstances, such as where the quality of water service to existing customers is adversely impacted.
5. Telecommunications facilities. Telecommunications facilities are not specifically addressed in LCP Units I and II. However, telecommunications towers and facilities can impact visual and natural resources. In order to minimize impacts to coastal resources, a new policy is proposed which incorporates siting and design criteria to minimize impacts on coastal views, community character, natural resources, wildlife, and public safety (Policy C-PFS-19, Development Code Section 22.64.140.A.19).

**Revised Staff Recommendation:**

Draft Land Use Policy C-PFS-5 regarding Community Sewer Systems states that new development on properties in coastal villages located within 400 feet of an existing public sewer

system should generally be required to connect to that system consistent with existing County septic regulations. In a letter dated August 4, 2010, North Marin Water District (NMWD) staff have expressed concerns that the 400 foot “threshold” contained in this policy would be problematic with respect to the sewer service they provide in the village of Dillon Beach due primarily to their sewage collection, treatment, and disposal capacity (see Attachment 5). Although the proposed policy provides for exceptions to the 400 foot connection requirement in cases where the County Health Officer determines that such a connection is legally or physically impossible, staff recommends the following minor modification to clarify that the applicable service provider may have capacity or other service limitations which would also impact the feasibility of such a connection.

**C-PFS-5 Community Sewer Systems.** Require new development within a village limit boundary to connect to a public sewer system if the sewer system is within 400 linear feet of the parcel on which development is proposed, unless the County Health Officer **or applicable sewer service provider** finds that such connection is legally or physically impossible.

(PC app. 7/29/10)

*[Not in Unit I or II; adapted from Marin County Code Sec 18.06.050]*

## TRANSPORTATION (TR)

### **Background**

Transportation networks and facilities are important not only for the efficient movement of people and goods but also in establishing the character of a community. The scenic character of the Marin County Coastal Zone is based in part on the small-scale, winding nature of Highway One and other rural coastal roads. As one progresses along these roads, incredible and often dramatic views of the ocean, beaches, mountains, lagoons and Tomales Bay come into view. To preserve the visual quality of the coast, it is necessary to maintain Highway One as a two-lane scenic road and to minimize the impacts of roads on wetlands, streams, and the scenic resources of the Coastal Zone.

In order to carry out the Coastal Act priority to maximize public coastal access while still protecting these resources, it is necessary to maintain and expand alternatives to auto transportation in the Coastal Zone. Public transit, especially services oriented to recreation sites that draw heavy visitation, is an essential component in a balanced transportation network. Bicycle and pedestrian facilities are not only an alternative to auto-dependent transportation but also are compatible with maintaining the rural, scenic character of the Coastal Zone. Bicycles and pedestrians can be accommodated with smaller facilities, and those on foot or bicycle experience more of the sights and sounds of the coastal environment around them.

The policies and programs of the PRD are consistent with the Coastal Act in that they prohibit the construction of additional highway lanes and ensure that road improvements are limited and undertaken in a way that respects their scenic environment. Instead of providing for an increase in vehicular traffic, the PRD encourages reduction of congestion through alternative means, such as limiting local parking and providing shuttle service to popular destinations. This goal is furthered by policies encouraging the expansion of the bicycle and pedestrian and supporting facilities. As a condition of new development, the PRD also encourages the procurement of trails, roadways or paths where a legally adequate nexus exists between the proposed development and the need for public access, and where land use conflicts related to new public access would not occur. To further maximize coastal access, PRD policies encourage the expansion of trails and bikeways on National Park Service lands. Transportation policies of the PRD also recognize and attempt to minimize the impacts of sea level rise on Highway One using means that are the least environmentally damaging. A more detailed description of proposed changes are discussed below.

### **Concepts Continued**

1. Roads in the Coastal Zone. Section 30254 of the Coastal Act establishes that Highway One shall remain a scenic two-lane road in rural areas of the Coastal Zone. In addition, roadway improvements (aside from repair and maintenance) are limited to slope stabilization, drainage control, and minor safety improvements such as guardrail placement and signage; expansion of shoulder paving to accommodate bicycle and pedestrian traffic; creation of slow traffic and vista turn-outs as a safety and convenience improvement; and other improvements necessary to accommodate public transit. These improvements would not be allowed to

encroach in stream or wetland conservation areas. Both Units I and II included such standards, which have been maintained in the PRD in Land Use Policies C-TR-1 and C-TR-2, and in Development Code Sections 22.64.150.A.1 and A.2.

2. Adequate public transportation. Section 30252 of the Coastal Act supports increased public access to the coast by providing and enhancing public transportation. Both Units I and II discourage excessive use of private automobiles and strongly support the development of expanded public transit and other alternative methods of transportation. The PRD carries this concept forward in Land Use Policy C-TR-10. Furthermore, Land Use Policies C-TR-4 and C-TR-5 further clarify that adequate bicycle and pedestrian links, both internally and to other parts of the county, as well as streetscape improvements and standards, should be safe and pedestrian and bicycle friendly. This is carried forward in Section 22.64.150 – Transportation.

### **New Concepts**

1. Sea level rise. The issue of sea level rise and the potential impacts on Marin County's transportation infrastructure, in particular Highway One, have recently emerged. Highway 1 is the primary access to Marin's coastal areas and is vulnerable to flooding in many low-lying areas. The rising sea level, combined with the possibility of severe weather related incidents, could cause increased inundation and more frequent flooding of roads as well as susceptibility to erosion. However, the precise local effects of climate change and how to address impacts on coastal areas is still uncertain. In order to protect Highway One and access to the coast, the PRD proposes consulting with the California Department of Transportation to identify areas that will regularly be inundated by the ocean or will be at risk from periodic inundation from storm surge and sea level rise. This could be accomplished through a combination of structural and non-structural measures, as described in Land Use Policy C-TR-3.

The Environmental Hazards section also includes a policy on sea level rise to support scientific studies that increase and refine the body of knowledge regarding potential sea level rise in the county and possible responses to it. See Land Use Policy C-EH-22.

2. New bicycle and pedestrian facilities. Although Units I and II support expansion of shoulder paving to accommodate bicycle and pedestrian traffic, expanded access and standards for new bicycle and bicycle facilities were not addressed. The facilities should achieve the following:
  - a. Connect to the existing bikeway and or trail system, including linkages to and between communities and recreation areas
  - b. Link to federal and state park trail systems, where feasible
  - c. Include trails designed to accommodate multiple use (hiking, biking, and equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized)

- d. Allow for flexible, site specific design and routing to minimize impacts on adjacent development and fragile habitat. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources.
- e. Provide connections with populated areas
- f. Provide diverse recreational and aesthetic experiences

The PRD also now encourages the installation of bike racks, lockers, or other devices for securing bicycles at beach parks, parking lots, trailheads, and other staging areas. These are described in Land Use Policies in C-TR-6 and C-TR-7 (Development Code Section 22.64.150.A.3).

- 3. Agency consultation. Due to the varied number of agencies and special districts with interests in the coastal zone, it is necessary to periodically consult with these organizations to coordinate on regional land use and transportation planning issues. In particular, transit providers with service within and to the coastal zone should be encouraged to minimize service gaps by linking such services, where feasible. This concept, which was not addressed in Units I or II, is in Land Use Plan C-TR-12. The PRD also recommends consultation with the National Park Service (NPS) regarding the feasibility of bikeways on county-maintained roads within NPS lands in Land Use Policy C-TR-9, and to reduce visitor traffic congestion in Land Use Policy C-TR-11.
- 4. Trails. Trails enhance quality of life and provide the public opportunities to enjoy the wealth of parks and open space in the coastal zone. The public trail network also provides important connections between public lands and the coastal villages. While not addressed in Units I and II, the PRD promotes the expansion of the countywide trail system as a means of providing access to or between public lands and for enhancing public trail use opportunities for all user groups, including multi use trails as described in Land Use Policy C-TR-8 (Development Code Section 22.64.150.A.4).

### **Revised Staff Recommendation**

None proposed.



## **SOCIOECONOMIC ELEMENT**

### **Background**

The people of Marin County enjoy a high quality of life, due in part to the abundance of natural and cultural resources found throughout the area. Residents and visitors in the Coastal Zone have tremendous opportunity to learn about the history of the area, as well as to take advantage of the variety of extensive parks, beaches and other recreation areas that abound here. Protection and enjoyment of coastal resources and recreational opportunities are essential components in continuing and enhancing the quality of the Marin County Coastal Zone experience. The Local Coastal Program seeks to protect resources that reflect the history of the coast, to preserve recreational opportunities for both coastal residents and visitors, and to maintain and expand opportunities for the public to access the ocean shoreline and other coastal water bodies.

The Socioeconomic section addresses the following subjects:

- ♦ Historical and Archaeological Resources (HAR)
- ♦ Parks, Recreation and Visitor-Serving Uses (PK)
- ♦ Public Coastal Access (PA)

## **HISTORICAL AND ARCHAEOLOGICAL RESOURCES (HAR)**

### **Background**

Coastal Marin played a significant role in California's history and contains extensive historical and archaeological resources. The Coastal Act contains provisions to protect archaeological resources but does not directly address the preservation of historical buildings or districts. However, Sections 30244 and 30253(5) of the Act mandate the protection of coastal communities whose special character attracts visitors. The historic architecture and aesthetic character of Marin's coastal villages are important historically, but also contribute to their attractive quality for visitors and residents alike. Accordingly, the policies and programs of the PRD carry over existing LCP policies to preserve and restore structures which contribute to the area's historic character, to ensure that new construction is compatible with the surrounding community, and to minimize impacts to archeological and paleontological resources. A more detailed description of these policy areas is provided below.

### **Concepts Continued**

1. Archaeological and paleontological resource protection. Section 30244 of the Coastal Act provides that where development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required. The proposed PRD would continue existing Unit I and Unit II LCP policies which require that the County maintain a file of known and suspected archaeological sites in the Coastal Zone and require a field survey by a qualified archaeologist to identify potential impacts and suitable mitigation measures for any development proposed in areas with known or potential archaeological and paleontological resources (Land Use Policy C-HAR-1 and C-HAR-2, Development Code Section 22.64.160.A.1). In addition, the PRD would provide increased protection for these resources with a new policy which requires on-site monitoring by a qualified archaeologist and appropriate Native American consultant during any grading, excavation, or other site disturbance (Land Use Policy C-HAR-3, Development Code Section 22.64.160.B.1).
2. Historical resource protection. As noted above, the Coastal Act does not directly address the protection of historical resources. However, Section 30253(5) of the Act mandates the protection of coastal communities that draw visitors because of their special characteristics. Existing LCP Unit I and Unit II policies protect historic structures as a way of protecting the unique qualities and character of Marin's coastal communities. The policies address both buildings located within designated "historic areas" as well as those built before 1930, and the plans include checklists and design guidelines to assist planners in reviewing proposals to alter or enlarge existing buildings as well as to guide new construction in these areas. Existing LCP policies also place limits on the demolition of pre-1930's building by requiring Coastal Permit approval, a process which allows time for the historical significance of the structure to be assessed and potentially for alternatives to demolition to be considered. The PRD proposes to continue all of these policies largely in their current form (see Land Use Policies C-HAR-4 through C-HAR-8, Development Code Sections 22.64.160.B.2 through

B.6). However, for reasons described below, the PRD would incorporate into these policies a change of nomenclature from “historic resources” to “areas and structures of special character and visitor appeal” as a means to both avoid confusion regarding the technical definition of a “historic” structure or district as well as to more closely align with the Coastal Act’s mandate to protect coastal communities that are visitor destinations due to their special character.

### **New Concepts**

1. Areas and structures of special character and visitor appeal. The architectural character of Marin’s coastal villages is formed largely by structures built in the 19<sup>th</sup> and early 20<sup>th</sup> century. Accordingly, the existing LCP Unit I and Unit II policies and the accompanying Design Guidelines focus on structures from those eras. The Design Guidelines do not address structures of more recent vintage, such as those built in the mid-20<sup>th</sup> century, even though such structures are now potential candidates for listing on the National Register of Historic Places maintained by the National Park Service. (The National Park Service generally deems buildings built more than 50 years ago to be of potential historical significance, although listing on the National Register of course depends on the specific facts of the building or site in question). As described above, the PRD retains the existing policy goal of addressing all structures within designated coastal villages as well as pre-1930s structures inside or outside the villages. However, to clarify that the focus of the PRD continues to be on the villages and structures that largely took their form in the 19<sup>th</sup> and early 20<sup>th</sup> century, and not on more recent structures exhibiting styles such as “mid-century modern,” the PRD would substitute new terminology for those resources. Instead of describing “historic areas” and “historic structures,” the PRD now refers to communities and structures of “special character” and “visitor appeal” (see Land Use Policies C-HAR-4 through C-HAR-8, Development Code Sections 22.64.160.B.2 through B.6). As a result of this change, the PRD policies would more closely correspond with the Coastal Act’s mandate by protecting the turn of the century character that attracts visitors and makes Marin’s coastal villages unique.

### **Revised Staff Recommendation**

None proposed.

## **PARKS, RECREATION, AND VISITOR-SERVING USES (PK).**

### **Background**

The Local Coastal Program (LCP) Public Review Draft (PRD) encourages the provision of a wide range of recreational opportunities, while balancing recreational use with the protection of natural resources and community character. Proposed LCP policies address the growing demand for coastal recreational opportunities, by supporting both public recreational and commercial facilities, including overnight accommodations and opportunities of low and moderate cost. The conversion of visitor-serving uses into less publicly accessible uses is discouraged, as is the conversion of second units and affordable housing to overnight accommodations.

The LCP Units I and II contain an inventory of visitor-serving overnight accommodations that provides the visitor capacity of twelve individual businesses. According to this inventory, at the time of the LCP certification, there were a total of 84 hotel/motel/inn/bed & breakfast rooms, 235 campsites, 331 RV-trailer sites, and 40 hostel beds available to rent in the Marin County Coastal Zone. Since that time, that number has grown significantly, providing a substantial increase in the availability of overnight accommodations for visitors to Marin's coast. As of August 2011, an updated inventory of such accommodations reflects that there are now 430 hotel/motel/inn/bed & breakfast rooms, 1119 campsites, 80 RV-trailer sites, and 56 hostel beds available to rent in the Coastal Zone. In addition, there are a number of private rentals available to the public throughout various coastal communities. There are an estimated 354 such rentals that together provide a visitor-capacity for approximately 2,601 persons. This updated inventory, compared to that in the existing LCP, reflects considerable growth of overnight accommodations in the Coastal Zone, and confirms that the LCP has been successful in providing such visitor-serving uses in abundance, as mandated by the Coastal Act. See Attachment 6 for the comparison of visitor-serving overnight accommodations then and now.

### **Concepts Continued**

1. Commercial and mixed uses. The LCP would continue to provide for mixed-use, residential and commercial development in the commercial areas of the coastal villages, consistent with the established character of the villages. See Land Use Policies C-PK-2 and C-PK-3 (Development Code Section 22.64.170.A.2 and A.3).
2. Bed and breakfast inns. The LCP would continue to support Bed and Breakfast facilities in the Coastal Zone. See Land Use Policy C-PK-6 (Development Code Section 22.64.170.A.6).
3. Public recreation. The LCP would continue to require that public recreational development does not adversely impact coastal resources. See Land Use Policy C-PK-8 (Development Code Section 22.64.170.A.8).
4. Federal and state parks. The LCP would continue to provide general direction for federal and State parklands, with somewhat more detailed guidance being provided for State lands than was previously established in LCP Unit II. This is due to the fact that development on State

parklands is subject to a Marin County Coastal Permit, but development on federal parklands is not. See Land Use Policies C-PK-10 and C-PK-11 (Development Code Section 22.64.170.A.9 and A.10).

5. County parks. The LCP would continue to support existing County parks in the Coastal Zone, as well as planning for additional County coastal parks. See Land Use Policies C-PK-12 and C-PK-13 (Development Code Section 22.64.170.A.11).
6. Boating facilities. The LCP would continue to support commercial fishing and recreational boating. See Land Use Policies C-PK-15 and C-PK-16 (Development Code Section 22.64.170.A.13 and A.14).

### **New Concepts**

1. Lower cost recreational facilities. Proposed Land Use Policies C-PK-1 and C-PK-7 provide general support for the provision of visitor-serving and commercial recreational facilities designed to enhance public opportunities for lower-cost coastal recreation, which is a provision that is lacking in LCP Units I and II (see Development Code Section 22.64.170.A.1 and A.7). In particular, the proposed policies support the protection of existing low-cost facilities, and discourage their replacement with new higher-cost visitor uses. This is consistent with Coastal Act Section 30213, which requires the protection, encouragement, and provision of low-cost visitor and recreational opportunities in the Coastal Zone. This is also consistent with Section 30210, which requires that the maximum public access and recreational opportunities possible be provided in the Coastal Zone.
2. Visitor-serving facilities. Proposed Land Use Policies C-PK-4 and C-PK-5 encourage small-scale tourist-oriented businesses, rather than large tourist facilities, within coastal villages and support a balance between visitor-serving and local-serving facilities (see Development Code Section 22.64.170.A.4 and A.5). This is consistent with Coastal Act Section 30253, which requires that development be consistent with existing community development and character in order to preserve the quality of coastal villages as visitor destinations.
3. Agency coordination. Proposed Land Use Policy C-PK-9 encourages collaboration between the County and park agencies for the planning and maintenance of public parks, recreation areas, and coastal accessways. This is consistent with Coastal Act Sections 30210 and 30213 in that it helps to protect and maintain existing recreational opportunities and facilities in the Coastal Zone.
4. California Coastal Trail. Proposed Land Use Policy C-PK-14 supports the completion of the California Coastal Trail through the County of Marin, from north to south, and provides criteria for the suitable alignment of the Trail (Development Code Section 22.64.170.A.12). This is consistent with Coastal Act Section 30210, which requires that the maximum public access and recreational opportunities possible be provided in the Coastal Zone.

## **Revised Staff Recommendation**

1. Propose new Program to evaluate the need to establish criteria and standards for allowing bed and breakfast operations in certain zoning districts to host or provide facilities for gatherings such as weddings.

***Program C-PK-6.a Standards for Bed and Breakfasts to Host or Provide Facilities for Private Gatherings.*** Work with community groups to evaluate the frequency, size and scope of gatherings at bed and breakfast inns to develop criteria and standards to allow bed and breakfast inns to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats on agriculturally zoned properties.  
*[New program, not in Unit I or II]*

## **Definitions**

No new definitions related to this chapter are proposed. The existing definition of “Visitor-serving facility” in Article VIII is consistent with the definition found in the Coastal Act.

## **PUBLIC COASTAL ACCESS (PA)**

### **Background**

The Coastal Act strongly affirms the public's interest in protecting and expanding opportunities for public access to and along the shoreline. The Unit I and II plans both address public access, but the two plans are inconsistent in some respects and they lack policies that address certain key issues. For instance, the Unit I and Unit II plans focus narrowly on securing additional public coastal accessways through the approval of new development projects. Furthermore, the Unit I and Unit II plans fail to address the needs of persons with disabilities and other design and maintenance issues.

The Public Review Draft builds on existing LCP policies and augments them in order to protect existing coastal access, expand coastal access in conjunction with new development or as other opportunities arise, and assure a variety of coastal accessways. Furthermore, the PRD addresses the impacts of coastal accessways on their surroundings, as well as the potential impacts of new development on the users of accessways.

### **Concepts Continued**

1. Protect coastal accessways. The Public Review Draft Land Use Plan affirms the importance of keeping existing coastal accessways open to the public; see Policy C-PA-16. The Unit II plan contained a similar provision in Public Access policy #1, although a parallel policy did not appear in the Unit I plan.
2. Recommended additional public coastal accessways. Because of the existence of extensive shoreline parks, many opportunities for access to and along the coast already exist in Marin County. Nevertheless, the Coastal Act requires maximum public access, including the provision of public access to the shoreline in new development projects, with specified exceptions, and the protection of existing rights of access to the sea where acquired by use or legislative authorization. Therefore, it is appropriate for the Public Review Draft Land Use Plan to include a list of additional public accessways that should be considered. The Unit I and Unit II plans contain such lists, and those have been consolidated into one document that addresses the entire County coastal zone; see Appendix 5 of the PRD. Land Use Plan Policy C-PA-6 and Development Code Section 22.64.180.B.3 provide for the acquisition of additional public coastal accessways consistent with the priority list in PRD Appendix 5.
3. Public coastal access in new development. The Public Review Draft Land Use Plan provides that new development projects shall be examined during coastal permit review for potential requirement of coastal access in connection with the development. Such review would address whether a nexus exists between the impacts of the proposed development and the provision of public access; see Policy C-PA-2 and Development Code Section 22.64.180.B.1. Where a nexus exists, any possible exemptions from the requirement for public coastal access must be explored; see Policy C-PA-3. Those potential exemptions from the requirement of public coastal access are based on provisions of the Coastal Act, such as

where specific findings are made that public access would be inconsistent with public safety, military security, or the protection of fragile coastal resources, or where agriculture would be adversely affected.

4. Public accessways and privacy. The third paragraph in PRD Policy C-PA-3 addresses the relationship of a potential public accessway and the privacy of neighboring residents. That policy states that a specific finding that public use of an accessway would seriously interfere with the privacy of adjacent residents may be grounds for not requiring public access in conjunction with new development. Such a finding must include consideration of design or management measures, such as setbacks or limited hours of use that would serve to protect privacy of adjacent residents while also providing for public access over a trail or stairway. The consideration of privacy of neighboring residents is addressed in the existing Unit I LCP in Public Access Policy #1.
5. County acceptance of offers to dedicate easements. Both the Unit I and Unit II plans provide that the County will accept, and as resources permit, open accessways where offers to dedicate (OTDs) have been made pursuant to evidence of prescriptive rights or the OTD is in a developed area where substantial use could be expected by local residents. The Public Review Draft Land Use Plan continues support for County acceptance of offered easements, but broadens the policy to include both offered easements and fee title interests in coastal accessways; see Policy C-PA-5. Furthermore, Policy C-PA-5 places first priority on opening accessways involving prescriptive rights or those located in a developed area, while also allowing County acceptance of any other OTDs and County support for finding an alternate entity to accept OTDs.
6. Varied coastal access opportunities. The Public Review Draft Land Use Plan continues support for a variety of types of accessways, including vertical access from a nearby road to the shoreline, lateral access along the shoreline, or blufftop access where appropriate; see Policy C-PA-9 and Development Code Section 22.64.180.B.1).

### **New Concepts**

1. Broad support for enhancing public access. The Unit I plan lacks a policy that affirms the County's general support for enhancing public access opportunities to the coast. The Public Review Draft Land Use Plan addresses that gap; see Policy C-PA-1.
2. Additional means of securing new public access opportunities. The Unit II plan states that requiring a public access easement as a condition of approval of a coastal permit is the "primary" means of increasing public access opportunities. By contrast, the policies of the Public Review Draft address a broader range of actions that might be taken to secure new public coastal accessways, thus reflecting changes in law and circumstances. In addition to the possible requirement of a public access easement as a condition of permit approval, options such as acquisition through public purchase, tax default acquisitions, agreements with nonprofit management entities, and voluntary land donations are explicitly recognized; see Policy C-PA-6 and Development Code Section 22.64.180.B.3. Furthermore, the PRD



requires, if feasible, the direct dedication of an accessway, rather than the cumbersome process of requiring an offer to dedicate an easement; see Policy C-PA-4 and Development Code Section 22.64.180.B.2.

3. Clarification of terminology. The Unit I and Unit II plans contain references to “accessway” and “easement” that imply that these terms are synonymous, although an easement is simply one form of land ownership of an accessway. The Public Review Draft Land Use Plan uses more accurate coastal access–related terminology. For instance, Policy C-PA-4 distinguishes between “accessway” and “easement,” and Policy C-PA-9 describes various types of accessways.
4. Appropriate design and maintenance of public coastal accessways. The Unit I and Unit II plans do not address the provision of public coastal access for persons with disabilities and the need to restore accessways that may become degraded through overuse. The Public Review Draft Land Use Plan addresses these points through the addition of new policies; see Policies C-PA-13 and C-PA-17 (Development Code Section 22.64.180.B.8). Furthermore, the Public Review Draft expands on existing provisions in the Unit II plan that touch on the importance of siting accessways to minimize impacts on sensitive habitat areas. Policy C-PA-10 provides that coastal accessways, as well as parking and support facilities, shall be sited and designed to avoid, if feasible, and only then to minimize significant adverse impacts to sensitive environmental resources, agriculture, and the surrounding community. See also Development Code Section 22.64.180.B.6 and B.8. Finally, the PRD requires the opening of coastal accessways to public use only upon adoption of suitable measures to address maintenance and liability needs; see Policy C-PA-12 and Development Code Section 22.64.180.B.7.
5. Impacts of new development on public use of coastal accessways. The Public Review Draft Land Use Plan contains a policy requiring that new development be sited and designed so as to avoid, if feasible, or to minimize impacts to users of public coastal accessways. Such impacts might include the visual impacts of large development projects adjacent to public accessways or trails. See Policy C-PA-15 and Development Code Section 22.64.180.B.9.
6. Prescriptive rights. The Unit II plan addresses potential prescriptive rights of public access to the shoreline by appearing to suggest that replacement of existing prescriptive rights of access on another site is equivalent to, or even a higher priority than, the protection of prescriptive rights of access in an existing location. The Public Review Draft places the highest emphasis on protecting such rights in place by siting new development so as to avoid an area potentially subject to prescriptive rights. Approval of development on an area potentially subject to prescriptive rights may occur only where an alternate public accessway is secured on another property in the same vicinity or an in-lieu fee for acquisition of such an accessway is provided; see Policy C-PA-7 and Development Code Section 22.64.180.B.4.
7. Effect of parking restrictions on public coastal access. The Unit I and Unit II plans do not address the potential impacts that can arise when parking restrictions are considered in locations near existing beach access points. While restrictions may address important community concerns for keeping local streets open and usable during peak beach visitation

times, they can have an adverse impact on the broader public's ability to get to the shoreline. The Public Review Draft includes a provision that requires that proposed parking restrictions near beach access points shall take into account public safety, fragile coastal resources, and the needs of the public to gain access to the coast, including potential alternatives to parking restrictions; see Policy C-PA-20.

8. Enforcement tools. The Public Review Draft includes a provision, lacking in the Unit I and Unit II plans, to address instances where public accessways or offers to dedicate accessways may become blocked over time by encroachments. In such cases, the PRD authorizes the County to seek assistance from the Coastal Commission or other entities to enforce applicable terms of public access easements or offers to dedicate; see Policy C-PA-22.

### **Revised Staff Recommendation**

1. Correct reference to corresponding Land Use Plan policy.

#### **22.64.180 – Public Coastal Access**

...

##### **B. Public Coastal Access standards.**

**1.Public coastal access in new developments.** New development located between the shoreline and the first public road shall be evaluated for impacts on public access to the coast per Land Use Policy C-PA-2. Where a nexus exists, the dedication of a lateral, vertical and/or bluff top accessway shall be required per Land Use Policy **C-PA-2** and C-PA-9 unless Land Use Policy C-PA-3 provides an exemption.

...

2. Clarify location in the LCP of the Priority List of Public Coastal Accessways.

**Land Use Plan Policy C-PA-6 Acquisition of New Public Coastal Accessways through Suitable Means.** Acquire additional public coastal accessways in order to enhance opportunities to reach public tidelands, to link publicly accessible beaches via lateral trails, and to avoid the impacts of overuse of any single area. Acquisition shall be pursued through available means including, but not limited to, public purchase, tax default acquisitions, agreements with nonprofit management entities, voluntary donation, or, when permissible, dedication as a condition of a coastal project permit. When available funds or other acquisition opportunities are limited, accessways **listed in the Appendix 5** shall receive first priority. Acquisition of accessways shall take into account the needs to protect public safety, military security, fragile coastal resources, and agriculture.

3. Clarify that improvements to public works projects are not exempt from a coastal permit.

#### **22.68.050 – Exempt Projects**

The following projects shall be exempt from the requirements of Section 22.68.030 – Coastal Permit Required.

A. Improvements, other than to a public works facility, on developed lots. The following improvements on developed lots:

1. All fixtures and other structures directly attached to an existing structure including additions resulting in an increase of less than 10 percent of the floor area of the existing structure; and
2. Structures on a residential lot normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and
3. Landscaping on the lot.

....

4. Clarify the Director's determination to include potential permit exemptions, as well as categorical exclusions, de minimis waivers, or coastal permits.

#### **22.70.030 – Coastal Permit Filing, Initial Processing**

...

B. Determination of permit category. The Director shall determine if the proposed project is categorically excluded, exempt, qualifies for a De Minimis Waiver, or requires a Coastal Permit that does or does not require a public hearing, as follows. This determination may be appealed in compliance with Section 22.70.040 – Appeal of Permit Category Determination.

5. Clarify heading of Paragraph B in Section 22.68.060 to indicate that the referred-to “appealable areas” are those that are geographically defined (that is, as opposed to projects that are appealable based on being a non-principal-permitted use).

#### **22.68.060 – Non-Exempt Projects**

...

B. Alterations within geographically defined appealable areas.

6. Add to Section 22.68.060 to clarify that non-exempt projects include those to structures originally approved through a coastal permit that provides that any future improvements would require a new or amended coastal permit, per CCC regulations 13250(b)(6).

#### **22.68.060 – Non-Exempt Projects**

...

**J.** Any improvement to a single-family residence where the development permit issued for the original structure indicated that any future improvements would require a coastal permit or coastal permit amendment.



**CALIFORNIA COASTAL COMMISSION**

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[CDA Staff Responses are shown in *blue italicized* text below]

**MEMORANDUM**

Date: August 29, 2011

TO: Jack Liebster, Marin County Community Development Agency

FROM: Ruby Pap, North Central Coast District Supervisor

RE: **Preliminary Staff Comments on Built Environment and Socioeconomic sections of the Draft LCP**

This memo provides preliminary staff comments on the Built Environment and Socioeconomic sections of the public review Draft LUP Policy Amendments and Draft Development Code Amendments June 2011 [hereafter referred to as "Draft LCP"]. I would appreciate it if you would share these comments with the members of the Planning Commission.

We have not reviewed the other substantive chapters, as it is our understanding that future Planning Commission meetings will discuss the LCP issue by issue, addressing the LUP and IP side by side. Also, the above sections and our preliminary comments have not undergone legal review. We also note that we are available to meet with you to discuss any topics or comments in order to address any questions or concerns raised. Thank you for the opportunity to comment.

**Community Design**

C-DES-3: Since the "visually prominent ridgelines" have not been mapped yet, it is unclear how this policy would be implemented in the meantime. Perhaps a definition should be provided.

*The following definition of "visually prominent ridgelines" was recently adopted by the Planning Commission for non coastal areas.*

***Visually Prominent Ridgeline.*** *A line connecting the topographic highpoints within the Countywide Plan's Ridge and Upland Greenbelt along a ridge that separates watersheds and is visible from public viewpoints from open space areas, parks, trailheads, highways, arterial roads, the bay and other water bodies.*

*The Ridge and Upland Greenbelt area designated in the Countywide Plan does not extend into the Coastal Zone. However, the PRD includes a program to work with communities to identify and map visually prominent ridgelines (Land Use Program C-DES-3.a).*

C-DES-4: This policy references the Highlands neighborhood and the FEMA special flood hazard (V) zone. We suggest that you include a map of these areas in the LCP or the implementation plan so that the policy can be accurately implemented.

*A map indicating the boundaries of the Highlands neighborhood and the FEMA special flood hazard zones in Stinson Beach will be added to the PRD.*

C-DES-5.a: It is not clear whether the sign ordinance was reviewed by Commission Staff as part of the original certification of the LCP. If it is in need of updating, it should be submitted to the Commission for certification.

*The sign ordinance (Chapter 22.28) has been modified as part of recent Development Code Amendments approved by the Planning Commission and will be provided to Coastal Commission staff.*

C-DES-7: The term “wattage” may be incorrect here if the intent is to reduce “brightness” or “glare.” Wattage is a measure of electrical power. “Lumens” may be a more appropriate term, which refers to the amount of light emitted.

*The term “wattage” is used throughout County codes and design guidelines to indicate the power levels associated with lower intensity light fixtures.*

C-DES-8 (Protection of Trees) and C-DES-11 (Minimization of Fuel Modification): We would like to note again the importance of requiring permit applicants to include the entire development envelope in their proposals, including proposed fuel modification areas, so that County planners can evaluate impacts of the entire development (including vegetation removal) for consistency with LCP policies. This idea, although we provided it in our July 28, 2010 letter, was not reflected in the draft Implementation Plan (i.e. development code). We suggest adding it to Section 22.70.030.

*Coastal Permit applicants are required to submit a site plan, landscape plan, and vegetation management plan (VMP) that would show all of the information noted above. Specifically, the VMP must indicate specific vegetation management measures including any proposed tree pruning or removal. A detailed description of these requirements is included in the Community Development Agency’s Zoning/Development Application Submittal Guide, which includes a comprehensive explanation of submittal requirements for all development applications, including Coastal Permits.*

### **Community Development**

Community Development “background:” We suggest that the entire definition of “development” be quoted directly in the background section. The existing certified LCP has extensive background sections for each chapter, and we note that much of the detail has been cut out, including a detailed discussion of buildout, its current status, and public works. These sections contained important factual findings and bases for the policies, and will likely contain the necessary information needed to evaluate the updated LCP for conformance with the Coastal Act.

*The definition of “development” is applicable to all chapters of the LCP, not just Community Development, and is provided in Chapter 22.130 (Definitions). However, per the Coastal Commission’s recommendation, the entire definition of “development” will be added to the LCP Introduction (page 2) where the concept of “development” under the Coastal Act is already referenced. As noted elsewhere, available background information will be provided as part of the Coastal Commission submission.*

C-CD-1: Coastal Dependent Development. It is unclear why the County has included this policy and not other priority use policies of the Coastal Act including 30234, 30223, 30222.5, 30222, 30221, and 30220. Since the zoning and land use designations guide the kinds and locations of development, they should implement these priority use policies. If the County is going to provide the coastal – dependent policy, it should also include the others and ensure that the land use and zoning are consistent with their direction.

*Coastal Act Sections cited refer to coastal and visitor-serving recreational uses, boating facilities, and aquaculture. Policy C-CD-1 simply establishes the priority of coastal dependent uses such as those included in these Coastal Act sections. These uses are also addressed in the Parks, Recreation, and Visitor-Serving Uses Chapter, which CCC staff acknowledges they have not finished reviewing.*

*Marin’s LCP priorities are established in two different ways: on a case-by-case basis, when a particular project is proposed, and for purposes of advanced comprehensive planning. Policy C-CD-1 and the accompanying Development Code provision are primarily intended to address the case-by-case situation, where a particular coastal-dependent use may be proposed at some time in the future, that we have no way of knowing about now. The policy indicates, for instance, that a proposed boat repair facility somewhere along Tomales Bay serving mariculture, commercial fishing and recreational boating activities should get high priority than a proposed dwelling on the shoreline.*

*In the more global sense, simply restating Coastal Act policies does not carry out the Act as well as developing Land Use Designations and Zoning Maps that identify where and how such priority uses will be accommodated. That is the case in Marin, where a vast*

*percentage of the shoreline is devoted to recreational use through inclusion in one or another public park. In addition, appropriate waterfront sites are already devoted to commercial recreation, such as Nick's Cove and the Inverness Yacht Club, aquaculture and fishing. Thus the Land Use Plan, LUP designations and Zoning maps reflects a high priority for public recreation, commercial recreation, fishing and aquaculture in the cited policies.*

C-CD-5 (Non-Conforming Structures and Uses): The proposed language confusingly addresses both nonconforming uses and development for which a vested right must first be established (commenced prior to the effective date of the Coastal Act (January 1, 1977) to be maintained or continued), omits the fact that only the Commission can determine a vested right, mistakenly allows development subject to a vested right determination to be enlarged or intensified, and incorrectly identifies which type of disaster replacement is exempt from permit requirements. Most of the detail for addressing requirements for nonconforming uses and structures should be addressed in the Implementing Codes. We can offer some examples of other certified Implementing ordinances (e.g. in the City of Malibu) which may offer some examples for standards for nonconforming uses and structures.

*A more detailed explanation of County requirements related to non-conforming structures and uses is provided in the staff report discussion (see Community Development, Concepts Continued, Item 3). However, to clarify that a determination of "vested rights" under the Coastal Act is made only by Coastal Commission, Land Use Policy C-CD-5 will be amended to eliminate the reference to the Coastal Act as follows:*

**C-CD-5 Non-Conforming Structures and Uses.** *Allow existing, lawfully established non-conforming structures or uses ~~built or commenced prior to the effective date of the Coastal Act (January 1, 1977)~~ to be maintained or continued, provided that such structures or uses are not enlarged, intensified, moved to another site, or damaged or destroyed to an extent greater than 75 percent of their fair market value. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of six months, the use shall be deemed to have been abandoned and shall lose its legal nonconforming status.*

*(PC app. 07/29/10)*

*[Adapted from Marin County Code 22.112.020 p. VII-9]*

C-CD-7 thru 9: Tidelands, former tidelands, and public trust lands are within the Coastal Commission's retained coastal permit jurisdiction. It appears that these policies refer to development within these areas. Hence, these Marin LCP policies would serve as guidance only. These policies should either be deleted or made clear that property owners/permit applicants should go directly to the Commission when inquiring about development in these areas.



*Land Use Policies CD-7 through 9 regarding shoreline structures and piers are carried over almost verbatim from existing LCP Unit II policies. Although tidelands, former tidelands and public trust lands are within the Coastal Commission's retained coastal permit jurisdiction, development in or near these areas may also be subject to other County permit requirements such as Design Review or Tidelands Permit. Therefore, the PRD proposes to retain these policies from the existing certified LCP to provide guidance to applicants with waterfront properties.*

C-CD-11 and 12 (Village Limit Boundaries): The proposed village limit boundaries for Stinson Beach, Muir Beach, and Bolinas were never certified as part of the original LCP, and therefore the characterization of them as “existing” is slightly misleading. The Commission will need to evaluate the boundaries for consistency with 30250 and other applicable Coastal Act policies. Section 30250 requires development to be concentrated in areas with adequate services where there will be no impacts, individually or cumulatively on coastal resources. In terms of the other community expansion boundaries (now called village limit boundaries) that were originally certified, it may be necessary to re-evaluate those boundaries to ensure that they are still serving their purpose and are consistent with the Coastal Act. Major criteria for determining the village limit boundaries must be the availability of services, such as water supply, sewage disposal, and transportation capacity. As a filing requirement for the LCP Update application, Commission staff will be requesting that the County provide updated buildout analyses for each community, and updated information on available services, including but not limited to groundwater studies, service area connections, and traffic studies.

*The village limit boundaries for Stinson Beach, Muir Beach and Bolinas are proposed and are shown on Maps 18a, 18b, and 18c. The original LCP did not contain village limit boundaries for these areas. Staff is preparing a land use analysis evaluating buildout of the coastal zone with information on available services. A draft of this report will be available in November 2011.*

C-CD-11 (Maintenance of Village Limit Boundaries): This provides a list of criteria the County used in setting the village limit boundaries. The information gathered and reviewed by the County in each of these categories will be helpful in reviewing the proposed boundaries in addition to the buildout and services analyses described above.

*Comment noted. This information will be provided in the draft report of the buildout analysis listed above.*

Point Reyes Station – This policy references the Point Reyes Station Community Plan of 1976. To achieve clarity and consistency with the other descriptions, we suggest the village limit description be incorporated directly into the LUP.

*Existing and proposed Point Reyes Station village limit boundaries are shown on Map 18e. The description for the village limit boundary for Point Reyes Station is derived from existing language in Unit II New Development and Land Use Policy 8(b) on pg. 210, which referenced the 1976 Point Reyes Station Community Plan. An alternative is to modify C-CD-12 (5) as follows:*

- 5. Point Reyes Station. The village limit boundary shall be defined as shown on the Point Reyes Station Land Use Policy Map 18e ~~by the 1976 community plan~~ except that lands acquired by the federal government for inclusion in the GGNRA shall be excluded. These lands shall be rezoned to C-OA (Coastal open area).*

Tomales – This policy references the Tomales Community Plan as containing the description of the village limit boundary. To achieve consistency with the other descriptions, we suggest that the description of the village limit be incorporated directly into the LUP.

*The existing and proposed Tomales village limit boundaries are shown on Map 18j. The description for the village limit boundary for Tomales is derived from existing language in Unit II New Development and Land Use Policy 8(g) on pg. 216, which references the 1996 Community Plan. An alternative is to modify C-CD-12 (8) as follows:*

- 8. Tomales. The village limit boundary shall be defined as shown on the Tomales Land Use Policy Map 18j ~~in the community plan of 1996.~~*

Dillon Beach/Oceana Marin – We note the village limit boundary is proposed to change, and we have not had time to research this change or why this is the case. As a filing requirement for the LCP Update amendment application, we will require the County to provide the substantiating information.

*The existing Dillon Beach village limit boundary is shown on the Dillon Beach Land Use Policy Map 18i. No changes to the village limit boundary are proposed. However, the strike through and underline changes in C-CD-12 (9) are intended to show changes adopted in Resolution 88-333, which the Board of Supervisors adopted on December 20, 1988.*

*For consistency purposes, the descriptions of the village limit boundaries for each area should reference the appropriate land use map, if the above changes for Point Reyes Station and Tomales are approved.*

C-CD-14 (Limited Conversion of Visitor-Serving Enterprises): We suggest that you cross reference this policy to the Parks, Recreation, and Visitor-Serving Uses (PK) policies.

*The policy will be modified as follows to add the suggested cross reference:*

**C-CD-14 Limited Conversion of Visitor-Serving Enterprises.** *Visitor-serving enterprises, particularly those which offer and provide places of overnight accommodation, shall remain available to any prospective guest on a space available basis; conversion of such places of overnight accommodations into time sharing, club, condominium or any similar restricted or limited type of occupancy shall be discouraged. (See also the Parks, Recreation, and Visitor-Serving Uses Policies C-PK-1 through C-PK-8).*

*(PC app. 07/29/10)*

*[Adapted from the Inverness Ridge Communities Plan, Commercial Land Use Policy 2.01.C, p. 38]*

C-CD-17 (Commercial Development on Highway 1): “commercial strip development” should be defined.

*This policy was originally derived from the East Shore Community Plan (Policy CD-22) and would have applied to the entire Coastal Zone. Policy C-ES-4 is a similar policy specific to the East Shore area that limits development of commercial and public facilities to existing activity centers. Therefore, staff recommends deleting Policy C-CD-17.*

~~**C-CD-17 Commercial Development on Highway One.** Discourage commercial strip development proposals along Highway One.~~

~~*(PC app. 07/29/10)*~~

~~*[Adapted from the East Shore Community Plan, Policy CD-22, p. 56; also Tomales Community Plan, 1997, Policy CD-2.4, p. IV-6]*~~

C-CD-21 (State Land Commission Notification): Public trust lands are within the Coastal Commission’s retained coastal permit jurisdiction. This policy should be deleted or modified to make clear that the Coastal Commission processes the coastal development permit in these areas. It would probably make more sense to instead have policy provisions which (1) inform applicants that they may be subject to State Lands Commission and other agency approvals in conjunction with a coastal permit issued by the Coastal Commission and (2) to establish a County process to provide input to the Coastal Commission on any items in its jurisdiction that the County does not get to review. Of course, we remain committed to working with the County to assure that our usual coastal development permit noticing process includes the County and provides an opportunity for coordination and comment.

*This is an existing policy that has been carried over verbatim from Unit I New Development Policy 38. However, it is true that this statement describes a process, not a policy. Therefore, staff recommends deleting the policy.*

~~**C-CD-21 State Lands Commission Notification.** Notify the State Lands Commission when an application for a coastal development permit is filed with the County on property identified as potentially subject to the public trust. Such notification shall be on lands shown on maps supplied by the State Lands Commission, as being potentially subject to the trust easement. The State Lands Commission shall be requested to make a statement as to whether the lands are subject to the public trust, and whether a permit or lease will be required for such proposed development, prior to the issuance of the coastal permit by the County.~~  
(PC app. 07/29/10)  
~~[Adapted from Unit I, New Development Policy 38, p. 85]~~

Land Use Categories: The proposed land use categories were never incorporated into the original certified LCP. Staff has not had time to thoroughly review these categories and maps for consistency with the Coastal Act, and we anticipate undertaking this exercise in the future. We do note, however that the land use categories are not referenced in other land use plan policies. For example, the Agriculture policies reference the zoning designations, but not the land use. For clarity sake, it would make sense to reference land use designations in these policies and then describe the zoning districts that carry them out.

*Correct, the original certified LCP did not include land use categories. Consequently, the PRD proposes Land Use Policies C-CD-22 through C-CD-26, which establishes the various land use categories. The description for each land use category includes examples of consistent zoning (but may not be the only possible consistent zoning designations). Staff proposes to modify the agricultural land use categories in C-CD-22 to include descriptions of the consistent zoning districts.*

C-CD-22 (Agricultural Land Use Categories): The consistent zoning is not described in these land use categories. This is necessary in order to determine whether the zoning is adequate to carry out the land use designations. In addition, the allowable uses in these land use designations should be provided. The agriculture chapter instead describes the allowable uses for the APZ zone, so there is a disconnect between the land use category, the agricultural chapter, and the zoning.

*As far as staff has been able to determine, the Coastal Commission certified the original LCP without Land Use Maps. Thus the emphasis has historically been on the Zoning Designations and Maps, along with the LUP policies, for the purposes of issuing coastal permits. While the Agricultural Land Use Categories reflecting the Countywide Plan were incorporated into Policy C-CD-22, the corresponding zoning designations (primarily C-APZ and C-ARP) were inadvertently omitted. This issue will be resolved prior to final Planning Commission action.*

C-CD-23 (Residential Land Use Categories and densities):

The third paragraph first sentence should reference the land use plan (LUP or LCP), not the general plan.

*This change will be made.*

Commercial/Mixed-Use Land Use Categories and Intensities

In the paragraphs describing each land use designation (except for agriculture, the following sentence is provided: “The Development Code includes permitted and conditional uses and development standards consistent with this designation.” The development code actually describes the zoning designations, not the land use designations. That should be clarified.

*This change will be made. Amend sentence noted as follows: “The Development Code includes permitted and conditional uses and development standards for the zoning districts consistent with this designation”*

Also, visitor-serving uses are permitted in the neighborhood commercial (C-NC) area, pursuant to the C-VCR zoning, and this should be captured in the description of the land use designation.

*This change will be made. Amend first sentence as follows “...to encourage smaller-scale retail and neighborhood and visitor serving office and services uses...”*

C-CD-26 Multi-family Residential Development in Multi-family Zones

This policy should reference the land use designation as well as the zoning.

*The reference to C-MF-2 and C-MF-3 will be made.*

C-CD-27 Density Bonuses

Chapter 22.24 of the development code is referenced. We have not had time to review this chapter. Since it is incorporated into the LCP, it will need to be submitted to the Commission for certification.

*The essence of Policy C-CD-27 is that it harmonizes two state mandates: protecting the coast under the Coastal Act, and creating effective Housing Element that provides for affordable housing (carried out in part in Marin’s Code Chapters 22.22 and 22.24) under State Housing Law. We do not necessarily agree that the Housing Chapters as a whole require Coastal Commission certification, nor the density bonuses in particular, as the Policy C-CD-27 already assures no adverse impact on coastal resources.*

C-SB-1 Community Character of Stinson Beach. We have commented in the past that this statement appears to leave out the fact that Stinson Beach is a valuable recreational

destination, and serves a number of visitors. We suggest that you add the language, "...and small-scale commercial and visitor-serving recreational development in Stinson Beach."

*The Planning Commission may wish to accept the Coastal Commission staff's proposed change as a description of the current conditions in Stinson Beach, but based on the input received in local and issue workshops, the idea that such language may lead to significant additional visitor serving uses may well aggravate an issue of controversy.*

#### Community Character Policies

We have commented in the past that the language and intent of the proposed community character policies is unclear, and appears to leave out the visitor-serving recreational priority uses in the coastal zone. We recognize that existing community character needs to be preserved. But, we are confused as to the nature and intent of some of these policies, and whether they could be used to preclude otherwise allowable visitor serving recreational development. For example, the Muir Beach policy (C-MB-1) states that the community is primarily residential and has very limited commercial use. However, the residential zoning allows Bed and Breakfasts as a principally permitted use (in most cases).

*A bed and breakfast is defined as a use that is "...clearly secondary and incidental to the use of the property as a single family residence" and is not considered to be a "commercial use" per se. Therefore this is not a policy conflict.*

If the County wants to protect existing residential character in a way that does not exclude visitor commercial (small-scale is fine), we believe that would be consistent with the Coastal Act priority use policies. Perhaps the following language change would work (using C-MB-1 as an example): "Maintain the small-scale character of Muir Beach as a primarily residential community with limited agriculture and limited general commercial development. ~~and very limited~~ Priority visitor serving commercial use shall be sited and designed to protect the community character."

*There is only one commercially zoned property in Muir Beach and it is already developed with the Pelican Inn, so realistically there is no potential for further commercial development in Muir Beach. Therefore the proposed change not recommended.*

#### Zoning Designation Standards

We strongly encourage that you incorporate the development standards for each zoning district directly into the coastal development code document. It is very difficult and time consuming to go from the coastal development code amendments document to the larger development code (Chapter 22.32) to find these standards, and even more difficult to determine what is being proposed to change in the IP (we will most likely require a strike



out and underline document to understand exactly what is changing). It is much more user friendly to have one stand alone document (LUP and IP) for the coastal zone.

*The Development Code for the Coastal Zone has been designed so that, once adopted, it becomes one section (Article V) of the larger Countywide Development Code. Therefore, the need to go back and forth between the two documents is only temporary. This approach is consistent with the Board of Supervisor's direction to staff regarding the overall format for the County's Development Code.*

C-SB-3 Density and Location of Development in Seadrift: We have not had sufficient time to compare the proposed language changes to the settlement agreement. This may benefit from a sit down discussion so that we can understand why certain sections were deleted. Does the proposed zoning reflect the minimum lot sizes required by the policy?

*The majority of the recommendations for Seadrift in Unit I Location and Density of New Development Policy 36 have been implemented or are out of date. Seadrift has essentially been subdivided and developed so many sections are no longer relevant. Moreover, staff is in the process of working with the Seadrift Association and Tesler, Sandmann & Fishman to update this policy. We welcome the opportunity to discuss the settlement agreement to ensure the language is appropriate.*

C-SB-5 Camping and Hostel Facilities: It would be helpful to have a map of this site incorporated into the LUP. Also, please confirm whether a zoning and land use designation change is necessary to accommodate such development.

*This site appears to be located within the GGNRA. The ranch and barn structures formerly located on this property were destroyed and converted to a Christmas tree ranch farm. The original GGNRA General Management Plan identified this site as a possible location for additional visitor-serving camping (as walk-in). This language was then added to the Stinson Beach Community Plan. However, this site may no longer be appropriate for camping since it is now federally owned and may not have community support. Staff recommends deleting the policy.*

C-BOL-2 Development Standards in the C-RCR Zoning District:

As we stated in previous comments (July 28, 2010), this policy restricts Coastal Act priority visitor commercial uses and proposes restrictions on visitor serving commercial uses that may conflict with Coastal Act policies. For example, Coastal Act policy 30222 states: *"The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry."*

In addition, the legal standard of review for any zoning amendment is whether it conforms with or is adequate to carry out the LUP (all applicable policies). The certified LUP will contain policies prioritizing visitor serving development, consistent with the Coastal Act. Some of the standards provided in the criteria cannot be certified in the LUP as consistent with the Coastal Act, including #1 (“the degree to which facilities would become destinations in their own right”), and #2 (“the degree to which such facilities would disrupt immediate neighbors and the community at large”). Number 4 is problematic because it seems to favor residential over visitor serving. While Coastal Act Section 30250 requires that there be adequate traffic capacity for any planned development, it does not favor “resident traffic patterns.” #5 would be okay if changed to “The degree of environmental impact of the project on all natural systems, consistent with the biological resources policies of the LCP.” The preamble should also specify that proposals to rezone will be based on all applicable policies of the LUP, and specifically the following criteria...

Stepping back and looking at the big picture, the County should consider now, as part of its LCP Update process whether it is appropriate to rezone certain areas for visitor-serving development and why or why not (Currently, bed and breakfasts are allowed in the VCR zone with a use permit). The County should evaluate whether additional facilities are needed to ensure consistency with the Coastal Act. If the County decides to propose this policy as is, the Commission will require an analysis of its consistency with the Coastal Act, including data on visitor serving supply and demand in the area, traffic, waste disposal and water services, and sensitive environmental resources.

*The Coastal Act does not require that all land within a community be reserved for “visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation.” Certainly, the Coastal Commission itself has approved innumerable residential developments on private land in the Coastal Zone. Moreover, Section 30221, which precedes the section cited by coastal staff, states:*

***Section 30221 Oceanfront land; protection for recreational use and development***

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

*The Act requires that “present and foreseeable future demand” for commercial recreation be adequately provided for. Staff has been researching and compiling data on overnight accommodations and other visitor serving facilities in Marin’s Coastal Zone, and has found a dramatic increase in the number of facilities as compared to that which was documented in the original LUP.*



Point Reyes Affordable Housing Project

As we discussed, the existing New Development and Land Use Policy 8(b) (5) and associated zoning changes should be carried forward into this chapter. This policy was certified as part of the LCP in 2002 (Marin County LCP Amendment No. 1-MAJ-02).

*Proposal to add this policy is included in staff report (see proposed additional policy C-PRS-7).*

C-PRS-5 Criteria for New Development in Point Reyes Station

Although we have not had time to confirm this, the criteria must be consistent with the land use designations and zoning in Point Reyes Station.

*Land Use Policy C-PRS-5 includes building height, size and landscaping criteria for new development in Point Reyes Station adapted from the Point Reyes Station Community Plan. These criteria are consistent with, or in some cases more restrictive than the applicable zoning standards. However, the Coastal Act allows the use of more restrictive standards where appropriate. It should be noted that staff is recommending to amend this policy to include a provision that allows exceptions to the maximum 4,000 square foot building size which was mistakenly omitted from the PRD (see staff discussion of Community Specific Policies, Revised Staff Recommendation Item 2)*

C-INV-2

Please see our comment on C-BOL-2

C-INV-3

Has the lot consolidation and park acquisition aspects of the original certified policy already occurred? For the reasons discussed above for Bolinas and Muir Beach policies, the “exclusively residential nature” language is problematic in regards to consistency with the Coastal Act. The County will need to provide detailed information on the supply and demand of Coastal Act priority uses as compared to residential buildout needs and other land use policies in order to evaluate this policy for its consistency with the Coastal Act. In addition, as stated in our July 28, 2010 letter, we need a better understanding of the rationale for deleting specific requirements contained in the existing LCP, for example, requirements for septic tanks, geotechnical engineering studies, watershed protection, grading and erosion control, and community participation. We will likely require studies/information to support these changes.

*The Paradise Ranch Estates Restoration Plan included a lot consolidation project to reduce density based on environmental and developmental factors which would be implemented by the Coastal Conservancy. The Plan seeks to consolidate lots that have been identified as constrained or marginal (based on site visits done at the time) with lots that appear to be capable of supporting development. Twenty four lots were identified for*

*consolidation, yielding a total of 11 lots capable of supporting development, for a total buildout in the subdivision to 157 units.*

*A review of Assessor Parcel information has determined that none of the recommended consolidations have occurred. Many of the lots have since been developed and no funding has been found to aid in implementation. Therefore, this policy is no longer relevant and has been deleted.*

*The policies on watershed protection were deleted since the broader policies in Biological Resources pertaining to streams and Water Resources policies already apply, making these policies redundant. The policy requiring no waivers from the septic tank ordinance was deleted based on consultation with Environmental Health staff that the language is out of date.*

#### C-ES-6 New Marina Development

Please note that most marina projects are within the Commission's retained jurisdiction, with the Coastal Act as the legal standard of review.

*Comment noted. Policy requires that new marinas development be made available to commercial and recreational boats, so no apparent Coastal Act conflicts. Policy was adapted from East Shore Community Plan and therefore confirms community support for Coastal Act goal.*

#### C-CB-1 Community Character of Dillon Beach

We note the placeholder for Lawson's Landing. On July 13, 2011, the Commission approved with the conditions the coastal development permit (2-06-018/A-2-MAR-08-028) for Lawson's Landing. Perhaps the policy for Lawson's Landing should reference this permit, for example: "Lawson's Landing shall be maintained as a low-cost campground and public visitor serving recreational area, consistent with Coastal Development Permit No. 2-06-018/A-2-MAR-08-028, approved by the California Coastal Commission on July 13, 2011."

*The change will be made. In addition, the following language regarding Sand Haul Road will also be included:*

*"Pursuant to the Dillon Beach Community Plan, support provision of a second road connecting Dillon Beach Road to Lawson's Landing along Sand Haul Road in order to provide primary vehicular access to Lawson's Landing and to provide relief from traffic congestion in Dillon Beach Village."*

## **Energy**

C-PFS-18 Desalination Facilities raises issues with regard to compliance with the Coastal Act policies Sections 30255, 30260-30265.5, 30101 and 30515. Desalination projects proposed in the coastal zone typically propose the use of seawater as source water and may be a coastal-dependent industry under the Coastal Act and therefore a priority use. The Commission reviews desalination proposals as to whether they are coastal dependent based on the specifics of each project - the technology proposed, the suitability of the location and intensity of the use, etc. Desalination facilities can vary greatly, depending on the technology, purpose, scale, etc. We suggest you develop LCP policies that require a site suitability analysis and criteria for consideration of any desalination projects. For example, you may refer to our prior March 23 2009 comments or review some recent LCP Update actions for example, the San Mateo County Midcoast LUP. We can work with you to provide other examples that could address applicable criteria.

*Staff will readdress the issue of desalination with the Planning Commission on 9/19/11 (see Attachment 1, under "Public Facilities & Services").*

Many of the issues noted below concern determining the kinds, location and intensity of proposed energy production facilities in the proposed amendments and whether the Implementation Plan (i.e. development code) conforms with and is adequate to carry out the LUP.

Definitions. Additional clarity in definitions is needed. For example, "Energy Production Facility" as used in Policy C-EN-5 page 84 should be defined. To fully understand whether a use is allowed by inclusion in a specific land use category(ies) and applicable standards and processing provisions are contained in the LCP, a number of other terms also need definitions, such as "Utility Facilities," "Industry" or "Industrial Use," "Non Grid Tied Agricultural" and "Freestanding" (e.g. can't "non grid tied agriculture" also be freestanding?). "Accessory" use may be important to define as it relates to renewable energy production facilities.

*Staff has proposed new definitions for "Energy Production Facility," "Non-Grid-Tied Agricultural WECS" and "Freestanding WECS" (see Attachment 1). "Public Utility Facilities" is already defined in Article VIII of the Dev Code. Staff will consult with CCC to determine an appropriate definition of "Industrial Use" as it would apply in the Coastal Zone. Staff will research possible implications to determine if a definition for "Accessory" is appropriate and necessary for inclusion in the Development Code.*

Land Use Designations. Based on our initial review, some additional clarity is required regarding various land use designations with regard to energy producing facilities as they may be defined, especially for freestanding structures. It is not clear which land use designations and standards will apply to renewable energy production facilities. The term

“Industrial use” only appears in the Commercial/Mixed Use Land Use designation (LUP C-CD-24 Pg 67), and the term “Power Distribution Facilities” is cited in Public Facility, Quasi-Public Facility and Open Space Land Use Categories (C-CD-23 pg 69). The LUP notes “utility facilities” as principal permitted use in the Coastal Agricultural Production Zone (C-APZ LUP Page 11 2(c) and Policy C-AG2.b (page 11). This identifies the construction or alteration of gas, electric, water communication or flood control facilities as conditional uses in the APZ. But elsewhere in the Code Amendments it appears some renewable energy production facilities (i.e. only WECS) may be allowed in *all* zoning districts except RF.

*Staff will discuss the above concerns with the Planning Commission on 9/19/11.*

Public Lands and Open Space. LUP Policy C-PFS-25 Public Facility, Quasi-Public Facility and Open Space Land Use Categories (page 69) states that “lands in public ownership for open space purposes, such as recreation watershed and habitat protection and management are designated open space. In addition private lands may be designated Open Space when subject to deed restriction or other agreements limiting them to open space and compatible uses.” This section refers to C-OA as an implementing zoning district. However, the Code Amendments identify some small and medium WECS as allowable in the C-OA district. Depending on how Energy Production Facility is defined, this implies that some substantial undetached energy production facilities could be sited in open space areas. Committing open space resource and recreation lands to undetached energy facility development (if not coastal dependent) may not be in conformance with Coastal Act policies.

*Staff has proposed a new definition for “Energy Production Facility” (see Attachment 1). Staff will discuss the other above concerns with the Planning Commission on 9/19/11.*

Code Amendment Consistency. After reviewing the Land Use Plan we also note that the corresponding implementing code provisions may need to be addressed with regard to energy production facilities. For example, the Code Amendments reference the WECS ordinance but they do not include standards for other types of renewable energy. Also the Code Amendments for Commercial/Mixed Use Districts Table 5-3 pgs 33-39 list only Non-Commercial WECS and Public Utility Facilities, so it is unclear whether other types of renewable energy production facilities are permitted. Similar questions are raised in the codes implementing Agricultural designations. For example Table 5 standards referenced in 22.32.115 page 9 for Non Agricultural Use, are not listed in conjunction with WECS, and other types of energy production facilities are not addressed in Table 5. Table 5.3-a page 33 of the Code Amendments refers to “WECS, non commercial” but that term is not defined in the WECS ordinance (WECS 22.130.030 and Table 3-8).

*Section 22.20.045 of the Marin County Development Code establishes that development projects requiring discretionary review shall consider solar accessibility, Section*

*22.20.060 establishes height limit exceptions for solar panels in select non-coastal zoning districts, and Section 22.20.090 exempts free-standing solar devices from setback requirements countywide. Staff will discuss with Planning Commission whether it is appropriate to apply these provisions in the Coastal Zone. Staff will discuss the issue of WECS in the Coastal Zone with the Planning Commission on 9/19/11, after which Staff may propose a definition for “Non-Commercial WECS” if needed.*

The WECS Ordinance. There are terms and provisions in the proposed WECS ordinance that may raise issue with conformance with Coastal Act policies and may need clarification as they will apply in the coastal zone. For example, Table 3-8 “Permit Requirements” is not clear regarding coastal permits. And, Table 3-9 states that a maximum unit per parcel standard for large freestanding WECS is “project specific.” This is not a sufficient standard for determining allowable intensity of development to comply with Coastal Act policies. We have not been able to complete the review of all the detailed provisions of the ordinance. For example, technical review of the biological requirements in the WECS ordinance is still in process. We will forward any additional comments as soon as possible.

*Staff will discuss the issue of WECS in the Coastal Zone with the Planning Commission on 9/19/11.*

C-EN-4.a Collaborate with Other Agencies (LUP Page 84) indicates the County may undertake a site evaluation process. It is not clear if this means mainly for medium or large scale facilities and for all types of renewable energy production? Please clarify if, as a result of this policy, the County intends to require an LCP Amendment to redesignate and rezone any areas found to be suitable for medium or large scale facilities. If the site evaluation requires construction of testing structures, clarify under what definition and land use category and standards are such structures proposed.

*Staff will discuss the issue of WECS in the Coastal Zone with the Planning Commission on 9/19/11.*

C-ED-5 Energy Production Facility Impacts (LUP page 84) proposes compliance with a range of standards. This should also include protection of agricultural resources. As previously noted, the policy uses the broad term “all energy production”. Some definitions for Energy Production, Energy Production Facilities and/or Renewable Energy Production Facilities are needed to clarify this policy. The Code Amendments may need to also address more than WECS to implement this policy depending on the definition.

*Staff has proposed a new definition for “Energy Production Facility” (see Attachment 1).*

Height Limits. The LUP and various zoning codes contain specific height limits including for accessory structures. For example, C-DES-3 and C-CD-6 (page 61) development code 22.64.100 (A) (Community Design standards) limit the location and height of allowable structures. Other Community Specific LUP policies Pages 72-81 require height limits. The WECS ordinance at 22.32.180 (E) (1) seems to provide different standards and 22.20.060 of the WECS ordinance includes exceptions to height limits in all applicable zoning districts. But the standards for considering such exceptions may conflict with some Coastal Act and LUP standards (such as protection of scenic resources and public views). It is unclear if height limit standards will apply to any other type of proposed energy production facility rooftop structure or as a detached accessory structure. As one example, the definition of Residential Accessory Uses and Structures (Codes page 140) does not specifically include solar or wind turbines but it does specifically exclude home satellite dishes and antennas. Are some types of renewable energy structures to be defined as a Residential Accessory Use and distinguished from other attached improvements or detached accessory structures such as antennas and satellite dishes?

*Staff will discuss the issue of WECS in the Coastal Zone as well as standards for other energy production facilities with the Planning Commission on 9/19/11.*

Streamlining. The LUP policy C-EN 4 supports streamlining processes. More clarity may be needed regarding how the exemptions in 22.68.050 will apply to freestanding energy production facilities. The Code Amendments and the WECS ordinance are not clear whether freestanding structures are proposed to be defined as structures on a lot normally associated with a single family residence.

*Staff will discuss the issue of WECS in the Coastal Zone with the Planning Commission on 9/19/11.*

### **Public Facilities and Services**

Commission staff agrees with the County's general approach to include policies in the LCP that ensure that new development is adequately served by public services consistent with Coastal Act Section 30250, and to ensure that new or expanded public works do not induce growth inconsistent with the LCP (Coastal Act Section 30254). As previously noted in our other letters, since this is a major update to the LCP, this is also an opportune time to re-examine conditions on the ground, such as the availability of existing public services to serve existing development and its capability to serve LCP planned growth in the future. We will need to evaluate the update as a whole against the requirements of Section 30250 and 30254 and determine whether designated land uses and village boundaries, in addition to policy language, are appropriate and consistent with the Coastal Act. It appears that County staff has conducted some of that analysis in the 2007 Countywide Plan EIR, however additional analysis may be needed to provide the



Commission with sufficient detail. The background sections of the existing LCP provide details on public services for each community. We recommend that these sections be updated to help inform policy.

*We must point out that we are not proposing a new, original LCP, or even proposing wholesale changes to the kind, location and intensity of land uses as reflected in the zoning maps and requirements that have already been certified for Marin County's LCP by the Coastal Commission. The County is proposing discreet amendments that can be evaluated on their merit in the context of the certified Local Coastal Program.*

In addition, based on the County's own analysis that water supplies are limited, our experience in other jurisdictions, and the fact that individual wells are relied on in many villages in west Marin, we will likely require additional information on groundwater supplies, and an evaluation of the cumulative impacts of wells on coastal resources, to ensure consistency with Coastal Act Section 30250 and other resource protection policies.

Our specific comments on individual policies are outlined below:

C-PFS-2 Expansion of Public Services

The LCP should include the Coastal Act definition of "public works."

*Chapter 22.130 of the Marin County Development Code contains definitions for "public roads", "public safety/service facilities" and "public utility facilities" which could all be considered a type of public works. To avoid confusion, staff recommends modifying Land Use Policy C-PFS-2 to eliminate the use of this term as follows:*

**C-PFS-2 Expansion of Public Services.** *Limit new or expanded roads, flood control projects, utility services, and other public works facilities to the minimum necessary to adequately serve development as identified by LCP land use policies, including existing development. Take into account the existing and probable future availability of other public services such that the expansion does not accommodate growth which cannot be handled by other public works facilities. All such public works projects shall be subject to the LCP. (PC app. 07/29/10)*

*[Adapted from Unit I Public Services Policy 1, p. 48]*

C-PFS-4 High-Priority Visitor-Serving Land uses

We suggest the following language:

In acting on any coastal project permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate treatment capacity is available and reserved in the system to serve VCR and RCR-zoned property and other visitor-serving uses.

*Staff concurs with the suggestion to amend Policy C-PFS-4 to include a reference to RCR zoned property. However, it is unclear how a reservation system for water or sewage treatment capacity could realistically be implemented, given the uncertainty of the type and timing of potential future development in VCR and RCR zoned property.*

C-PFS-5 Community Sewer Systems

What is the basis for the 400-linear foot trigger?

*The 400 linear foot trigger referenced in Land Use Policy C-PFS-5 is based on existing County septic regulations (Section 18.06.050). It should be noted that in response to comments from the North Marin Water District (Attachment 5), staff is proposing minor revisions to Land Use Policy C-PFS-5 to acknowledge that connection to a public sewer system would also be subject to approval of the applicable sewer service provider (see staff discussion of Public Facilities and Services, Revised Staff Recommendation).*

C-PFS-8 Sewage Disposal System Requirements for New Lots

This policy is unclear. What applicable regulations is it referring to? Also, it is unclear what aspect of existing Policy 7 and 9 the County is adapting.

*Proposed Land Use Policy C-PFS-8 brings forward the intent of Unit I Public Service Policies 7 and 9 (that septic systems must comply with applicable regulations) while deleting references to outdated Regional Water Quality Control Board (RWQCB) guidelines and eliminating use of the term “waiver” which is unique to the RWQCB. Instead, the policy focuses on limiting subdivisions to those areas where each newly created lot could be served by a standard septic system. To clarify the policy, the following modifications are proposed.*

**C-PFS-8 Sewage Disposal Systems Requirements for New Lots.** *Require all sewage disposal systems on newly created lots to comply in all respects, without variance, with applicable County and State septic system regulations.*

*(PC app. 01/24/11)*

*[Adapted from Unit I Public Services Policies 7 and 9, pp. 48-49, and County Regulations Sec. 301]*

C-PFS-11 Alternate On-Site Sewage Disposal Systems

These should be defined in the LUP or Implementation Plan. A standard should be added that states that alternative systems will not induce growth inconsistent with other policies of the LCP. The term “coastal permit” should be added to, or replace “construction permit.” If an “operating permit” is to be renewed annually, then the “coastal permit” should be renewed annually as well. This procedure should be detailed in the development code.



*Alternative sewage disposal systems are defined in Title 18.07.030 of Marin County Code. Staff concurs with the suggested addition of a standard to clarify that use of an alternative system not be growth-inducing. However, the annual renewal of Operating Permits is an administrative procedure through which staff confirms that the approved system continues to function as designed. Requiring an applicant to obtain yearly Coastal Permit approval for monitoring and maintenance of an approved septic system serving an approved use would be unnecessarily onerous. However, Coastal Permit approval would be required if an approved alternate system was found to be failing to a point where expansion or replacement of the system was necessary.*

C-PFS-13 12 Limited Use of Off-Site Septic Systems

As we stated in our April 24, 2009 comment letter, in order to evaluate this proposed policy for consistency with the Coastal Act, we will require information to be submitted about **when and where these systems are anticipated to be proposed and allowed-including an assessment of the need for such facilities, which zones and geographic areas affected, and the anticipated amount of such systems.** We also suggest that the consideration of offsite systems include not just shoreline public access, but all access and also visitor serving uses that reflect Coastal Act priority uses. The Commission has considered such offsite systems in some permit applications, but the draft discussion correctly notes that establishing offsite systems has the potential to result in additional growth and conversion of agricultural lands.

*Land Use Policy C-PFS-12 allows potential use of off-site or community septic systems in extremely limited cases: as a last resort corrective action to serve existing development with a failing system, or to serve a high priority coastal-dependent land use or affordable housing that otherwise complies with all LCP policies. Due to the number and complexity of factors involved, it would be extremely difficult to predict with any reasonable accuracy where and when existing septic systems serving existing development may fail, or similarly, to speculate on where, when, and under what circumstances an off-site septic system might be determined to be appropriate to serve the type of development identified in this policy. Instead, any future proposal for the use of an off-site or community septic system would require Coastal Permit approval, which would allow for consideration of the full range of LCP policies relative to the specific circumstances of that proposal.*

C-PFS-13 New Water Sources Serving Five or More Parcels

We suggest that all wells should be subject to this standard, not just those serving 5 or more parcels; unless the County can demonstrate through groundwater studies that such a policy is not necessary for each individual well.

*Land Use Policy C-PFS-13 regarding new water sources serving five or more parcels has been carried over almost verbatim from the Coastal Commission-certified existing*

*LCP Unit I and Unit II policies. Staff is researching the legality and feasibility of requiring the type of studies described in this policy for all wells.*

C-PFS-19 Telecommunications

We support the County's efforts to address telecommunication facilities. We have not yet had a chance to review the Telecommunication Facilities ordinance (22.32.165), which has been incorporated by reference in the development code amendments. However, we do note that it is not highlighted as standards particularly important to the LCP. Specific coastal-related standards may need to be adopted.

*As noted, Coastal Commission staff will provide comments on this issue at a later date*

Other Topics

There are few topics in the Built Environment and Socioeconomic sections for which we have not fully completed review. The comments below are therefore preliminary and subject to further discussion with you. These reflect our review of the specific sections but we recognize that they may be affected by other sections, provisions and maps which we have not yet reviewed.

Housing

C-HS-1: Please clarify if located in esha or wetlands?

*It is unclear how this question relates to the referenced policy below. Affordable housing projects would still be subject to policy C-BIO-1 that requires the protection of an ESHA.*

**C-HS-1 Protection of Existing Affordable Housing.** *Continue to protect and provide affordable housing opportunities for very low, low, and moderate income households. Prohibit the demolition of existing deed restricted very low, low, and moderate income housing except when:*

- a. Demolition is necessary for health and safety reasons; or*
- b. The costs of rehabilitation would be prohibitively expensive and impact the affordability of homes for very low, low and moderate income households; and*
- c. The units to be demolished are replaced on a one-for-one basis with units of comparable rental value on site or within the immediate Coastal Zone area.*

*(PC app. 07/29/10)*

C-HS-6 Restricted Short-Term Rental of Primary or Second Units. Consider restricting the use of residential housing for short term vacation rentals or bed and breakfast uses and Program C-HS-6.a Address Short-Term Rental of Primary or Second Units.

This is an action policy that needs to contain some criteria for zoning restrictions that may follow from it. Please see other comments that we have made regarding priority uses under the Coastal Act. It is necessary for the LCP to provide for an adequate amount of visitor accommodation. If that can be demonstrated, then restrictions on residences functioning as visitor-serving may be justified.

*Staff has been collecting data on the amount of visitor serving accommodations in the coastal zone, and has collected data to show that there a generous amount of visitor serving accommodations in the coastal zone to allow for imposing restrictions on visitor serving accommodations if deemed necessary in the future.*

C-HS-7 Williamson Act Modifications to the Development Code.

This will need to be reviewed in conjunction with other policies and will be addressed in our forthcoming comments on the Agricultural section. Farm worker housing on agriculturally-designated land must be sized, sited and designed in a manner that does not diminish prime agricultural land, harm the agricultural economy nor create conflicts between land uses. If land in a Williamson Act preserve otherwise meets the criteria for having farm worker housing, then modifications to the Williamson Act contract pursuant to State Law and this policy may be acceptable.

*This policy is created to comply with AB1505, and government code section 5130.2. This section does not prohibit the application of other county policies related to development on agriculturally zoned parcels. Therefore, the policies found in C-AG-1 and C-AG-6 regarding non-agricultural development on agriculturally zoned lands will continue to be imposed. Further government code section 5130.2 states that parcels to be sold or leased are to be contiguous to one or more parcels that are already zoned residential, commercial, or industrial and developed with such uses and the agricultural labor housing project shall be designed to abate to the extent practicable, impacts on adjacent landowners' agricultural husbandry practices.*

C-HS-8 Development of Agricultural Worker Housing Units in Agricultural Zones.  
Pursue policy changes that promote the development of agricultural worker units in agricultural zones.

This will need to be reviewed in conjunction with other policies and will be addressed in our forthcoming comments on the Agricultural section. This is an action policy that contains no criteria. Any policy changes would have to be in the form of LCP amendments and any streamlined process would need to be submitted.

*Comment noted.*

Program C-HS-8.a Ministerial Review for Agricultural Worker Housing Units.

See our comments on the Draft Development Code (August 10, 2011 to Jack Leibster). Agricultural worker housing is subject to coastal permit requirements – generally coastal

permits are considered discretionary not ministerial; therefore, please explain what is envisioned by this policy. The County has flexibility in determining the level of permit processing that it wants to assign to agricultural worker housing, provided minimum noticing and hearing requirements are met.

*Staff will correct this policy to state that Agricultural Worker Housing will be reviewed through an administrative Coastal Permit.*

Development Code:

22.64.130 – Housing A.2. Density for affordable housing. Allow the maximum range of density for deed-restricted housing developments that are affordable

What does this mean – the maximum density within the zoning district that the project is proposed in or some other maximum? And do you really mean the maximum range – range implies low to high? The next sentence says to apply density bonuses – how do such bonuses relate to allowing the maximum density – do you allow the maximum density, and then add the density bonus to it? The text also states that density bonuses are as mandated by the State. However, the State law does not completely spell out one definitive mandate – there are some options. Your local ordinance needs to translate state law provisions into how they would apply to your zoning districts.

*Marin County Development Code Chapters 22.22 (Affordable Housing Regulations) and Chapter 22.24 (Affordable Housing Incentives) outline the County's affordable housing policies. Staff has recently proposed substantial changes to these chapters to increase clarity, however very few substantive changes were made. The Board of Supervisors will hear the proposed changes in November, 2011. Below, relevant sections of the revised Code are cited or referenced in response to your questions. Full text of the proposed changes will also be provided to you.*

*22.24.020. A Density for Affordable Housing projects.*

*Staff proposes that the allowable density for affordable housing projects be established by the Countywide Plan land use maps, rather than the zoning tables. The land use designation generally has a broader range (low to high) for allowed density than the density allowed by zoning (fixed density number). Because the CWP generally provides a density range, staff intends to allow the high end of the range if feasible, subject to all CWP policies.*

*22.24.030 Density Bonus and Other Incentives Pursuant to State Law*

*The County has codified its interpretation of the density bonus law in Section 22.24.030 of the development code. Yes, staff interprets the law to allow the density bonus above the maximum density. The referenced mandate refers to the general requirements of the law –for example the minimum project size, the amount of bonus the application of concessions, incentives or waivers, and the income categories. Staff interprets the*

*statute's threshold to grant a density bonus for projects proposed at a base density, which is defined in Article VIII of Marin County Code which will be provided to the Coastal Commission upon submittal.*

22.64.130 – Housing A.4. Retention of small lot zoning.

This repetition of Land Use Policy C-HS-4 in the Code is acceptable as explanation, but it is really the zoning map that implements this land use plan policy (and as commented previously will have to be part of your submittal).

*Upon submittal of the LUP to the Coastal Commission, the zoning maps will be provided.*

22.64.130 – Housing A.5. Second units.

Again this is a repeat of general land use plan policy and not detailed enough for zoning. At the least, pertinent parts of the second unit ordinance (§22.32.140?) need to be submitted as part of the Coastal Implementation Plan.

*Chapters 22. 32.140 and 22.56 outline the second unit standards and procedures for second unit application review and approval, which will be provided to the Coastal Commission upon submittal of the LUP.*

Other Implementing Actions: Restricted short-term rental of primary or second units. Consider restricting the use of residential housing for short term vacation rentals or bed and breakfast uses.

Again, this is just a repeat of a Land Use Policy (CHS-6) and thus as written may not be sufficient zoning to carry out the LUP. To be certified, an implementing ordinance would have to spell out the circumstances for when short-term vacation rentals or bed and breakfasts are allowed or prohibited, consistent with Land Use policies.

*This is a program that staff is in the process of developing; staff will improve upon this implementing action before submittal to the Coastal Commission.*

## **Transportation**

### Land Use Plan:

Do these Transportation policies serve as the General Plan policies for the area? If so, they need to incorporate Complete Streets concepts; even if not, it would be advisable to include Complete Streets provisions. Basically, the policies as drafted promote alternative modes of transportation, but they do not explicitly mandate that when a transportation project is considered, all modes will be incorporated into the project (to the extent possible). Guidance is provided in

[http://www.opr.ca.gov/planning/docs/Update\\_GP\\_Guidelines\\_Complete\\_Streets.pdf](http://www.opr.ca.gov/planning/docs/Update_GP_Guidelines_Complete_Streets.pdf)

These policies support alternative transportation modes and call for improvements. Implicit in these policies is that existing facilities and programs will be preserved. However, especially in these hard economic times, more explicit support for maintenance would be helpful. We are aware of instances of bike lanes being narrowed or removed, beach shuttles being scaled back or eliminated, accessways being closed, transit service being reduced, etc. Policies should seek to prevent diminution of existing alternative transportation facilities and programs.

*The Marin Countywide Plan Transportation policies serve as the general plan policies for the area. Marin County has adopted a Complete Streets policy that can be provided if necessary.*

Implementation:

Section 22.62.030 establishes a C-PF Public Facilities zoning district, but to date we do not have the regulations for that district. Will roadways be zoned C-PF or will they be in other zoning districts? If the latter, then those districts will have to permit roads—and in a manner consistent with all Plan policies so that new roads can not be installed in inappropriate locations, but existing roads can be maintained and improved per policies.

*There are no properties zoned C-PF in the coastal zone. Public roadways are not assigned zoning unless privately owned.*

Section 22.64.150.A.3 encourages or requires new bicycle and pedestrian facilities pursuant to policy C-TR-6 and encourages bike parking and storage per policy C-TR-7. This text is appropriate as policies, but inadequate as implementation measures. Typically, parking and subdivision regulations, which we have not yet reviewed, have specific requirements for such facilities. As suggested above, for any new transportation project that the County sponsors, it should ensure that bike, pedestrian and transit facilities as needed and appropriate are incorporated right into the design of the project. For most project categories that it reviews for coastal permits, there should be bike parking and sidewalk or pathway requirements. Certain projects should also be required to provide bike and/or pedestrian paths. And certain projects (by location, type, and/or size) should incorporate some congestion management measures

C-TR-3 Impacts to Highway one from Sea Level rise.

This should reflect subject to all hazard and all applicable policies of the LCP.

*All policies are inherently subject to the other policies in the LCP. In addition, Section 22.70.070 of the Development Code requires findings for all applicable policies where necessary and appropriate. If necessary, a reference to the Environmental Hazards section can be included in this policy for clarification.*



C-TR-6 Subpart 4 may raise issues regarding consistency with the ESHA policies of the Coastal Act.

*Comment noted. All ESHA policies will apply.*

C-TR-8: Please clarify if the proposed Countywide Trail System is to be submitted for certification?

*The Marin Countywide Plan includes a set of Trails maps (Maps 2-19a through 2-19j) intended for the planning and preserving of Marin's network of public trails. These maps will not be submitted for certification.*

### **Historical and Archaeological Resources**

C-HAR-1 Maintenance of Information on Archaeological and Paleontological Resources. There should be an additional policy or program concerning long-term protection of discovered resources. It can often be a challenge to find a suitable repository for permanent archiving of cultural artifacts. In many cases local governments can work with local institutions to establish a storage program and include requirements in the Land Use Plan for carrying out the program. If no specific program is established with a repository institution, the LCP should include provisions to assure that resources removed from site are protected in each case-by-case decision.

*While certainly important, the archiving offsite of any archaeological or paleontological resources that have been removed seems to be something beyond a land use issue. Land use measures would seem to be inadequate and perhaps inappropriate to deal with the challenges of finding a suitable repository.*

RE: C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources....Where development would adversely impact identified resources, require reasonable mitigation measures, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey, and §22.64.160. A. 1. Archaeological Resource Survey

The land use policy calls for mitigation. The Code § 22.64.160, which should be more specific, just says that the report should identify mitigation measures -- it does not say that they have to be embodied in coastal permit conditions. Mitigation should be prioritized; e.g., – 1st. permanent protection of the site; or if not feasible 2nd: avoidance of the resource; or then if not feasible, 3rd protection of the resource, such as reburial, covering the resources; or, as lowest priority 4th retrieving and archiving the resource. Will § 22.56.130I.D “Archaeological Resources” be part of the LCP? It provides some more level of detail, but still comes up short as to how decisions are made on what

mitigation to require once the County receives the survey report and the clearinghouse's comments.

*The LUP Policy C-HAR-2 does call for mitigation, and therefore the implementation provision should also do so, consistent with that policy. But it doesn't seem appropriate to then insert priorities for various types of mitigation into the implementation code, because the LUP Policy relies on the site-specific archaeological report to "identify reasonable mitigation measures." Those are the measures, as identified by the report, that should be implemented.*

*Regarding: the Interim Code, no, that will not be part of the LCP.*

C-HAR-3 Monitoring of Construction on Archaeological Sites by Appropriate Experts, and §22.64.160. B. 1. Monitoring of construction on archaeological sites

The Code provisions need to be more explicit about how monitoring and mitigation are carried out. If resources are discovered, work needs to stop until a mitigation plan is approved. This should apply to the discovery of any resource, whether or not a monitor has been present.

*Comment noted.*

C-HAR-6 Alterations and Additions to Structures of Special Character and Visitor Appeal. Require a coastal permit for substantial alterations or additions to any structure built prior to 1930 that would otherwise be exempt from a coastal permit, except for (a) maintenance or repair to any pre-1930's structure consistent with its original architectural character and (b) maintenance or repair that includes replacement-in-kind of building components.

See comment on §22.68.050 (August 10, 2010 to J. Liebster) -- there may be some maintenance and repair projects that, although exempt pursuant to this policy with regard to historical resource, are not exempt for another reason.

*Comment noted. Perhaps there should be a cross-reference to indicate that an exemption for one reason does not necessarily result in an exemption for other reasons. Staff will explore how this might be addressed.*

**Parks, Recreation and Visitor Serving Uses**

Background: This section should be revised regarding the description of authorities on federal lands over non federal projects.



*Comment noted.*

**GENERAL COMMENT REGARDING VISITOR ACCOMMODATIONS:**

We have not been able to complete review of all the various Visitor Serving policies, especially as they may address prior comments submitted.

**C-PK-1 Opportunities for Coastal Recreation, C-PK-3 Mixed Uses in the Coastal Village Commercial/ Residential Zone, §22.64.170.A. I Coastal recreation opportunities and §22.64.170.A.3 Mixed uses in coastal village commercial/ residential zones.**

The repetition of these policies as ordinance provisions is inadequate. Given that projects are applied for individually, there needs some mechanism for prioritization to occur in the mixed use village zones. The C-VCR zone allows for a vast range of uses – how will prioritization for visitor-serving ones be achieved? Ways to achieve priority include specifying target percentages of various uses; establishing a minimum floor for visitor-uses, indentifying certain properties or village areas that must be all or primarily visitor-serving. The provisions for some uses to be principally permitted versus permitted versus needing a use permit do not guarantee priority.

*Staff will discuss the above issue with the Planning Commission on 9/19/11.*

**C-PK-4 Balance of Visitor Serving and Local Serving Facilities.**

It is not clear how this policy is to be implemented and what mechanism will be used. And as written, this policy raises concerns regarding consistency with Coastal Act section 30222.

*Staff will discuss the above issue with the Planning Commission on 9/19/11.*

**C-PK-10 Appropriate use of Federal Parks.**

This policy should clarify that it is advisory only on federal lands.

*Staff will consider amending C-PK-10 to clarify that the policy is advisory only. Note that Dev Code 22.68.080.D., as approved by the Planning Commission on Aug. 31, 2011, was amended to read:*

***D. County land use designations and zoning districts.** County land use designations and zoning districts on public trust lands and federal lands shall be advisory only for purposes of the Coastal Commission's review of a coastal permit application.*

**Public Coastal Access**

The comments below reflect reviewing only of the Draft LUP Policy Amendments and not the Draft Code Amendments. Further comments may be submitted upon review of the zoning provisions related to public access.

California Coastal Trail:

Overview: The County needs to map the existing trail alignments and should identify all parallel strands as well as locations where the alignment is interim. For locations where there is no trail (e.g. except along Hwy 1) these areas should be identified as “needs work” or whatever to indicate that significant work needs to be done in order to identify and build a trail on those coastal lands.

This map should be prepared on a parcel based level.

The County should identify the specific steps they are going to take to bridge the gaps/interim alignments in the trail and put this strategy (along with a timeline) in the Plan.

A recent example of addressing the California Coastal Trail can be found in the San Mateo County Midcoast LCP Update

*The State Coastal Conservancy bears prime responsibility, I believe, for pursuing the trail. The Legislature in 2001 directed the State Coastal Conservancy to prepare a report on the status of the Coastal Trail (SB 908). The report, completed in 2003 and entitled “Completing the California Coastal Trail”, contains recommendations for filling in gaps in the existing trail, etc. In 2007, the Legislature directed additional measures to implement the trail. Gov. Code 65080.1 provides:*

***65080.1.** Each transportation planning agency designated under Section 29532 or 29532.1 whose jurisdiction includes a portion of the California Coastal Trail, or property designated for the trail, that is located within the coastal zone, as defined in Section 30103 of the Public Resources **Code**, shall coordinate with the State Coastal Conservancy, the California Coastal Commission, and the Department of Transportation regarding development of the California Coastal Trail, and each transportation planning agency shall include provisions for the California Coastal Trail in its regional plan, under Section **65080**.*

*Furthermore, Pub. Resources Code 31408 provides:*

***31408.** (a) The conservancy shall, in consultation with the Department of Parks and Recreation, the California Coastal Commission, and the Department of transportation, coordinate the development of the California Coastal Trail. (b) To the extent feasible, and consistent with their individual mandates, each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas shall cooperate with the conservancy with respect to planning and making lands available for completion of the trail, including constructing trail links, placing signs, and managing the trail.*

*The preamble to 2007 legislation regarding the Cal. Coastal Trail (Assembly bill 1396) states that LCPs must identify an alignment for the Coastal Trail, and yet I do not see that requirement in the Coastal Act.*

*SECTION 1. The Legislature finds and declares all of the following:*  
*(a) The California Coastal Act of 1976 required local jurisdictions to identify an alignment for the California Coastal Trail in their local coastal plans to be, ideally, continuous and located along the shoreline.*

C-PK-14 Appropriate Alignment of the California Coastal Trail.

Support completion of the California Coastal Trail through Marin County, working with willing sellers or donors. From Tomales north to the County line, the route should generally follow Dillon Beach Road and Valley Ford-Franklin School Road, as and if appropriate.

Add to the policy “or through the regulatory process pursuant to policy C-PA-2.” Both in C-PK-14 and in subpart (1) of that policy “seek needed trail segments from willing sellers at fair market value or by donation or through the regulatory process pursuant to policy C-PA-2

Also, this policy needs clarification and context. Why is Tomales North to the County line the only section of the coast specifically mentioned? If the County means that the CCT should be along the road, this would only be acceptable as an interim route as it is along a roadway and is not close to the shoreline. The long term goal is to extend the trail from Dillon Beach, across Estero de San Antonio to Estero Americano and north to the County line.

*This segment is called out because it is private land, is not contiguous with a public road, and contains environmental resources. Virtually all the rest of the California Coastal Trail alignment in Marin County is either across public park land or is along a public road.*

*A trail alignment in this area needs careful thought. On the one hand, a trail alignment close to the coast would be desirable. On the other hand, the Esteros are environmental resources, lack bridge crossings near the mouths, and are open to the sea part of the year, making public access across them infeasible or undesirable.*

C-PA-3 Exemptions to Public Coastal Access Requirements.

Exempt from the public coastal access requirement of Policy C-PA-2 a coastal permit for:

Subpart 3 of this policy need clarification.

It is unclear what is meant by “The findings on any point”. As subpart 3 only mentions privacy do you mean to refer to the multiple findings in subpart 2? And please clarify how the considerations listed in subpart 3 pertain to subpart 2.

*The “findings on any point” refers to any of the constraints identified in the policy, including public safety, military security needs, protection of fragile coastal resources, adequate access being located nearby, impacts on agriculture, and the privacy of adjacent residents. Staff will explore how this might be rephrased to be clearer. The relationship of the considerations listed in subpart 3 has to do with the fact that the Coastal Act’s potential exemptions from coastal access requirements are always fact-specific; that is, a sturdy fence may alleviate a concern with public safety on a blufftop, hence resulting in a finding that public access there would be consistent, rather than inconsistent, with public safety.*

C-PA-4 Direct Dedication of Public Coastal Access, if Feasible.

Regarding the reference in this policy to the Coastal Commission's centralized coastal access program. As the term “centralized coastal access program” is not clear, we believe the policy or zoning should clarify the steps for implementing direct dedications.

Also the policy should include added provisions such as In the event that a property owner is willing to accept responsibility for construction, operation and maintenance for public use of a defined area of the property, and such public use can be assured in the future in perpetuity, a deed restriction may be required, rather than direct dedication of access or an offer to dedicate access.

*Comment noted.*

Program C-PA-6.a Review and Revise List of Recommended Public Coastal Accessways.

We have not yet reviewed the referenced List of Recommended Accessways but may have additional comments once reviewed.

*Comments welcome.*

C-PA-7 Protection of Prescriptive Rights.

In subpart 3 of this policy why is lateral access deleted? Please explain as lateral access beach areas could be subject to Prescriptive Rights. Also, the discussion of what is meant by “same vicinity” may need some additional clarification as to whether for example it means the parcel?

*Subpart 3 follows existing provisions, such as in Unit II, Public Access Policy 2.a. The “exception” for lateral access offers more, rather than less protection; the policy allows, in limited instances, for proceeding to consider approval of development on areas*

*potentially subject to prescriptive rights for vertical access, where an alternative vertical accessway is provided. But no building on areas where lateral prescriptive rights are asserted may occur pursuant to the policy.*

*“Same vicinity” is considered to be within 1,000 feet of the project site (parcel); see final sentence of the policy.*

C-PA-8 Bolinas Mesa

This policy needs some clarification/information as the Commonweal OTD has been accepted by the County

*Comment noted; the area in question may now be owned by the National Park Service. Staff will investigate.*

C-PA-12 Agreements for Maintenance and Liability Before Opening Public Coastal Accessways.

Why is restoration included in this policy? Such restoration does not seem necessary.

*Comment noted.*

C-PA-16 Protection of Existing Public Coastal Accessways.

This policy should be modified to delete the phrase “*Consider closure...*” and replace it with “*only allow closure.....*”

*Comment noted.*

C-PA-20 Effects of Parking Restrictions on Public Access Opportunities.

This policy that proposes a concept of “balancing” raises concerns about consistency with Coastal Act public access policies (Article 2) and section 30252. Prior comments on Transportation discussed the importance of efforts to protect public parking for public access and to provide new parking, where necessary, to achieve Coastal Act goals.

*Comment noted. Staff will explore possible alternative wording; perhaps the word “balancing” conveys the wrong impression. The intent is to reflect the policy of Section 30212 that exempts certain developments from public access requirements where public safety or the protection of fragile coastal resources are determined to be at stake. Where unrestricted parking threatens public safety or fragile coastal resources, restrictions may be a suitable alternative to be considered.*



**Comparison of Zoning District Uses**  
**Title 22I and June 2011 Public Review (PRD) Draft Dev. Code**

**A. Residential Zoning Districts**

Coastal, Residential, Agricultural	C-RA
Coastal, Residential, Single-Family	C-R1
Coastal, Residential, Single-Family Planned	C-RSP
Coastal, Res, Single-Family Planned, Seadrift Subdivision	C-RSPS
Coastal, Residential, Two-Family	C-R2
Coastal, Residential, Multiple Planned	C-RMP

**B. Commercial and Mixed-Use Zoning Districts****Map Symbol**

Coastal, Village Commercial/Residential	C-VCR
Coastal, Limited Roadside Business	C-H1
Coastal, Planned Commercial	C-CP
Coastal, Residential/Commercial Multiple Planned	C-RMPC
Coastal, Resort and Commercial Recreation	C-RCR

**C. Special Purpose and Combining Districts**

Open Area	C-OA
Public Facilities	C-PF
Minimum Lot Size	B

(C-APZ and C-ARP Agricultural Districts to be addressed together with Ag. Chapter)

**Key to Table:**

1. **Highlighted** uses indicate certified Principal Permitted Uses (PPUs), where the use category is not proposed for amendment.
2. ~~Cross-Out~~ identifies currently certified uses whose categories are proposed to be amended (e.g. "(now P)" means the use is now proposed as a Permitted Use), deleted (no new use category indicated) or renamed to consistent with the rest of the Dev. Code.
3. Underlined uses show new or renamed uses, or more finely disaggregated components of a use.
4. In the proposed zoning tables **Permitted (P)** uses are *italicized and denoted with a (P)*, Conditional Uses are denoted with a **(U)**.
5. Existing Title 22I is not divided into Land Use types as the current Dev. Code Tables are (Agricultural, Manufacturing and Processing, etc.) but it's uses are separated in this fashion to facilitate comparison.

Highlight indicates certified Principal Permitted Use

C-RA (COASTAL, RESIDENTIAL, AGRICULTURAL)	
Existing Title 22I Principal Permitted Use	PRD Proposed Principal Permitted Use
<u>Residential Uses</u> <ul style="list-style-type: none"> <li>Single-family residence</li> <li>Accessory buildings</li> <li>Home occupations</li> </ul>	<u>Residential Uses</u> <ul style="list-style-type: none"> <li>Single family residence dwellings</li> <li>Residential accessory uses and structures buildings</li> <li><del>Home occupation</del> (now "P")</li> <li>Affordable housing</li> <li>Room rentals</li> <li>Residential second units</li> </ul>
<u>Agricultural</u> <ul style="list-style-type: none"> <li>Small livestock farming; provided, that not to exceed 1 horse, or 1 cow, or 1 hog, or 3 sheep, or 3 goats, or other similar livestock may be kept for each 20,000 s.f. of area of the lot, to a maximum of 3 horses, or 3 hogs, or 6 sheep, or 6 goats or other similar livestock maintained on any one lot</li> <li>Crops, Horticulture, Nurseries and greenhouses</li> </ul>	<u>Agricultural</u> <ul style="list-style-type: none"> <li><del>Small livestock farming (not to exceed 1 horse, 1 cow, or 1 hog, or 3 sheep, or 3 goats, or other similar livestock for each 20,000 s.f. of area of the lot, to a max of 3 horses, or 3 cows, or 3 pigs)</del> (now "P")</li> <li>Agricultural production Crops, Horticulture, Nurseries and greenhouses</li> <li>Commercial gardening</li> <li>Agricultural accessory structures</li> <li>Agricultural worker housing</li> </ul>
<u>Resource, Open space Uses</u> (none)	<u>Resource, Open space Uses</u> <ul style="list-style-type: none"> <li>Wind energy conversion systems (WECS), Small roof-mounted</li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>Bed and breakfast operations as defined in Section 22.02.103I, for such operations which offer or provide not more than three guest rooms</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li><del>Bed and breakfast operations as defined in Section 22.02.103I, for such operations which offer or provide not more than three guest rooms</del> (now "P")</li> </ul>
Existing Conditional Uses	Proposed Permitted (P), Conditional Uses (U)
<u>Agricultural</u> <ul style="list-style-type: none"> <li>Livestock farming exceeding 3 cows or 3 horses or 3 hogs or 6 sheep</li> </ul>	<u>Agricultural</u> <ul style="list-style-type: none"> <li>Livestock operations, small animals (permit depends on standards) <del>Small livestock farming; provided, that not to exceed 1 horse, or 1 cow, or 1 hog, or 3 sheep, or 3 goats, or other similar livestock may be kept for each 20,000 s.f. of area of the lot, to a maximum of 3 horses, or 3 hogs, or 6 sheep, or 6 goats or other similar livestock maintained on any one lot</del></li> <li>Livestock animals, large animals (permit depends on standards in §22.32.030)</li> <li>Agricultural processing (U)</li> <li>Plant nurseries, with on-site sales (U)</li> <li>Plant nurseries, without on-site sales (U)</li> </ul>
<u>Manufacturing &amp; Processing</u> (none)	<u>Manufacturing &amp; Processing (U)</u> <ul style="list-style-type: none"> <li>Cottage industries (U)</li> </ul>



<u>Resource, Open Space Uses</u> (none)	<u>Resource, Open Space Uses</u> <ul style="list-style-type: none"> <li>• <u>Nature preserves (P)</u></li> <li>• <u>Wind energy conversion systems (WECS), Small Non-grid-tied Agricultural (P/U)</u></li> <li>• <u>Wind energy conversion systems (WECS), Small freestanding (P)</u></li> <li>• <u>Wind energy conversion systems (WECS), medium (P)</u></li> </ul>
<u>Recreation, Education &amp; Public Assembly</u> <ul style="list-style-type: none"> <li>• Public parks and playgrounds</li> <li>• Schools</li> <li>• Libraries and museums</li> <li>• Churches and retreats</li> <li>• Noncommercial tennis courts</li> </ul>	<u>Recreation, Education &amp; Public Assembly</u> <ul style="list-style-type: none"> <li>• Public parks and playgrounds (U)</li> <li>• Schools (U)</li> <li>• Libraries and museums (U)</li> <li>• <u>Religions places of worship Churches and retreats- (U)</u></li> <li>• <u>Community centers (U)</u></li> <li>• <u>Private residential recreation facilities Noncommercial tennis courts (U)</u></li> <li>• <u>Public buildings (U)</u></li> </ul>
<u>Residential Uses</u> (none)	<u>Residential Uses</u> <ul style="list-style-type: none"> <li>• <u>Group homes, 6 or fewer residents (P)</u></li> <li>• <u>Group homes, 7 or more residents (U)</u></li> <li>• <u>Guest houses (P)</u></li> <li>• <u>Home occupations (P)</u></li> <li>• <u>Organizational houses (U)</u></li> <li>• <u>Residential care facility, 6 or fewer individuals (P)</u></li> <li>• <u>Residential care facility, 7 or more individuals (U)</u></li> </ul>
<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>• Sale of agricultural products produced on the premises</li> <li>• Buildings for the sale of agricultural and nursery products</li> </ul>	<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>• Sale of agricultural products produced on the premises (U)</li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>• Day child-care centers for 7 or more children</li> <li>• Dog kennels</li> <li>• Bed and breakfast operations as defined in Section 22.02.103, which provide for 4 but nor more than 5 guest rooms</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li>• <u>Child day-care centers Day-care centers for 7 or more children (U)</u></li> <li>• <u>Kennels and animal boarding dog kennels (U)</u></li> <li>• <u>Bed and breakfast, 4 or 5 guest rooms (U)</u></li> <li>• <u>Bed and breakfast, 3 or fewer guest rooms (P)</u></li> <li>• <u>Child day-care, small family day-care homes (P)</u></li> <li>• <u>Public utility or safety facilities (U)</u></li> </ul>
<u>Transportation &amp; Communications</u> (none)	<u>Transportation &amp; Communications</u> <ul style="list-style-type: none"> <li>• <u>Pipelines and utility lines (U)</u></li> <li>• <u>Telecommunications (P/U)</u></li> </ul>

Highlight indicates certified Principal Permitted Use

C-R1 (COASTAL RESIDENTIAL, SINGLE-FAMILY)	
Existing Title 22I Principal Permitted Use	PRD Proposed Principal Permitted Use
<u>Residential Uses</u> <ul style="list-style-type: none"> <li>One-family dwelling</li> <li>Home occupations</li> <li>Accessory buildings</li> </ul>	<u>Residential</u> <ul style="list-style-type: none"> <li><b>Single family one-family dwellings</b></li> <li><del>Home occupations</del> (see “home occupations” below)</li> <li><b>Residential accessory uses and structures buildings</b></li> <li>Affordable housing</li> <li>Room rentals</li> <li>Residential second units</li> </ul>
<u>Agricultural</u> <ul style="list-style-type: none"> <li>Crops, tree and truck farming</li> <li>Nurseries and greenhouses</li> </ul>	<u>Agricultural</u> <ul style="list-style-type: none"> <li><del>Crops, tree and truck farming</del> (see “agricultural production” and “commercial gardening” in “P”)</li> <li><del>Nurseries and greenhouses</del> (see “agricultural production” and “plant nurseries” in “P”)</li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>Bed and breakfast (3 or fewer guest rooms)</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li><del>Bed and breakfast (3 or fewer guest rooms)</del> (now “P”)</li> </ul>
<u>Resource, Open Space Uses</u> <u>(none)</u>	<u>Resource, Open Space Uses</u> <ul style="list-style-type: none"> <li>Wind energy conversion systems (WECS), small roof-mounted</li> </ul>
Existing Conditional Uses	Proposed <i>Permitted (P)</i> , Conditional Uses ( <i>U</i> )
<u>Agricultural</u> <ul style="list-style-type: none"> <li>Salesrooms or other buildings for the sale of nursery or agricultural products (also listed below under Retail Uses)</li> </ul>	<u>Agricultural</u> <ul style="list-style-type: none"> <li><del>Salesrooms or other buildings for the sale of nursery or agricultural products</del> Plant nurseries, with on-site sales</li> <li><i>Agricultural accessory structures (P)</i></li> <li><i>Agricultural production (was PP as “crops, tree and truck farming, and nurseries and greenhouses)</i></li> <li><i>Commercial gardening (was PP as “crops, tree and truck farming, and nurseries and greenhouses)</i></li> <li><i>Livestock operations, small animals (P subject to standards)</i></li> <li><i>Plant nurseries, without on-site sales (was PP as “nurseries and greenhouses”)</i></li> </ul>
<u>Manufacturing &amp; Processing</u> <u>(none)</u>	<u>Manufacturing &amp; Processing</u> <ul style="list-style-type: none"> <li><u>Cottage industries (U)</u></li> </ul>

Highlight indicates certified Principal Permitted Use

<b>C-R-2 (COASTAL, RESIDENTIAL, TWO-FAMILY)</b>	
Existing Title 22I Principal Permitted Use	PRD Proposed Principal Permitted Use
<u>Residential Uses</u> <ul style="list-style-type: none"> <li>One-family dwelling</li> <li>Two-family dwellings</li> <li>Home occupations</li> <li>Accessory buildings</li> </ul>	<u>Residential</u> <ul style="list-style-type: none"> <li><b>Single family one-family dwellings</b></li> <li><b>Two-family dwellings</b></li> <li><del>Home occupations</del> <b>(Now "P")</b></li> <li><b>Residential accessory uses and structures buildings</b></li> <li><b>Affordable housing</b></li> <li><b>Room rentals</b></li> <li><b>Residential second units</b></li> </ul>
<u>Agricultural</u> <ul style="list-style-type: none"> <li>Crops, tree and truck farming</li> <li>Nurseries and greenhouses</li> </ul>	<u>Agricultural</u> <ul style="list-style-type: none"> <li><del>Crops, tree and truck farming</del> <b>(Now "P" as "ag. production" and "commercial gardening")</b></li> <li><del>Nurseries and greenhouses</del> <b>(Now "P" as "ag. production" and "plant nurseries")</b></li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>Bed and breakfast (3 or fewer guest rooms)</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li><del>Bed and breakfast (3 or fewer guest rooms)</del> <b>(Now "P")</b></li> </ul>
<u>Resource, Open Space Uses</u> <del>(no principally permitted uses listed)</del> <u>(none)</u>	<u>Resource, Open Space Uses</u> <ul style="list-style-type: none"> <li>Wind energy conversion systems (WECS), small roof-mounted</li> </ul>
Existing Conditional Uses	Proposed <i>Permitted (P)</i> , Conditional Uses (U)
<u>Agricultural</u> <ul style="list-style-type: none"> <li>Salesrooms or other buildings for the sale of nursery or agricultural products (also listed below under Retail Uses)</li> </ul>	<u>Agricultural</u> <ul style="list-style-type: none"> <li><del>Salesrooms or other buildings for the sale of nursery or agricultural products</del> Plant nurseries, with on-site sales (U)</li> <li><i>Agricultural accessory structures (P)</i></li> <li><i>Agricultural production (was PP as "crops, tree and truck farming, and nurseries and greenhouses")</i></li> <li><i>Commercial gardening (was PP as "crops, tree and truck farming, and nurseries and greenhouses")</i></li> <li><i>Livestock operations, small animals (P subject to standards)</i></li> <li><i>Plant nurseries, without on-site sales (was PP as "nurseries and greenhouses")</i></li> </ul>
<u>Manufacturing &amp; Processing</u> (none)	<u>Manufacturing &amp; Processing</u> <ul style="list-style-type: none"> <li><u>Cottage industries</u></li> </ul>

<b>C-RSPS</b> <b>(COASTAL, RESIDENTIAL, SINGLE FAMILY PLANNED, SEADRIFT SUBDIVISION)</b>	
<b>Existing Title 22I Principal Permitted Use</b>	<b>PRD Proposed Principal Permitted Use</b>
<u>Residential Uses</u> <ul style="list-style-type: none"> <li>One-family dwellings</li> <li>Home occupations without external evidence of same</li> <li>Accessory buildings</li> </ul>	<u>Residential Uses</u> <ul style="list-style-type: none"> <li><b>Single One family dwelling</b></li> <li><b>Home occupations</b> without external evidence of same</li> <li><b>Residential accessory uses and structures buildings</b></li> <li><b>Affordable housing</b></li> <li>Room rentals</li> <li><b>Residential second units</b></li> </ul>
<u>Resource, Open Space Uses</u> <ul style="list-style-type: none"> <li>Natural reserves</li> </ul>	<u>Resource, Open Space Uses</u> <ul style="list-style-type: none"> <li><del>Natural reserves</del> (now "P")</li> <li><b>Wind energy conversion systems (WECS), Small Roof-mounted (P/U)</b></li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>B&amp;B operations as defined in Section 22.02.103I</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li><del>B&amp;B operations as defined in Section 22.02.103I</del> (Now U)</li> </ul>
<b>Existing Conditional Uses</b>	<b>Proposed <i>Permitted (P)</i>, Conditional Uses (U)</b>
<u>Manufacturing &amp; Processing</u> (none)	<u>Manufacturing &amp; Processing</u> <ul style="list-style-type: none"> <li><u>Cottage industries (U)</u></li> </ul>
<u>Resource, Open Space Uses</u> (none)	<u>Resource, Open Space Uses</u> <ul style="list-style-type: none"> <li><u>Nature preserves (was PP)</u></li> <li><u>Wind energy conversion systems (WECS), Small Non-grid-tied Agricultural (P/U)</u></li> <li><u>Wind energy conversion systems (WECS), Small Freestanding</u></li> <li><u>Wind energy conversion systems (WECS), Medium</u></li> </ul>
<u>Recreation, Education &amp; Public Assembly</u> <ul style="list-style-type: none"> <li>Public and private riding academies</li> <li>Public parks and playgrounds</li> <li>Schools</li> <li>Libraries and museums</li> <li>Churches and retreats</li> <li>Noncommercial tennis courts</li> </ul>	<u>Recreation, Education &amp; Public Assembly</u> <ul style="list-style-type: none"> <li><del>Public and private riding academies</del></li> <li>Public parks and playgrounds</li> <li>Schools</li> <li>Libraries and museums</li> <li><u>Religions places of worship Churches and retreats</u></li> <li><u>Private residential recreation facilities</u></li> <li><del>noncommercial tennis courts</del></li> <li><u>Community Centers</u></li> <li><u>Public buildings</u></li> </ul>
<u>Residential Uses</u> (none)	<u>Residential Uses</u> <ul style="list-style-type: none"> <li><u>Group homes, 6 or fewer residents</u></li> <li><u>Group homes, 7 or more residents</u></li> <li><u>Guest houses (P)</u></li> <li><u>Home occupations (P)</u></li> </ul>

	<ul style="list-style-type: none"> <li>• <u>Organizational houses (U)</u></li> </ul>
<u>Service Uses</u> (none)	<u>Service Uses</u> <ul style="list-style-type: none"> <li>• <u><i>Bed and breakfast, 3 or fewer guest rooms as defined in Section 22.02.103, (U was PP)</i></u></li> <li>• <u>Bed and breakfast, 4 or 5 guest rooms (U)</u></li> <li>• <u>Child day-care centers (U)</u></li> <li>• <u><i>Child day-care, large family day-care homes (P)</i></u></li> <li>• <u>Child day-care, small family day-care homes (U)</u></li> <li>• <u>Kennels and animal boarding (U)</u></li> <li>• <u>Public utility or safety facilities (U)</u></li> </ul>
<u>Transportation &amp; Communications</u> (none)	<u>Transportation &amp; Communications</u> <ul style="list-style-type: none"> <li>• <u>Pipelines and utility lines (U)</u></li> <li>• <u>Telecommunications (P/U)</u></li> </ul>

C-RSP (COASTAL, RESIDENTIAL, SINGLE-FAMILY PLANNED)	
Existing Title 22I Principal Permitted Use	PRD Proposed Principal Permitted Use
<u>Residential Uses</u> <ul style="list-style-type: none"> <li>One-family dwelling</li> <li>Home occupations</li> <li>Accessory buildings</li> </ul>	<u>Residential Uses</u> <ul style="list-style-type: none"> <li><b>Single One family dwelling</b></li> <li><b>Home occupations without external evidence of same</b></li> <li><b>Residential accessory</b> uses and structures buildings</li> <li>Affordable housing</li> <li>Room rentals</li> <li>Residential second units</li> </ul>
<u>Agricultural</u> <ul style="list-style-type: none"> <li>Crops, tree and truck farming</li> <li>Nurseries and greenhouses</li> </ul>	<u>Agricultural</u> <ul style="list-style-type: none"> <li><del>Crops, tree and truck farming</del> (see “agricultural production” and “commercial gardening” below)</li> <li><del>Nurseries and greenhouses</del> (see “agricultural production” and “plant nurseries” below)</li> </ul>
<u>Resource, Open Space Uses</u> <ul style="list-style-type: none"> <li>Nature reserves</li> </ul>	<u>Resource, Open Space Uses</u> <ul style="list-style-type: none"> <li><del>Nature reserves</del> (now “P”)</li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>B&amp;B operations as defined in Section 22.02.103I, for such operations which offer or provide not more than three guest rooms</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li><del>B&amp;B operations as defined in Section 22.02.103I for such operations which offer or provide not more than three guest rooms</del></li> </ul>
Existing Conditional Uses	Proposed Permitted (P), Conditional Uses (U)
<u>Agricultural</u> <ul style="list-style-type: none"> <li>The grazing of livestock shall not be permitted in areas where it is likely to cause damaging soil erosion or water pollution</li> </ul>	<u>Agricultural</u> <ul style="list-style-type: none"> <li><del>Livestock operations, grazing</del> <del>The grazing of livestock shall not be permitted in areas where it is likely to cause damaging soil erosion or water pollution</del> (U, subject to standards)</li> <li><u>Agricultural accessory structures (P)</u></li> <li><u>Agricultural production (P)</u> (was PP as “crops, tree and truck farming, and nurseries and greenhouses)</li> <li><u>Commercial gardening (P)</u> (was PP as “crops, tree and truck farming, and nurseries and greenhouses)</li> <li><u>Livestock operations, small animals (P, subject to standards)</u></li> <li><u>Mariculture/aquaculture (U)</u></li> <li><u>Plant nurseries, with on-site sales (U)</u></li> <li><u>Plant nurseries, without onsite sales (P)</u> (was PP as “nurseries and greenhouses”)</li> </ul>
<u>Manufacturing &amp; Processing</u> (none)	<u>Manufacturing &amp; Processing</u> <ul style="list-style-type: none"> <li><u>Cottage industries (U)</u></li> </ul>
<u>Resource, Open Space Uses</u>	<u>Resource, Open Space Uses</u>

(none)	<ul style="list-style-type: none"> <li>• <u>Nature preserves (P) (was PP)</u></li> <li>• <u>Wind energy conversion systems (WECS), Small Roof-mounted (P/U)</u></li> <li>• <u>Wind energy conversion systems (WECS), Small Non-grid-tied Agricultural (P/U)</u></li> <li>• <u>Wind energy conversion systems (WECS), Small Freestanding (P)</u></li> <li>• <u>Wind energy conversion systems (WECS), Medium (P)</u></li> </ul>
<u>Recreation, Education &amp; Public Assembly</u> <ul style="list-style-type: none"> <li>• Public parks and playgrounds</li> <li>• Schools</li> <li>• Libraries and museums</li> <li>• Churches</li> <li>• Retreats</li> <li>• Noncommercial tennis courts</li> <li>• Horses, donkeys, mules and ponies shall be permitted subject to provisions of Section 22.68.040I. The grazing of livestock shall not be permitted in areas where it is likely to cause damaging soil erosion or water pollution</li> </ul>	<u>Recreation, Education &amp; Public Assembly</u> <ul style="list-style-type: none"> <li>• Public parks and playgrounds (U)</li> <li>• Schools (U)</li> <li>• Libraries and museums (U)</li> <li>• Religious places of worship <del>Churches</del> (U)</li> <li>• Religious places of worship <del>Retreats</del> (U)</li> <li>• <del>Noncommercial tennis courts</del></li> <li>• <del>Horses, donkeys, mules, ponies shall be permitted subject to provisions of Section 22.68.040I. The grazing of livestock shall not be permitted in areas where it is likely to cause damaging soil erosion or water pollution (P subject to standards)</del></li> <li>• <u>Community centers (U)</u></li> <li>• <u>Private residential recreation facilities (U)</u></li> <li>• <u>Public buildings (U)</u></li> </ul>
<u>Residential Uses</u> (none)	<u>Residential Uses</u> <ul style="list-style-type: none"> <li>• <u>Group homes, 6 or fewer residents (P)</u></li> <li>• <u>Group homes, 7 or more residents (U)</u></li> <li>• <u>Guest houses (P)</u></li> <li>• <u>Home occupations (P)</u></li> <li>• <u>Organizational houses (U)</u></li> <li>• <u>Residential care facility, 6 or fewer individuals (P)</u></li> <li>• <u>Residential care facility, 7 or more individuals (U)</u></li> </ul>
<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>• Salesrooms or other buildings for the sale of nursery and agricultural products</li> </ul>	<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>• Sale of agricultural products produced on site (U)</li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>• “Bed and breakfast” operations as defined in Section 22.01.103I; provided, however, that prior to establishment of such a use which provides 4 but not more 5 guest rooms, a use permit shall first be secured</li> <li>• Day child-care centers for 7 or more children</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li>• <u>Bed and breakfast, 3 or fewer guest rooms</u> <del>B&amp;B operations as defined in Section 22.02.103I, for such operations which offer or provide not more than three guest rooms (U) (was PP)</del></li> <li>• <del>Bed and breakfast, 4 or 5 guest rooms as defined in Section 22.01.103I; provided, however, that prior to establishment of such a use which provides 4 but not more 5 guest rooms, a use permit shall first be secured (U)</del></li> <li>• Child day-care centers (U)</li> <li>• <u>Child day-care, large family day-care homes (P)</u></li> <li>• <u>Child day-care, small family day-care homes</u></li> </ul>

	<u>(U)</u> <ul style="list-style-type: none"> <li>• <u>Kennels and animal boarding (U)</u></li> <li>• <u>Public utility or safety facilities (U)</u></li> </ul>
<u>Transportation and Communications Uses</u> (none)	<u>Transportation &amp; Communications</u> <ul style="list-style-type: none"> <li>• <u>Pipelines and utility lines (U)</u></li> <li>• <u>Telecommunications (P/U)</u></li> </ul>



<b>C-RMP</b> <b>(COASTAL, RESIDENTIAL, MULTIPLE PLANNED)</b>	
<b>Existing Title 22I Principal Permitted Use</b>	<b>PRD Proposed Principal Permitted Use</b>
<u>Residential Uses</u> <ul style="list-style-type: none"> <li>One-family dwellings</li> <li>Two-family dwellings</li> <li>Multiple dwellings</li> <li>Home occupations</li> <li>Accessory buildings</li> <li>Accessory uses</li> </ul>	<u>Residential Uses</u> <ul style="list-style-type: none"> <li><b>Single One family dwelling</b></li> <li><b>Two family dwelling</b></li> <li><del>Multiple dwellings</del> (now "P")</li> <li><del>Home occupations</del> (now "P")</li> <li><b>Residential accessory uses and accessory structures</b> buildings</li> <li>Affordable housing</li> <li>Room rentals</li> <li>Residential second units</li> </ul>
<u>Agricultural</u> <ul style="list-style-type: none"> <li>Crops, tree and truck farming (but not including any sales rooms or other buildings for the sale of any product)</li> <li>Nurseries and greenhouses (but not including any sales rooms or other buildings for the sale of any product)</li> </ul>	<u>Agricultural</u> <ul style="list-style-type: none"> <li><del>Crops, tree and truck farming</del> (see "agricultural production" and "commercial gardening" below)</li> <li><del>Nurseries and greenhouses</del> (see "agricultural production" and "plant nurseries" below)</li> </ul>
<u>Recreation, Education &amp; Public Assembly</u> <ul style="list-style-type: none"> <li>Public parks and playgrounds</li> </ul>	<u>Recreation, Education &amp; Public Assembly</u> <ul style="list-style-type: none"> <li><del>Public parks and playgrounds</del> (now "P")</li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>Bed and breakfast operations as defined in Section 22.02.103I, for such operations which offer or provide not more than three guest rooms</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li><del>B&amp;B operations as defined in Section 22.02.103I for such operations which offer or provide not more than three guest rooms</del> (now "P")</li> </ul>
<b>Existing Conditional Uses</b>	<b>Proposed Permitted (P), Conditional Uses (U)</b>
<u>Agricultural</u> <ul style="list-style-type: none"> <li>Salesrooms or other buildings for the sale of nursery or agricultural products (also listed below under Retail Trade Uses)</li> </ul>	<u>Agricultural</u> <ul style="list-style-type: none"> <li><i>Agricultural production (P)</i> (was PP as "crops, tree and truck farming, and nurseries and greenhouses)</li> <li><i>Commercial gardening (P)</i> (was PP as "crops, tree and truck farming, and nurseries and greenhouses)</li> <li><u><i>Agricultural accessory structures (P)</i></u></li> <li><u>Livestock operations, grazing (U, subject to standards)</u></li> <li><u><i>Livestock operations, small animals (P, subject to standards)</i></u></li> <li><u>Mariculture/aquaculture (U)</u></li> <li><u>Plant nurseries, with on-site sales (U)</u></li> <li><u><i>Plant nurseries, without onsite sales (P)</i></u> (was PP as "nurseries and greenhouses")</li> </ul>
<u>Manufacturing &amp; Processing</u> (none)	<u>Manufacturing &amp; Processing</u> <ul style="list-style-type: none"> <li><u>Cottage industries (U)</u></li> </ul>

<u>Resource, Open Space Uses</u> (none)	<u>Resource, Open Space Uses</u> <ul style="list-style-type: none"> <li>• <u>Nature preserves (P)</u></li> <li>• <u>Wind energy conversion systems (WECS), Small Non-grid-tied Agricultural (P/U)</u></li> <li>• <u>Wind energy conversion systems (WECS), Small Freestanding (P)</u></li> <li>• <u>Wind energy conversion systems (WECS), Medium (P)</u></li> </ul>
<u>Recreation, Education &amp; Public Assembly</u> <ul style="list-style-type: none"> <li>• Schools</li> <li>• Libraries and museums</li> <li>• Churches</li> <li>• Tennis courts and similar noncommercial recreational uses</li> <li>• Horses, donkeys, mules and ponies shall be permitted subject to provisions of Chapter 22.68I</li> </ul>	<u>Recreation, Education &amp; Public Assembly</u> <ul style="list-style-type: none"> <li>• Schools (U)</li> <li>• Libraries and museums (U)</li> <li>• Religious places of worship <del>Churches</del> (U)</li> <li>• <u>Private residential recreation facilities (U)</u></li> <li><del>Tennis courts and similar noncommercial recreational uses</del></li> <li>• Horses, donkeys, mules, ponies <del>shall be permitted subject to provisions of Chapter 22.68I</del> (U subject to standards)</li> <li>• <u>Public parks and playgrounds (P)</u></li> <li>• <u>Community centers (U)</u></li> <li>• <u>Equestrian facilities (U)</u></li> <li>• <u>Public buildings (U)</u></li> </ul>
<u>Residential Uses</u> (none)	<u>Residential Uses</u> <ul style="list-style-type: none"> <li>• <u>Multi-family <del>multiple</del> dwellings (was PP now P)</u></li> <li>• <u>Home occupations (was PP now P)</u></li> <li>• <u>Group homes, 6 or fewer residents (P)</u></li> <li>• <u>Group homes, 7 or more residents (U)</u></li> <li>• <u>Guest houses (P)</u></li> <li>• <u>Organizational houses (U)</u></li> <li>• <u>Residential care facility, 6 or fewer individuals (P)</u></li> <li>• <u>Residential care facility, 7 or more individuals (U)</u></li> </ul>
<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>• Salesrooms or other buildings for the sale of nursery or agricultural products (also listed above under Agricultural Uses)</li> </ul>	<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>• Sale of agricultural products produced on site <del>Salesrooms or other buildings for the sale of nursery or agricultural products</del> (U)</li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>• Day childcare centers for 7 or more children</li> <li>• Bed and breakfast operations as defined in Section 22.02.103I, which provide four but not more than five guest rooms</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li>• <u>Child day-care, large family day-care homes (P)</u></li> <li>• <u>Child day-care, small family day-care homes (U)</u></li> <li>• <u>Child day-care centers (U)</u></li> <li>• <u>Bed and breakfast, 3 or fewer guest rooms (U) (was PP)</u></li> <li>• Bed and breakfast, 4 or 5 guest rooms as defined in Section 22.02.103I, which provide four but not more than five guest rooms (U)</li> <li>• <u>Public utility or safety facilities (U)</u></li> </ul>
<u>Transportation and Communications Uses</u> (none)	<u>Transportation &amp; Communications</u> <ul style="list-style-type: none"> <li>• <u>Pipelines and utility lines (U)</u></li> <li>• <u>Telecommunications (P/U)</u></li> </ul>

Highlight indicates certified Principal Permitted Use

C-CP (COASTAL, PLANNED COMMERCIAL)	
Existing Title 22I Principal Permitted Use	PRD Proposed Principal Permitted Use
<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>Commercial uses (approved through MP)</li> </ul>	<u>Retail Trade Uses</u> <sup>*</sup> <ul style="list-style-type: none"> <li>Accessory retail uses</li> <li>Furniture, furnishings, and equipment stores</li> <li>Grocery stores</li> <li>Liquor stores</li> <li>Restaurants (40 patrons or less)</li> <li>Retail stores, general merchandise</li> </ul> <i>* All components of Commercial</i>
<u>Manufacturing and Processing Uses</u> <u>Agricultural, Resource and Open Space</u> <u>Recreation, Education and Public Assembly Uses</u>  (none)	<u>Manufacturing and Processing Uses</u> <u>Agricultural, Resource and Open Space</u> <u>Recreation, Education and Public Assembly Uses</u>  (none)
<u>Residential Uses</u> (none)	<u>Residential Uses</u> <ul style="list-style-type: none"> <li><b><u>Affordable Housing (REVISE TO "P")</u></b></li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>Commercial uses (approved through MP)</li> </ul>	<u>Service Uses</u> <sup>*</sup> <ul style="list-style-type: none"> <li>Automatic teller machine (ATM), not at bank</li> <li>Banks and financial services (no drive-thru)</li> <li>Offices</li> <li>Personal services</li> <li><i>All components of Commercial</i></li> </ul>
<u>Transportation and Communications Uses</u> (none)	<u>Transportation and Communications Uses</u> <ul style="list-style-type: none"> <li><u>Transit stop shelters</u></li> </ul>
Existing Conditional Uses	Proposed <b><i>Permitted (P)</i></b> , Conditional Uses ( <b><i>U</i></b> )
<u>Retail Trade Uses</u> (none)	<u>Retail Trade Uses</u> <sup>*</sup> <ul style="list-style-type: none"> <li><u>Auto, mobile home, vehicle and parts sales, new</u></li> <li><u>Auto sales, used</u></li> <li><u>Bars and drinking places</u></li> <li><u>Building material stores</u></li> <li><u>Farmers' markets</u></li> <li><u>Fuel and ice dealers</u></li> <li><u>Outdoor retail sales and activities</u></li> <li><u>Outdoor retail sales, temporary</u></li> <li><u>Restaurant (more than 40 patrons)</u></li> <li><u>Restaurant with liquor and/or entertainment</u></li> <li><u>Restaurants, take-out, fast food</u></li> <li><u>Retail stores, visitor/collector</u></li> <li><u>Second hand stores</u></li> <li><u>Shopping centers</u></li> </ul>

	<ul style="list-style-type: none"> <li>• <u>Tobacco retail establishments</u></li> </ul> <p><i>* All components of Commercial</i></p>
<u>Manufacturing and Processing Uses</u> (none)	<u>Manufacturing and Processing Uses</u> <ul style="list-style-type: none"> <li>• <u>Beverage production</u></li> <li>• <u>Boat manufacturing and sales</u></li> <li>• <u>Food products</u></li> <li>• <u>Furniture and fixtures</u></li> <li>• <u>Laundries and dry cleaning plants</u></li> <li>• <u>Recycling facilities</u></li> <li>• <u>Recycling – Reverse vending machines</u></li> <li>• <u>Seafood processing and sales</u></li> </ul>
<u>Agricultural, Resource and Open Space</u> (none)	<u>Agricultural, Resource and Open Space</u> <ul style="list-style-type: none"> <li>• <u>Agricultural production</u></li> <li>• <u>Commercial gardening</u></li> <li>• <u>Mariculture/aquaculture</u></li> <li>• <u>Plant nurseries, with or without on-site sales</u></li> <li>• WECS, non-commercial (P/U)</li> </ul>
<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li>• Institutional uses (approved through MP)</li> </ul>	<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li>• <u>Community Centers</u></li> <li>• <u>Health/fitness facilities</u></li> <li>• <u>Indoor recreation centers</u></li> <li>• <u>Libraries and museums</u></li> <li>• <u>Membership organization facilities</u></li> <li>• <u>Public parks and playgrounds</u></li> <li>• <u>Religious places of worship</u></li> <li>• <u>Schools</u></li> <li>• <u>Sports facilities and outdoor public assembly</u></li> <li>• <u>Studios for dance, art, music, photography, etc.</u></li> <li>• <u>Theaters and meeting halls</u></li> </ul>
<u>Residential Uses</u> (none)	<u>Residential Uses</u> (none) <b>REVISE TO:</b> <ul style="list-style-type: none"> <li>• <u>Single family dwelling</u></li> <li>• <u>Two family dwelling</u></li> <li>• <u>Multiple dwellings</u></li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>• Commercial Uses (approved through MP)</li> </ul>	<u>Service Uses</u> * <p> <i>Business support services</i>  Cemeteries, columbariums and mortuaries  Child day-care centers  Child day-care, large family day-care homes  Child day-care, small family day-care homes  Construction yards  Hotels and motels  Medical services-clinics and laboratories  Medical services-hospitals and extended care  Public utility or safety facilities  Repair and maintenance-consumer products  Repair and maintenance-vehicles  Service stations  Storage, accessory  Veterinary clinics and animal hospitals  Warehousing </p>

	<i>* All components of Commercial</i>
<u>Transportation and Communications Uses</u> (none)	<u>Transportation and Communications Uses</u> <ul style="list-style-type: none"> <li>• <u>Commercial parking and vehicle storage</u></li> <li>• <u>Harbors</u></li> <li>• <u>Marinas</u></li> <li>• <u>Pipelines and utility lines</u></li> <li>• <u>Telecommunications facilities (P/U)</u></li> <li>• <u>Transit stations and terminals</u></li> <li>• <u>Vehicle and freight terminals</u></li> </ul>

C-H1 (COASTAL LIMITED ROADSIDE BUSINESS DISTRICT)	
Existing Title 22I Principal Permitted Use	PRD Proposed Principal Permitted Use
<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>Restaurants and refreshment stands (seating for 30 patrons or less)</li> </ul>	<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li><b>Restaurants</b> (40 patrons or less)</li> </ul>
<u>Manufacturing and Processing Uses</u> (none)	<u>Manufacturing and Processing Uses</u> (none)
<u>Agricultural, Resource and Open Space</u> (none)	<u>Agricultural, Resource and Open Space</u> (none)
<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li>Nonprofit museums</li> <li>Meeting halls</li> </ul>	<u>Recreation, Education and Public Assembly Uses</u> <del>(none)</del> <b>REVISE TO:</b> <ul style="list-style-type: none"> <li><u>Nonprofit museums</u></li> <li><u>Meeting halls</u></li> </ul>
<u>Recreation, Education and Public Assembly Uses</u> (none)	<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li><b>Affordable Housing</b></li> </ul>
<u>Service Uses</u> (none)	<u>Service Uses</u> (none)
<u>Transportation and Communications Uses</u> <ul style="list-style-type: none"> <li>Transit waiting shelters</li> </ul>	<u>Transportation and Communications Uses</u> <ul style="list-style-type: none"> <li>Transit stop shelters</li> </ul>
Existing Conditional Uses	Proposed <i>Permitted (P)</i> , Conditional Uses (U)
<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>Restaurants (seating for more than 30 patrons)</li> <li>Retail stores</li> </ul>	<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>Restaurant (<u>more than 40 patrons</u>)</li> <li>Retail stores, <u>visitor/collector</u></li> <li><u>Accessory Retail Uses</u></li> <li><u>Building material stores</u></li> <li><u>Fuel and ice dealers</u></li> <li><u>Furniture, furnishings, and equipment stores</u></li> <li><u>Grocery stores</u></li> <li><u>Liquor stores</u></li> <li><u>Outdoor retail sales and activities</u></li> <li><u>Outdoor retail sales, temporary</u></li> <li><u>Restaurants, with liquor and /or entertainment</u></li> <li><u>Restaurants, take-out, fast food</u></li> <li><u>Retail stores, general merchandise</u></li> <li><u>Second hand stores</u></li> <li><u>Shopping centers</u></li> <li><u>Tobacco retail establishments</u></li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>Service stations: Establishment of self-service stations will require a Use Permit subject to periodic review</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li>Service stations</li> <li>Child day-care centers</li> <li>Child day-care, large family day-care homes</li> </ul>

<ul style="list-style-type: none"> <li>• Day child-care centers (7 or more children)</li> <li>• Hospitals</li> <li>• Clinics</li> <li>• Sanitariums</li> <li>• Philanthropic and charitable institutions</li> <li>• Hotels and motels</li> <li>• Offices</li> <li>• Bed and breakfast operations as defined in 22.02.103</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Child day-care, small family day-care homes</i></li> <li>• <u>Medical services-hospitals and extended care</u></li> <li>• <u>Medical services-clinics and laboratories</u></li> <li>• <del>Sanitariums</del></li> <li>• <del>Philanthropic and charitable institutions</del></li> <li>• Hotels and motels</li> <li>• Offices</li> <li>• Bed and breakfast, 3 or fewer guest rooms</li> <li>• Bed and breakfast, 4 or 5 guest rooms</li> <li>• <i>Automatic teller machine (ATM), not at bank</i></li> <li>• <u>Business support services</u></li> <li>• <u>Cemeteries, columbariums and mortuaries</u></li> <li>• <u>Public utility or safety facilities</u></li> <li>• <u>Repair and maintenance-vehicles</u></li> <li>• <u>Storage, accessory</u></li> <li>• <u>Veterinary clinics and animal hospitals</u></li> </ul>
<u>Manufacturing and Processing Uses</u> (none)	<u>Manufacturing and Processing Uses</u> <ul style="list-style-type: none"> <li>• <u>Food products</u></li> <li>• <u>Recycling facilities</u></li> <li>• <u>Recycling – Reverse vending machines</u></li> </ul>
<u>Agricultural, Resource and Open Space</u> <ul style="list-style-type: none"> <li>• Nurseries and greenhouses, including sales rooms or other buildings for the sale of any products</li> </ul>	<u>Agricultural, Resource and Open Space</u> <ul style="list-style-type: none"> <li>• <i>Plant nurseries, with or without on-site sales</i></li> <li>• <u>Agricultural production</u></li> <li>• <u>Commercial gardening</u></li> <li>• <u>Mariculture/aquaculture</u></li> <li>• WECS, non-commercial (P/U)</li> </ul>
<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li>• Public parks and public playgrounds</li> <li>• Schools</li> <li>• Libraries</li> <li>• Museums</li> <li>• Churches</li> <li>• Retreats</li> <li>• Noncommercial tennis courts</li> <li>• Lodges</li> </ul>	<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li>• Public parks and playgrounds</li> <li>• Schools</li> <li>• <i>Libraries</i></li> <li>• <i>Museums</i></li> <li>• Religious places of worship</li> <li>• <del>Retreats</del></li> <li>• <del>Noncommercial tennis courts</del></li> <li>• <del>Lodges</del></li> <li>• <u>Community Centers</u></li> <li>• <u>Membership organization facilities</u></li> <li>• <u>Outdoor commercial recreation</u></li> <li>• <u>Sports facilities and outdoor public assembly</u></li> <li>• <u>Studios for dance, art, music, photography, etc.</u></li> <li>• <u>Theaters and meeting halls</u></li> </ul>
<u>Residential Uses</u> <ul style="list-style-type: none"> <li>• One, two and multiple family dwellings</li> <li>• Home occupations: provided that there shall be no external evidence of any home occupation except a sign as permitted by Ch. 22.69</li> <li>• Rest homes</li> </ul>	<u>Residential Uses</u> <ul style="list-style-type: none"> <li>• Single-family dwellings</li> <li>• Two-family dwellings</li> <li>• Multi-family dwellings</li> <li>• Home occupations: <del>provided that there shall be no external evidence of any home occupation except a sign as permitted by Ch. 22.69</del></li> </ul> <p><b>REVISE TO:</b></p>

<ul style="list-style-type: none"> <li>• Fraternities and sorority houses</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Group home, 6 or fewer residents</del></li> <li>• <del>Group homes, 7 or more residents</del></li> <li>• Fraternities and sorority houses (now listed as Organizational houses)</li> <li>• <u>Guest houses</u></li> <li>• <u>Residential accessory uses and structures</u></li> <li>• <u>Room rentals</u></li> </ul>
<u>Transportation and Communications Uses</u> (none)	<u>Transportation and Communications Uses</u> <ul style="list-style-type: none"> <li>• <u>Pipelines and utility lines</u></li> <li>• <u>Telecommunications facilities (P/U)</u></li> </ul>



Highlight indicates certified Principal Permitted Use

<b>C-VCR (COASTAL, VILLAGE COMMERCIAL/RESIDENTIAL)</b>	
Existing Title 22I Principal Permitted Use	PRD Proposed Principal Permitted Use
<u>Residential Uses</u> <ul style="list-style-type: none"> <li>Single-family dwellings (findings required)</li> <li>Home occupations</li> <li>Accessory uses and buildings</li> </ul>	<u>Residential Uses</u> <ul style="list-style-type: none"> <li>Single-family dwellings</li> <li>Home occupations</li> <li>Residential accessory uses and structures</li> </ul> <b>REVISE TO:</b> <ul style="list-style-type: none"> <li>Two-family dwellings</li> <li>Multi-family dwellings</li> <li>Affordable housing</li> <li>Guest houses</li> <li>Room rentals</li> </ul>
<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>Hardware stores</li> <li>Groceries</li> <li>Liquor</li> <li>Clothing and furnishing stores</li> <li>Shoe stores</li> <li>Coffee shops</li> <li>Restaurants (40 patrons or less, no alcohol)</li> </ul>	<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li><del>Hardware stores</del></li> <li>Grocery stores</li> <li>Liquor stores</li> <li>Retail stores, general merchandise</li> <li>Furniture, furnishings, and equipment stores</li> <li><del>Coffee shops</del></li> <li>Restaurants (40 patrons or less)</li> <li>Accessory retail uses</li> </ul>
<u>Manufacturing and Processing Uses</u> <ul style="list-style-type: none"> <li>Laundries</li> <li>Dry cleaning</li> </ul>	<u>Manufacturing and Processing Uses</u> <ul style="list-style-type: none"> <li><del>Laundries</del> (changed to a Conditional Use)</li> <li><del>Dry cleaning</del> (changed to a Conditional Use)</li> </ul>
<u>Agricultural, Resource and Open Space</u> (none)	<u>Agricultural, Resource and Open Space</u> (none)
<u>Recreation, Education and Public Assembly Uses</u> (none)	<u>Recreation, Education and Public Assembly Uses</u> (none)
<u>Service Uses</u> <ul style="list-style-type: none"> <li>Barbershops/beauty shops</li> <li>Professional offices</li> <li>Banks</li> <li>Bed and breakfast (3 guest rooms or less)</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li>Barbershops/beauty shops (now labeled "Personal services")</li> <li>Professional Offices</li> <li>Banks and financial services (no drive-thru)</li> <li>Automatic teller machine (ATM)</li> <li>Bed and breakfast, 3 or fewer guest rooms</li> <li>Offices</li> <li>Personal services</li> </ul>
<u>Transportation and Communications Uses</u> <ul style="list-style-type: none"> <li>Off-street parking facilities</li> <li>Transit waiting shelters</li> </ul>	<u>Transportation and Communications Uses</u> <ul style="list-style-type: none"> <li><del>Off-street parking facilities</del> (changed to a conditional use)</li> <li>Transit stop shelters</li> </ul>

Existing Conditional Uses	Proposed <i>Permitted (P)</i> , Conditional Uses ( <i>U</i> )
<u>Residential Uses</u> Two and multiple family dwellings	<u>Residential Uses</u> <ul style="list-style-type: none"> <li>• Two-family dwellings</li> <li>• Multi-family dwellings</li> <li>• <u>Group home, 6 or fewer residents</u></li> <li>• <u>Group homes, 7 or more residents</u></li> <li>• <u>Organizational houses</u></li> </ul>
<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>• Bars and taverns</li> <li>• Building material sales and storage</li> <li>• Drive-in restaurants/Take-out food establishments</li> <li>• Restaurants (40 patrons or more, or which serve alcohol or live entertainment)</li> <li>• Sales and service and repair of new and used vehicles (no junkyards or auto dismantlers)</li> <li>• Gift and curio shops</li> <li>• Handcrafts</li> <li>• Antique sales</li> </ul>	<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>• Bars and drinking places</li> <li>• Building material stores and storage</li> <li>• <del>Drive-in</del> Restaurants, take-out, <u>fast food</u></li> <li>• Restaurant (<u>more than 40 patrons</u>)</li> <li>• Restaurants, with liquor and/or entertainment</li> <li>• Auto, mobile home, vehicle and part sales, new</li> <li>• Auto sales used</li> <li>• Retail stores, visitor/collector</li> <li>• Farmers' markets</li> <li>• Fuel and ice dealers</li> <li>• Outdoor retail sales and activities</li> <li>• Outdoor retail sales, temporary</li> <li>• Second hand stores</li> <li>• Shopping centers</li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>• Storage facilities</li> <li>• Automobile service stations</li> <li>• Hotels/motels</li> <li>• Bed and breakfast operations (4 or fewer guest rooms)</li> <li>• Veterinary hospitals/pet clinics</li> <li>• Warehousing</li> <li>• Child and day care centers for 13 or more children</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li>• <i>Storage, accessory</i></li> <li>• Service stations</li> <li>• Hotels and motels</li> <li>• Bed and breakfast, 4 or 5 guest rooms</li> <li>• Veterinary clinics and animal hospitals</li> <li>• Warehousing</li> <li>• Child day-care centers</li> <li>• <u>Business support services</u></li> <li>• <u>Cemeteries, columbariums and mortuaries</u></li> <li>• <u>Child day-care, large family day-care homes</u></li> <li>• <u>Child day-care, small family day-care homes</u></li> <li>• <u>Construction yards</u></li> <li>• <u>Medical services-hospitals and extended care</u></li> <li>• <u>Medical services-clinics and laboratories</u></li> <li>• <u>Public utility or safety facilities</u></li> <li>• <u>Repair and maintenance - consumer products</u></li> <li>• <u>Repair and maintenance-vehicles</u></li> </ul>
<u>Manufacturing and Processing Uses</u> <ul style="list-style-type: none"> <li>• Cabinet and furniture manufacture and repair</li> <li>• Boat manufacturing</li> </ul>	<u>Manufacturing and Processing Uses</u> <ul style="list-style-type: none"> <li>• Furniture and fixtures</li> <li>• Boat manufacturing and sales</li> <li>• <u>Beverage production</u></li> <li>• <u>Cottage Industries</u></li> <li>• <u>Food products</u></li> <li>• <u>Laundries and dry cleaning plants</u></li> <li>• <u>Recycling facilities</u></li> <li>• <u>Recycling – Reverse vending machines</u></li> <li>• <u>Seafood processing</u></li> </ul>

<u>Agricultural, Resource and Open Space</u> <ul style="list-style-type: none"> <li>• Crop and tree farming</li> <li>• Truck gardening</li> <li>• Nurseries and greenhouses</li> </ul>	<u>Agricultural, Resource and Open Space</u> <ul style="list-style-type: none"> <li>• <u>Agricultural production</u></li> <li>• <u>Plant nurseries, with or without on-site sales</u></li> <li>• <u>Commercial gardening</u></li> <li>• <u>Mariculture/aquaculture</u></li> <li>• <u>WECS, non-commercial (P/U)</u></li> </ul>
<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li>• Public parks and playgrounds</li> <li>• Meeting Halls, theaters, and similar places of public assembly</li> <li>• Schools</li> <li>• Libraries</li> <li>• Churches</li> <li>• Museums</li> <li>• Art galleries</li> </ul>	<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li>• Public parks and playgrounds</li> <li>• <u>Theaters and meeting halls and similar places of public assembly</u></li> <li>• Schools</li> <li>• Libraries</li> <li>• Religious places of worship</li> <li>• Museums</li> <li>• <u>Studios for dance, art, music, photography, etc.</u></li> <li>• <u>Community Centers</u></li> <li>• <u>Health/fitness facilities</u></li> <li>• <u>Indoor recreation centers</u></li> <li>• <u>Membership organization facilities</u></li> <li>• <u>Community Centers</u></li> <li>• <u>Sports facilities and outdoor public assembly</u></li> </ul>
<u>Transportation and Communications Uses</u> <ul style="list-style-type: none"> <li>• Draying and truck terminals</li> <li>• Commercial off-street parking facilities</li> </ul>	<u>Transportation and Communications Uses</u> <ul style="list-style-type: none"> <li>• <del>Draying and truck terminals</del> (item renamed Vehicle and freight Terminals)</li> <li>• <u>Commercial parking and vehicle storage</u></li> <li>• <u>Harbors</u></li> <li>• <u>Marinas</u></li> <li>• <u>Pipelines and utility lines</u></li> <li>• <u>Telecommunications facilities (P/U)</u></li> </ul>

<b>C-RMPC (COASTAL RESIDENTIAL/COMMERCIAL MULTIPLE PLANNED)</b>	
Existing Title 22I Principal Permitted Use	PRD Proposed Principal Permitted Use
<u>Residential Uses</u> <ul style="list-style-type: none"> <li>One, two and multiple family dwellings</li> <li>Accessory buildings and accessory uses</li> <li>Home occupations</li> </ul>	<u>Residential Uses</u> <ul style="list-style-type: none"> <li>Single-family dwellings</li> <li>Two-family dwellings</li> <li>Multi-family dwellings</li> <li>Residential accessory uses and structures</li> <li>Home occupations</li> <li>Affordable Housing</li> <li>Guest Houses</li> <li>Room rentals</li> </ul>
<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>Commercial and Institutional uses</li> </ul>	<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>Accessory retail uses</li> <li>Furniture, furnishings, and equipment stores</li> <li>Grocery stores</li> <li>Liquor stores</li> <li>Restaurants (40 patrons or less)</li> <li>Retail stores, general merchandise</li> </ul>
<u>Manufacturing and Processing Uses</u> (none)	<u>Manufacturing and Processing Uses</u> (none)
<u>Agricultural, Resource and Open Space</u> <ul style="list-style-type: none"> <li>Crops, tree and truck farming,</li> <li>Nurseries and greenhouses (but not including any sales rooms or other buildings for the sale of any product)</li> <li>Accessory buildings and accessory uses</li> </ul>	<u>Agricultural, Resource and Open Space</u> <ul style="list-style-type: none"> <li><del>Crops, tree and truck farming,</del></li> <li><del>Nurseries and greenhouses (but not including any sales rooms or other buildings for the sale of any product)</del> (Moved to a Conditional Use)</li> <li><del>Accessory buildings and accessory uses</del></li> <li>All agricultural uses are a Conditional Use</li> </ul>
<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li>Public parks and public playgrounds</li> </ul>	<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li><del>Public parks and public playgrounds</del></li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>Bed and breakfast operations as defined in Section 22.02.103, for such operations which offer or provide not more than three guest rooms</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li>Bed and breakfast, 3 or fewer guest rooms</li> <li>Automatic teller machine (ATM)</li> <li>Banks and financial services (no drive-thru)</li> <li>Offices</li> <li>Personal services</li> </ul>
<u>Transportation and Communications Uses</u> (none)	<u>Transportation and Communications Uses</u> <ul style="list-style-type: none"> <li>Transit stop shelters</li> </ul>
Existing Conditional Uses	Proposed Permitted (P), Conditional Uses (U)
<u>Residential Uses</u> <ul style="list-style-type: none"> <li>Day childcare centers for 7 or more children</li> <li>Horses, donkeys, mules and ponies shall be permitted subject to Ch. 22.68</li> </ul>	<u>Residential Uses</u> <ul style="list-style-type: none"> <li><del>Day childcare centers for 7 or more children</del></li> <li><del>Horses, donkeys, mules and ponies shall be permitted subject to Ch. 22.68</del></li> </ul>

	<ul style="list-style-type: none"> <li>• <u>Group home, 6 or fewer residents</u></li> <li>• <u>Group homes, 7 or more residents</u></li> <li>• <u>Organizational houses</u></li> </ul>
<u>Retail Trade Uses</u> (none)	<u>Retail Trade Uses</u> <ul style="list-style-type: none"> <li>• <u>Auto, mobile home, vehicle and part sales, new</u></li> <li>• <u>Auto sales used</u></li> <li>• <u>Bars and drinking places</u></li> <li>• <u>Building material stores</u></li> <li>• <u>Farmers' markets</u></li> <li>• <u>Fuel and ice dealers</u></li> <li>• <u>Outdoor retail sales and activities</u></li> <li>• <u>Outdoor retail sales, temporary</u></li> <li>• <u>Restaurant (more than 40 patrons)</u></li> <li>• <u>Restaurants, with liquor and/or entertainment</u></li> <li>• <u>Restaurants, take-out, fast food</u></li> <li>• <u>Retail stores, visitor/collector</u></li> <li>• <u>Second hand stores</u></li> <li>• <u>Shopping centers</u></li> </ul>
<u>Service Uses</u> <ul style="list-style-type: none"> <li>• Bed and breakfast operations as defined in Section 22.02.103, which provides but not more than 5 guest rooms</li> </ul>	<u>Service Uses</u> <ul style="list-style-type: none"> <li>• Bed and breakfast, 4 or 5 guest rooms</li> <li>• <u>Business support services</u></li> <li>• <u>Cemeteries, columbariums and mortuaries</u></li> <li>• <u>Child day-care centers</u></li> <li>• <u>Child day-care, large family day-care homes</u></li> <li>• <u>Child day-care, small family day-care homes</u></li> <li>• <u>Construction yards</u></li> <li>• <u>Hotels and motels</u></li> <li>• <u>Medical services-clinics and laboratories</u></li> <li>• <u>Medical services-hospitals and extended care</u></li> <li>• <u>Public utility or safety facilities</u></li> <li>• <u>Repair and maintenance - consumer products</u></li> <li>• <u>Repair and maintenance-vehicles</u></li> <li>• <u>Service stations</u></li> <li>• <u>Storage, accessory</u></li> <li>• <u>Veterinary clinics and animal hospitals</u></li> <li>• <u>Warehousing</u></li> </ul>
<u>Manufacturing and Processing Uses</u> (none)	<u>Manufacturing and Processing Uses</u> <ul style="list-style-type: none"> <li>• <u>Beverage production</u></li> <li>• <u>Boat manufacturing and sales</u></li> <li>• <u>Cottage Industries</u></li> <li>• <u>Food products</u></li> <li>• <u>Furniture and fixtures</u></li> <li>• <u>Laundries and dry cleaning plants</u></li> <li>• <u>Public parks and playgrounds</u></li> <li>• <u>Recycling facilities</u></li> <li>• <u>Recycling – Reverse vending machines</u></li> <li>• <u>Seafood processing and sales</u></li> </ul>
<u>Agricultural, Resource and Open Space</u> <ul style="list-style-type: none"> <li>• Salesrooms or other buildings for the sale for nursery or agricultural products</li> </ul>	<u>Agricultural, Resource and Open Space</u> <ul style="list-style-type: none"> <li>• <u>Plant nurseries, with or without on-site sales</u></li> <li>• <u>Agricultural production</u></li> <li>• <u>Commercial gardening</u></li> <li>• <u>Mariculture/aquaculture</u></li> </ul>

	<ul style="list-style-type: none"> <li>• <u>WECS, non-commercial (P/U)</u></li> </ul>
<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li>• Schools,</li> <li>• Libraries,</li> <li>• Churches,</li> <li>• Museums,</li> <li>• Tennis courts and similar noncommercial recreational uses</li> </ul>	<u>Recreation, Education and Public Assembly Uses</u> <ul style="list-style-type: none"> <li>• Schools</li> <li>• Libraries</li> <li>• Religious places of worship</li> <li>• Museums</li> <li>• <del>tennis courts and similar noncommercial recreational uses</del></li> <li>• <u>Community Centers</u></li> <li>• <u>Health/fitness facilities</u></li> <li>• <u>Indoor recreation centers</u></li> <li>• <u>Membership organization facilities</u></li> <li>• <u>Sports facilities and outdoor public assembly</u></li> <li>• <u>Studios for dance, art, music, photography, etc.</u></li> <li>• <u>Theaters and meeting halls</u></li> </ul>
<u>Transportation and Communications Uses</u> (none)	<u>Transportation and Communications Uses</u> <ul style="list-style-type: none"> <li>• <u>Commercial parking and vehicle storage</u></li> <li>• <u>Harbors</u></li> <li>• <u>Marinas</u></li> <li>• <u>Pipelines and utility lines</u></li> <li>• <u>Telecommunications facilities (P/U)</u></li> <li>• <u>Transit stations and terminals</u></li> <li>• <u>Vehicle and freight terminals</u></li> </ul>

<b>C-RCR (COASTAL, RESORT AND COMMERCIAL RECREATION DISTRICT)</b>	
Existing Title 22I Principal Permitted Use	PRD Proposed Principal Permitted Use
<u><b>Service Uses</b></u> <ul style="list-style-type: none"> <li>All uses and normal accessory uses which the planning commission finds are appropriate for a resort area or which are desirable or necessary for public service, utility service or for the servicing of the recreation industry. Approval of self-service stations or conversion of existing full-service stations to self-service stations as part of a resort area master plan will require periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services, including minor automobile repair and public restrooms or discriminating against individuals needing refueling assistance Residential, industrial, institutional, general commercial uses, mobile home parks and floating home marinas are not permitted.</li> </ul>	<u><b>Service Uses</b></u> <ul style="list-style-type: none"> <li>Hotels and motels</li> </ul> <p><b><u>REVISE TO INCLUDE OTHER RESORT COMMERCIAL USES AS DEFINED AS PPU IN EXISTING PRINCIPAL PERMITTED USES ADJACENT.</u></b></p>
<u><b>Recreation, Education and Public Assembly Uses</b></u> <ul style="list-style-type: none"> <li>Residential, industrial, institutional, general commercial uses, mobile home parks and floating home marinas are not permitted.</li> </ul>	<u><b>Recreation, Education and Public Assembly Uses</b></u> (none)
<u><b>Retail Trade Uses</b></u> <ul style="list-style-type: none"> <li>All uses and normal accessory uses which the planning commission finds are appropriate for a resort area or which are desirable or necessary for public service, utility service or for the servicing of the recreation industry. Approval of self-service stations or conversion of existing full-service stations to self-service stations as part of a resort area master plan will require periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services, including minor automobile repair and public restrooms or discriminating against individuals needing refueling assistance</li> </ul>	<u><b>Retail Trade Uses</b></u> (none)
<u><b>Residential Uses</b></u> <ul style="list-style-type: none"> <li>Residential, industrial, institutional, general commercial uses, mobile home parks and floating home marinas are not permitted.</li> </ul>	<u><b>Residential Uses</b></u> <ul style="list-style-type: none"> <li>Affordable Housing</li> </ul>
<u><b>Manufacturing and Processing Uses</b></u> <ul style="list-style-type: none"> <li>Residential, industrial, institutional, general commercial uses, mobile home parks and floating home marinas are not permitted.</li> </ul>	<u><b>Manufacturing and Processing Uses</b></u> (none)

<u><b>Agricultural, Resource and Open Space</b></u> (none)	<u><b>Agricultural, Resource and Open Space</b></u> (none)
<u><b>Transportation and Communications Uses</b></u> (none)	<u><b>Transportation and Communications Uses</b></u> • <u>Transit stop shelters</u>
<b>Existing Conditional Uses</b>	<b>Proposed <i>Permitted (P)</i>, Conditional Uses (U)</b>
<u><b>Service Uses</b></u> • See principally permitted uses	<u><b>Service Uses</b></u> • <u>Automatic teller machine (ATM), not at bank</u> • <u>Cemeteries, columbariums and mortuaries</u> • <u>Medical services – Hospitals and extended care</u> • <u>Public utility or safety facilities</u> • <u>Service stations</u> • <u>Storage, accessory</u>
<u><b>Recreation, Education and Public Assembly Uses</b></u> • See principally permitted uses	<u><b>Recreation, Education and Public Assembly Uses</b></u> • <u>Community Centers</u> • <u>Golf courses/country clubs</u> • <u>Health/fitness facilities</u> • <u>Indoor recreation centers</u> • <u>Libraries</u> • <u>Museums</u> • <u>Outdoor commercial recreation</u> • <u>Public parks and playgrounds</u> • <u>Religious places of worship</u> • <u>Schools</u> • <u>Sport facilities and outdoor public assembly</u> • <u>Studios for dance, art, music, photography, etc.</u> • <u>Theaters and meeting halls</u>
<u><b>Retail Trade Uses</b></u> • See principally permitted uses	<u><b>Retail Trade Uses</b></u> • <u>Bars and drinking places</u> • <u>Restaurants, 40 patrons or less</u> • <u>Restaurants, more than 40 patrons</u> • <u>Restaurants, with liquor and/or entertainment</u> • <u>Restaurants, take-out, fast food</u>
<u><b>Residential Uses</b></u> • See principally permitted uses	<u><b>Residential Uses</b></u> • <u>None Identified</u>
<u><b>Manufacturing and Processing Uses</b></u> • See principally permitted uses	<u><b>Manufacturing and Processing Uses</b></u> • <u>Recycling facilities</u> • <u>Recycling – Reverse vending machines</u>
<u><b>Agricultural, Resource and Open Space</b></u> • See principally permitted uses	<u><b>Agricultural, Resource and Open Space</b></u> • <u>WECS, non-commercial (U)</u>
<u><b>Transportation and Communications Uses</b></u> • See principally permitted uses	<u><b>Transportation and Communications Uses</b></u> • <u>Harbors</u> • <u>Marinas</u> • <u>Pipelines and utility lines</u> • <u>Telecommunications facilities (P/U)</u> • <u>Transit stations and terminals</u>



## Desalination

*The following policy was first proposed by staff to the Planning Commission at the public workshop on April 27, 2009, and then carried over to the workshop on May 26, 2009 for consideration.*

### **LCP Policy C-PFS-19**

Any proposed desalination plants shall require a coastal development permit and an amendment to the Marin County LCP.

Desalination facilities must:

- a. Provide public services;
- b. Avoid or fully mitigate any adverse environmental impacts to coastal resources;
- c. Be consistent with all LCP and Coastal Act policies, including those for concentrating development, supporting priority coastal uses, and protecting significant scenic and habitat resources;
- d. Be designed and sized based upon adopted community planning documents, which may include General Plans, Urban Water Management Plans, Regional Water Supply Plans, Local Coastal Programs, and other approved plans that integrate local or regional planning, growth, and water supply/demand projections;
- e. Use technologies that are energy efficient. Estimates of the projected annual energy use, the environmental impacts that will result from the greenhouse gas emissions of this energy production and evidence of compliance with air pollution control laws for emissions from the electricity generation shall be submitted with permit applications, along with proposed mitigation for the emission-related impacts.
- f. Use, where feasible, sub-surface feedwater intakes (e.g., beach wells) instead of open pipelines from the ocean, where they will not cause significant adverse impacts to either beach topography or potable groundwater supplies;
- g. Use technologies and processes that eliminate or minimize the discharges of hazardous constituents into the ocean and ensure that the least environmentally damaging options for feedwater treatment and cleaning of plant components are selected. Opportunities for combining brine discharges with other discharges (e.g., from a sewage treatment facility or power plant) should be considered and the least environmentally damaging alternative pursued. Applicants should provide information necessary to determine the potential impacts to marine resources from the proposed intake and discharge. Obtaining this information may require new or updated engineering, modeling and biological studies, or in some cases may be obtained from pre-operational monitoring, monitoring results from other desalination facilities, and pilot studies conducted before building a full-scale facility;
- h. Be designed and limited to assure that any water supplies made available as a direct or indirect result of the project will accommodate needs generated by development or uses consistent with the kinds, location and densities specified in the LCP and Coastal Act, including priority uses as required by Coastal Act Section 30254, and;
- i. Be an element (where economically and environmentally appropriate) of a balanced water supply portfolio that also includes conservation and water recycling to the maximum extent practicable.

*[New policy, not in Unit I or II, suggested by CCC]*

*At the 5/26/09 public workshop, the Planning Commission endorsed a modified version of the above proposed policy to prohibit the development of desalination facilities in the Coastal Zone.*

From the 5/26/09 PC Hearing Decision Table:

**LCP Policy C-PFS-19**

**Prohibit the development of desalination facilities.**

**Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, as evidenced by the 1981 designation of the Gulf of the Farallones National Marine Sanctuary, development of desalination facilities shall be prohibited to avoid adverse environmental and social impacts to the area.**

*[New policy, adapted from Unit II New Development and Land Use Policy 7, p. 209]*



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August 4, 2010

<sup>10</sup>  
Jack Leibster  
Marin County Community Development Agency  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903-4157

Re: North Marin Water District Comments on Local Coastal Program Amendments

Dear Mr. Leibster:

North Marin Water District (NMWD) has reviewed the June 2011 Draft Marin County Local Coastal Program Policy Amendments and Proposed Development Code Amendments. We offer the following comments to be incorporated into your proposed amendments prior to adoption by the Planning Commission and Board of Supervisors:

Marin Local Coastal Program Draft LCP Policy Amendments

1. Page 93, **C-PFS-5, Community Sewer Systems**. "Require new development within a village limit boundary to connect to a public sewer system if the sewer system is within 400 linear feet of the parcel on which the development is proposed, unless the County Health Officer finds that such connection is legally or physically impossible."

Comment: NMWD provides sewer service to the Oceana Marin development adjacent to old Dillon Beach. NMWD does provide sewer service to a handful of dwelling units (ten) within old Dillon Beach on Ocean View Avenue. Extension of sewer service to other properties within old Dillon Beach would be outside the Oceana Marin Improvement District boundaries and the cost of providing public sewer service for the old Dillon Beach community on a piecemeal basis is very expensive and would result in an unreliable, expensive and difficult to operate mixture of private and public sewer facilities. NMWD has previously identified those lots in old Dillon Beach which have an existing gravity sewer fronting the property and which may be considered for annexation by the District Board of Directors in the future in accordance with NMWD regulations (see attached map). The prescriptive "400 foot" threshold will not work in old Dillon Beach as there is not sufficient collection, treatment or disposal capacity or financing available to carry out such expansion. NMWD requests the policy apply only for those properties identified on the attached map in old Dillon Beach.

2. Page 94, **C-PFS-10, Adequate Onsite Sewage Disposal Systems for Existing Development...** "1. Require connection to a public sewer, if the property is within 400 feet of a public sewer main and it is physically and legally possible to connect to such main;"

Comment: See comment 1.

Jack Leibster  
Marin County Community Development Agency  
August 4, 2011  
Page 2

3. Page 130, **C-PFS-19, Desalination facilities**. "Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance prohibit development of desalination facilities."

Comment: NMWD currently provides community water supply to Point Reyes Station, Olema, Bear Valley, Inverness Park and Paradise Ranch communities from wells adjacent to Lagunitas Creek. Due to the wells' location in the upper tidal reach of Lagunitas Creek, they are under the influence of flows in the tidal reach and subject to periodic salinity intrusion and occasional flooding. A desalination project may be needed to address the water quality concerns resulting from salinity intrusion to the wells. For these reasons we request that limited desalination be authorized in the Point Reyes community water supply if necessary to address drinking water quality requirements.

4. Additionally, we recommend that the description of NMWD water service in West Marin be updated to better reflect existing conditions. A detailed response to Kristin Drumm's request for this information provided on April 21, 2011 is included herein for your ready reference in preparing this description update.

Marin County Local Coastal Program Proposed Development Codes Amendments

5. Page 54, "**5. Community sewer systems**. New Development within a village limit boundary shall connect to a public sewer system within 400 feet of the parcel per Land Use Policy C-PFS-5, unless such connection is prohibited by the County."

Comment: See comment 1.

6. Page 55, "**18. Desalination facilities**. Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, development of desalination facilities shall be prohibited."

Comment: See comment 3.

Thank you for the opportunity to comment.

Sincerely,



Chris DeGabriele  
General Manager

Enclosures

CD/rr

T:\GM\West Marin\2011\County LCP comments 2011.doc

## Chris DeGabriele

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**From:** Chris DeGabriele  
**Sent:** Thursday, April 21, 2011 9:44 AM  
**To:** 'Drumm, Kristin'  
**Subject:** RE: West Marin Water Information

Kristin,  
Attached is a detailed response to your information request below. I'm assuming you'll use the info for the Local Coastal Plan update for the WM communities at the base of Tomales Bay. There's more here than you likely need, but you can cut and paste as you see fit. I'd appreciate the opportunity to comment on any draft that you prepare prior to publication.  
Thanks,  
Chris DeGabriele

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**From:** Drumm, Kristin [mailto:KDrumm@co.marin.ca.us]  
**Sent:** Wednesday, April 13, 2011 3:42 PM  
**To:** Chris DeGabriele  
**Subject:** RE: West Marin Water Information

Hi Chris,

I apologize for my delayed response. I am interested in information for the following:

1. The number of active connections in the entire Point Reyes Water System, and for each of these communities: Point Reyes Station, Olema, and Inverness (including Paradise Ranch Estates).
2. A breakdown of connections by users per community, for example, the number of residential, commercial, agriculture, etc.
3. Are there any improvements or upgrades planned?
4. What are the projected water use demands for the next 20 years for these areas? Is there enough supply?

Thanks,  
Kristin

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**From:** Chris DeGabriele [mailto:cdegabriele@nmwd.com]  
**Sent:** Tuesday, March 29, 2011 4:39 PM  
**To:** Drumm, Kristin  
**Subject:** West Marin Water Information

Hi Kristin,  
I'm happy to send you a copy of the NMWD 2005 UWMP but it doesn't address our West Marin Water Improvement District because the communities served don't meet the thresholds requiring an UWMP. Give me a call to let me know what specifically you'd like to know and we'll get it for you.  
Chris DeGabriele  
(415)897-4133

Email Disclaimer: <http://www.co.marin.ca.us/nav/misc/EmailDisclaimer.cfm>



NMWD WEST MARIN WATER SUPPLY INFORMATION FOR KRISTIN DRUMM 4/21/2011

The communities of Point Reyes Station, Olema, Inverness Park, and Paradise Ranch Estates utilize groundwater that is pumped from two wells adjacent to Lagunitas Creek. The wells serving the West Marin distribution system are founded in the alluvial aquifer that underlies the Lagunitas Valley and operated by the North Marin Water District (NMWD). Significant aquifer recharge occurs through streambed infiltration along Lagunitas Creek. The local watershed runoff and upstream reservoir releases provide more than sufficient recharge to meet the water use demands of the West Marin service area and to maintain instream flows for fish.

Below are the numbers of active accounts today:

	Point Reyes Station	Olema	Inverness Park	Paradise Ranch Estates	Total
Agriculture	5	3	1	0	9
Commercial	61	14	3	2	80
Residential	340	28	153	154	675
Total	406	45	157	156	764

NMWD historically has relied on the Coast Guard Wells to supply water for the NMWD West Marin service area. The wells are located to the south of the NMWD Point Reyes Water Treatment Plant, which is located approximately 500 feet from the end of Commodore Webster Drive at the Point Reyes Station Coast Guard Housing Facility. Due to the wells' location in the upper tidal reach of Lagunitas Creek, they are under the influence of flows in the tidal reach of Lagunitas Creek and subject to periodic salinity intrusion and occasional flooding.

NMWD diverts water from Lagunitas Creek through a Water License and two Water Right Permits. Water License 4324B allows NMWD to divert water between May 1 and November 1 of each year at a rate not exceeding 0.67 cubic feet per second (cfs) for a maximum diversion of 148.8 acre-feet per year. The authorized points of diversion (POD) under this License include the Giacomini Ranch site (POD 1), the Coast Guard Wells (POD 2), and the Downey Well (POD 3). The License contains a number of stipulations that limit or prohibit diversion when streamflow in Lagunitas Creek falls below levels needed to protect fish and wildlife.

Water Right Permit 19724 allows diversion of 0.699 cfs (maximum of 212.7 acre-feet diverted) on a year-round basis. Water Right Permit 19725 allows a maximum diversion of 0.961 cfs (292.5 acre-feet maximum) on a year-round basis. The Permits authorize diversion from the Coast Guard Wells. Pursuant to State Water Resources Control Board Water Right Order 95-17 (WR 95-17) the water rights under these two Permits are junior rights that are not available during the summer months (July through October) of dry years. A dry year is defined as a year in which the total precipitation that occurs from October 1 through April 1 is less than 28 inches as measured at the Marin Municipal Water District's Kent precipitation gauge. Since WR 95-17 has been in place no dry years have occurred.

The NMWD Gallagher Pipeline project proposes to change POD 1 from the Giacomini Ranch site to the Gallagher Well site and includes drilling one additional well at NMWD's Gallagher Wells site and constructing a pipeline to connect the existing and new well at this well site to NMWD's Point Reyes water treatment plant. There is one existing well at the Gallagher Well site, but the well is not connected to the NMWD treatment and delivery system, and it has not been used since it was developed. The water from these wells would be used to supplement the

existing Coast Guard Wells, which are the primary water source for the Point Reyes Water Treatment Plant. The proposed project also includes construction of a new stream gauging station, demolition and abandonment of the existing NMWD Downey Well, and the change in purpose of use of existing NMWD Water Right Permit 19724 from municipal and irrigation to instream uses. A project site map is shown on Figure 1.

The Gallagher Ranch site is upstream of any flooding and tidal reaches of Lagunitas Creek. However, the existing NMWD Gallagher supply well has a limited flow capacity (170 gallons per minute) and is not connected to the West Marin distribution system. This project would increase the Gallagher Well site's capacity and integrate those wells into the District distribution system. Because the Coast Guard Wells largely have good water quality, are reliable during most months, and have ample recharge, the Coast Guard Wells will continue to be the primary source of supply.

The historic salinity intrusion problem at the Coast Guard Wells may be exacerbated by sea level rise and the National Park Service's conversion of the Giacomini Ranch to tidal wetland, which will increase salinity in portions of Lagunitas Creek. According to the Final EIS/EIR for the Giacomini Wetland Restoration Project, the Park Service will not implement the Olema Marsh portion of the restoration project until either further studies are done to determine whether that part of the restoration would increase salinity; new information is received showing that the project would not adversely pose a threat to NMWD water quality; or NMWD constructs the pipeline connecting the Gallagher Wells to the treatment plant.<sup>1</sup> The proposed project would satisfy the third criterion, thereby allowing the Park Service to conduct the proposed Olema Marsh restoration.

The Gallagher Well site is located on a small parcel of land (130 feet by 85 feet) owned by NMWD on property commonly called the Gallagher Ranch (14500 Point Reyes-Petaluma Road), which is located 1.3 miles northeast of Highway 1 at Point Reyes Station. Access is provided by Point Reyes-Petaluma Road. The well site is on the south bank of Lagunitas Creek, across the creek from Point Reyes-Petaluma Road near the east end of the private Gallagher Ranch bridge.

NMWD will abandon the existing Downey Well that lies within the Lagunitas Creek stream channel. This well is a hazard, causes adverse impacts to the stream and produces water with poor water quality. The well was originally constructed on the bank of the stream, but the creek has migrated and captured the wellhead, so that currently it is located in the middle of the creek. From 1994 through 2007, this well was used solely to deliver raw water to the Giacomini Ranch for irrigation.

NMWD proposes to amend Water Right License 4324B and Permit 19725 to add the Gallagher Well site as a point of diversion (Proposed POD1). NMWD is petitioning the State Water Resources Control Board (SWRCB) to change the approved points of diversion for License 4324B from the Giacomini Ranch, Coast Guard Wells, and Downey Well to the Coast Guard Wells, Downey Well site, and the Gallagher Wells.

An existing stream gauging station is located between Point Reyes-Petaluma Road and Lagunitas Creek immediately north of the Gallagher Ranch driveway. In order to gauge the streamflow downstream of the area where the existing and the new Gallagher Well would be located, the stream gauge will be relocated to a point about 1,200 feet south of the existing

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<sup>1</sup> National Park Service, Giacomini Wetland Restoration Project: Final EIS/EIR, Response C-20, Volume 2, page 8, 2007.

Gallagher Well. This site was identified as an appropriate site by NMWD and U.S. Geological Survey (USGS) staff during a March 17, 2008 site visit. The stream gauge station meets USGS standards; it would be a very small installation measuring approximately 3 feet by 3 feet by 4 feet; it would be elevated to be above the 100-year flood elevation. It would be constructed on the east side of the creek with access from the Gallagher Ranch pasture that borders this section of the creek. It would be powered by either an electrical line from a nearby power pole or a solar cell. It would contain a telephone or cell phone connection to send data.

As allowed under California Water Code Section 1707, NMWD proposes to dedicate the water that the District can now divert under its Water Right Permit 19724 to permanent instream use. The Permit allows diversion of 212.7 acre feet of water per year (at a maximum rate of 0.699 cubic feet per second) at the Coast Guard Well site for municipal and irrigation purposes. NMWD is petitioning the State Water Resources Control Board (SWRCB) to change the place of use and purpose of use for 0.699 cubic feet per second (cfs) of water diverted from Lagunitas Creek under Water Right Permit 19724 for municipal uses in the NMWD West Marin Service Area for the purpose of preserving and enhancing wetland habitat, and also for the purpose of preserving and enhancing fish and wildlife resources in Lagunitas Creek pursuant to Water Code Section 1707. The new place of use is defined as instream flows for the protection, preservation, restoration and recovery of aquatic organisms, including but not limited to coho salmon and steelhead trout pursuant to Recovery Planning measures to be developed under the Memorandum of Understanding Among National Marine Fishery Service, California Department of Fish and Game, Army Corps of Engineers, Fish Net4C, Counties of Mendocino, Sonoma, Marin, San Mateo, Santa Cruz and Monterey and the County of Humboldt as executed on May 16, 2002.<sup>6</sup>

Lagunitas Creek is classified as a Flow-Regulated Mainstem River pursuant to the Policy for Maintaining Instream Flows in Northern California Coastal Streams. The above noted change petition(s) and the proposed changed point of diversion result in no additional diversion of water beyond that currently licensed (License 4324B) and permitted (Permit 19725). In fact, the petition to change the purpose of use of Permit 19724 to instream purposes reduces NMWD's cumulative authority to divert water from Lagunitas Creek to a maximum quantity of 441.3 acre feet per year. The available water supply is sufficient to meet the forecast at build-out pursuant to current County of Marin growth estimates (see forecast Attachment 1).

NMWD has made significant improvements to the West Marin Water System and has several large planned projects (Attachment 2). It's not likely the Gallagher Pipeline or Treatment Plant upgrade projects will proceed without grant or loan funding to lessen the cost impact on the small customer base.



# GALLAGHER WELLS & PIPELINE PROJECT

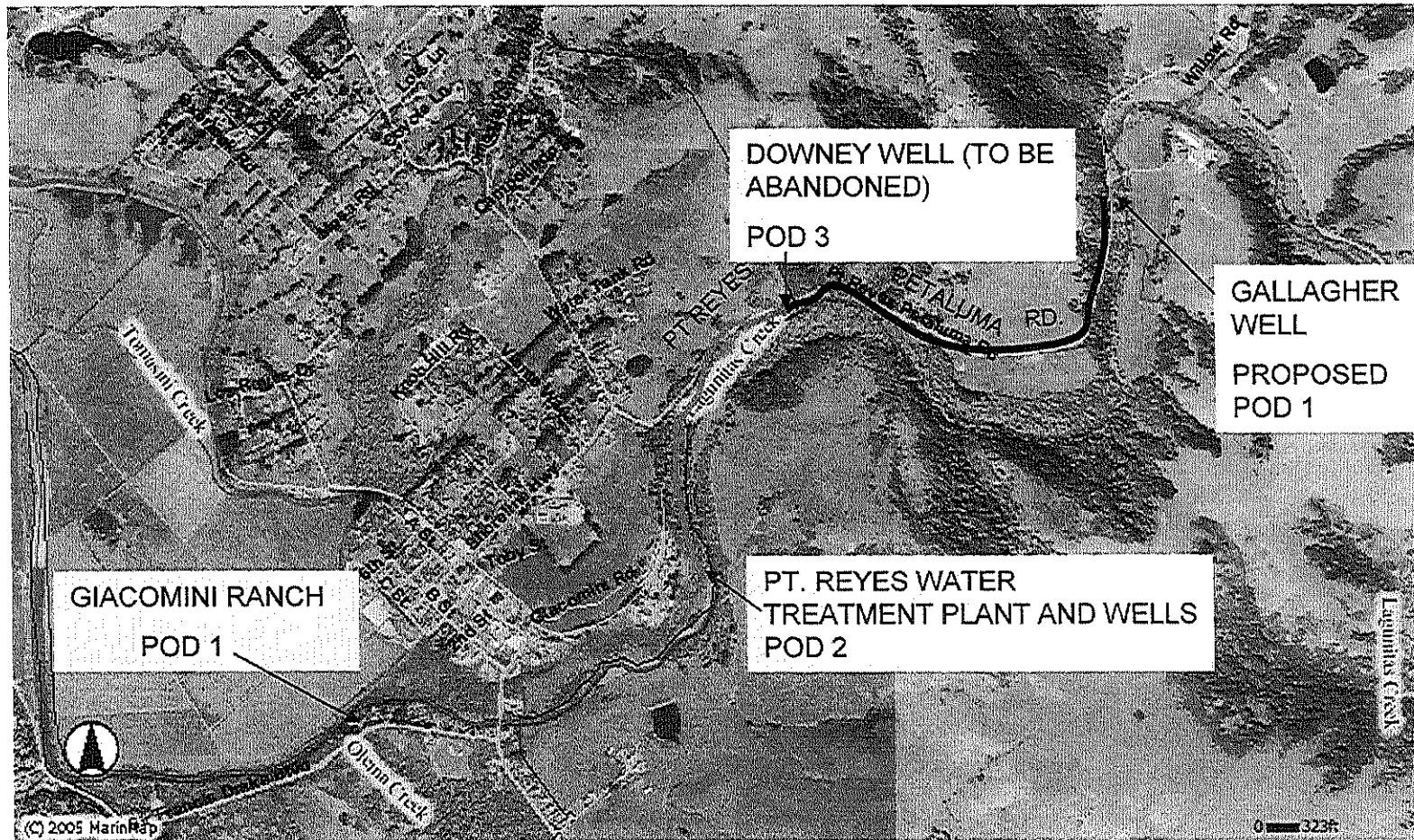


FIGURE 1



## LEGEND:

NEW 12" MAIN -

EX. 6" MAIN -

# Forecast of Water Demands - Pt Reyes Water System

By: CD  
 Orig: 2/26/1992 12:29  
 Updated: 4/3/2007 0:00  
 Last: 4/19/2011 15:12

c:\projects\prw\2007 Demand.xls  
 References:  
 I:\Res\bl\ace\wtr use\wrm use fy02.xls  
 I:\Res\ecade\p\readshet\production\point reyes\Point Reyes Water Production.xls

## Basic Breakdown in Water Use in 2006 was (DLB spreadsheet - wtr use\wrm by type.xls)2005:

	All	AFA	Accounts
Residential	61.43%	180	693
Commercial	16.04%	47	68
Agriculture	9.93%	29	8
Government	12.63%	37	16
All	100%	293	785

Household population density of area is 2.33 according to Census 2000 (Draft Marin Countywide Plan Figure 3-58).  
 Therefore each person explains 26% of annual residential use per DU.

## Pt Reyes Water System Statistics As of June 30, 2006:

	Pt Reyes Station	Olema	PRE	Inv Park/BV	Outside/Other	All
System Capacity:						
Finished Water Storage, gal.	580,000	150,000	138,000	160,000	-	1,028,000 ref WM Storage Data
Filter Plant, gpm						700
Well #1 & Pump, operating alone						360
Well #2 & Pump, operating alone						200
Well #1 & #2 Operating in Tandem						530 <limiting
Connections:						753 ref 6/06 Monthly Rpt
Active						41
Inactive						784
Total						777 ref 6/06 Monthly Rpt
DUs:						41
Active						777 ref 6/06 Monthly Rpt
Inactive						41
Correction for Coast Guard(s)						36
Total						854
Sales:						
Avg Ann 2002 - 2006 (Acre Feet)						292
Pk B&Mo 1998 - 2002 (Acre Feet)						65
In FY 2005/06:						
a/a (w/o unaccounted for)						255
a/a (active acct)						0.34
a/a (w/o unaccounted for)						324
mgd Pk B&Mo						0.35
gpd (active acct)						464
FY 2002-2006 avg:						
CCF/SF DU or EDU						121
a/a/SF DU or EDU						0.28
Equivalent SF Units(2):						918
Storage per EDU:						1120
Production:						
Unaccounted For Water as % of Sales (1997-2006 avg)						18%
Avg Annual Acre Feet (1997-2006 avg)						352
Avg day, cfs (1997-2006 avg)						0.49
Avg day, gpm (1997-2006 avg)						218
Avg day of Pk Mo, cfs (July 2001)						0.66
Avg day of Pk Mo, gpm (July 2001)						295
Avg day of Pk Week, FY 2001/02, cfs						0.75
Avg day of Pk Week, FY 2001/02, gpm						335
Pk Mo to Avg Mo Ratio						1.4
Pk Week to Pk Mo Ratio						1.1

## County's Estimate of Growth contained in 2001 PRS Community Plan & 2005 Draft Countywide Plan Update:

	Existing (3)	Potential (buildout, 4)	Increase DUs	Increase %
	445	44	154	158
	688	53	214	191
	243	9	60	33
	55%	21%	39%	21%
				0%
				42%

## Footnotes:

- (1) Included in "Gov't" in NMWD records.  
 Note: There are 36 of USCO apts and 18 bachelor units currently.  
 Later are bedroom w. sink, share bathroom. Also mess hall.
- (2) Based on annual use of typical SF DU = 0.28 a/a.
- (3) "Existing" includes 409 Point Reyes Units (from DLB's spreadsheet\wrm cust by rate code 063006.xls) and 38 gov't dUs.  
 Olema, PRE, Inv Park/BV and Outside/Other also from DLB spreadsheet.
- (4) "Potential" from 2001 PRS Community Plan and 21% growth in Olema and Inv Park/BV.  
 For PRE NMWD estimate as already subdivided is used.

## Predicted Ultimate Demand:

### Assumptions:

- (1) Residential will grow per County's prediction & growth will be SF type DUs.
- (2) Agriculture will decrease as result of NPS purchase of Giacomini Ranch.
- (3) Commercial and Gov't will grow and maintain their same relative relationship or share of residentially: 47%
- (4) Unaccounted For Water will ultimately be: 10%
- (5) Pk Mo to Avg Mo ratio remains at: 1.4
- (6) Pk Week Mo to Pk Mo ratio remains at: 1.1
- (6) Additional Water Conservation achieved between now and buildout is limited to residential fraction and will amount to: 15%
- (7) Household Density ultimately increases from current 2.33 to: 2.5  
 Associated increase in demand is: 4%

	PR Station	Olema	PRE	Inv Park/BV	All
Existing Base Demand (Avg 1997-2006):					
a/a					293
residential portion, a/a					183
New Base Demand:					
New Residential, DU's	243	9	60	33	345
Demand, a/a/DU					0.28
Demand, a/a					95
New Commercial & Gov't, a/a					45
Less Agricultural (Giacomini Ranch)					-25
Existing + New Base Demand, a/a:					382
Ultimate Demand**:					
Annual, a/a:					420
Peak Mo, cfs:					0.78
Peak Week, cfs:					0.89
Peak Week, gpm:					401

\*\* Includes Unaccounted For Water & adjustments for increased household density and water conservation.

## West Marin Long Range Improvement Project Plan

4/1/2011

### Status Report

L:\gm\west marin\gallagher well\wmtripp status report 0411.xls\tripp (2)

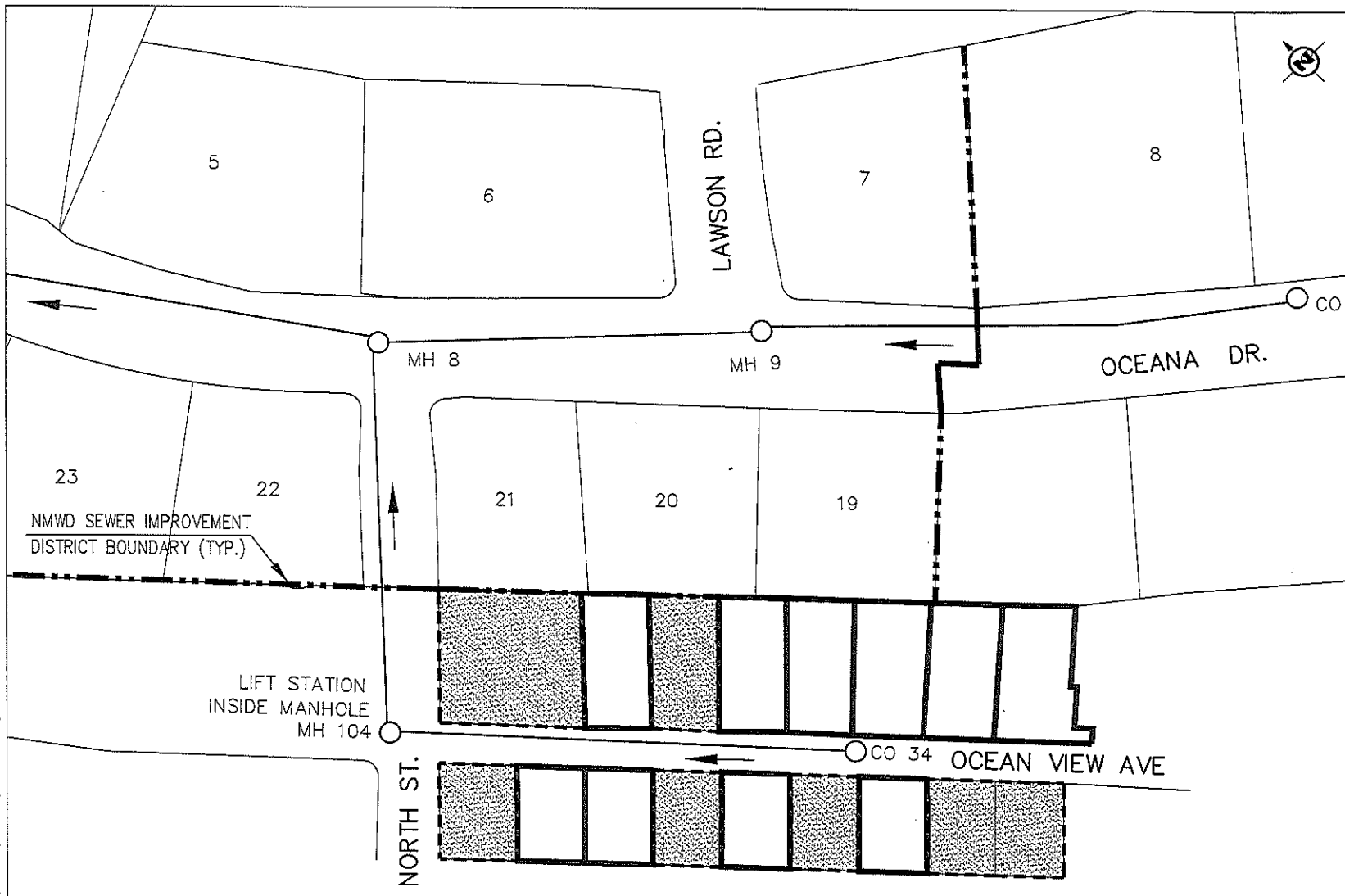
#### Completed Projects


	<u>4/30/2009</u>	
1 Replace PRE Tank #3 - 25,000 gal	\$91,759	Complete
2 Install 3 Standby Booster Pumps & Controls @ PRE	159,990	Complete
3 Bear Valley Pump Station Upgrade	88,132	Complete
4 Replace Pt Reyes 100,000 gal tank w/180,000 gal	399,707	Complete
5 Replace Olema 80,000 gal tank w/150,000 gal	561,742	Complete
6 Install Parallel 8" Main on Hwy 1	180,000	Complete
7 Upgrade Inverness Park PS w/2 150 gpm pumps	157,888	Complete
8 Install Pressure Reducing Valve @ Inverness Pk PS	13,046	Complete
9 Replace 30,000 gal Inverness Park Bolted Steel Tank	164,262	Complete
10 Tank Seismic Upgrades	70,881	In Progress
	<u>\$1,887,407</u>	


#### Planned Projects

1 Replace PRE 25,000 gal Tank #4A w/82,000 gal	\$255,000
2 Treatment Plant Solids Handling Facility	200,000
3 Gallagher Pipeline	1,600,000
4 Treatment Plant Upgrade	1,200,000
	<u>\$3,255,000</u>

Aug 03, 2011 - 4:10pm W:\CIB\B. OCEANA\00 Sewer System.dwg User: ACANTILLER



 7 ADDITIONAL PROPERTIES FRONTING EXISTING GRAVITY SEWER WHICH ARE NOT IN NMWD SEWER IMPROVEMENT DISTRICT (TYP.)

 FLOW DIRECTION

NO.	DATE	REVISION	BY	APP.
NORTH MARIN WATER DISTRICT NOVATO, CALIFORNIA				
OCEANA MARIN SEWER IMPROVEMENT ATTACHMENT 1				
DES	DR	CH	SCALE	: NTS
CD	AC	DM	DATE	: 8/3/11
APPROVED: CHIEF ENGINEER			SHEET NO.	: 1 OF 1 SHEETS
R.E. C40935			SERVICE AREA	1 JOB NO. 2000 NO. 001

Table (2) - Overnight Accommodations in the Coastal Zone

Location, Name	Hotel/Motel/Inn/Bed and Breakfast (B&B) Rooms	Campsites	Trailer/RV (spaces)	Hostel (beds)	Rentals (capacity)
<b>DILLON BEACH</b>					
Lawson's Resort & RV Park*		1000*	see campsites*		
Windmist Cottage	2				
<i>Other Private Rentals</i>					62 (718)
<b>TOMALES</b>					
The Continental Inn	10				
Mutton Manor	2				
<i>Other Private Rentals</i>					0
<b>MARSHALL/EAST SHORE</b>					
Inn on Tomales Bay	5				
Ann's View on Tomales Bay	2				
The Mermaids house	2				
The Poet's Loft	2				
Sea Mist Cottage	2				
Nick's Cove & Cottages	13				
Ravens View Cottage	2				
Bayglow Cottage	2				
Marconi Conference Center	40				
<i>Other Private Rentals</i>					11 (76)
<b>INVERNESS</b>					
Blackthorne Inn B&B	5				
Ten Inverness Way B&B	5				
Bayshore Cottage B&B	1				
Dancing Coyote Beach	3				
The Tree House	3				
Olema Druids Hall Bed & Breakfast Inn and Cottage	4				
Seven Grey Foxes	2				
Rosemary Cottages B&B	2				
Terri's Homestay	2				
Inverness Secret Garden Cottage	1				
Inverness Valley Inn	20				
Tomales Bay Resort	35				
Motel Inverness	7				
Manka's Inverness Lodge	6				
Tomales Bay Resort	35				
Inverness Valley Inn	20				
<i>Other Private Rentals</i>					30 (195)
<b>POINT REYES STATION</b>					
Windsong Cottage	2				
Ferrando's Hideaway Cottages	2				
One Mesa Bed and Breakfast	6				
Abalone Inn	4				
Lingonberry Farm	3				
Point Reyes Country Inn & Stables	10				
A Neon Rose	1				
Knob Hill	4				
Point Reyes Vineyard Inn	3				
Holly Tree Inn	4				
Point Reyes Station Inn	4				
Black Heron Inn	3				
Thirty-Nine Cypress Bed & Breakfast and Redwing Cottage	1				
Old Point Reyes Schoolhouse Compound	7				
Morning Glory Cottage	1				
Annie's Garden Cottage	1				

Table (2) - Overnight Accommodations in the Coastal Zone

Location, Name	Hotel/Motel/Inn/Bed and Breakfast (B&B) Rooms	Campsites	Trailer/RV (spaces)	Hostel (beds)	Rentals (capacity)
Bay View Cottage Bed & Breakfast	1				
Berry Patch Cottage	2				
Carriage House Bed & Breakfast	3				
<b>POINT REYES STATION (continued)</b>					
Cherry Tree Cottage	1				
Country House	1				
Cricket Cottage	1				
Horseshoe Farm Cabin	1				
Marsh Cottage Bed & Breakfast	1				
Cottage on the Beach	2				
Glen Camp	12	12			
Point Reyes Seashore Inn (cottage)	2				
Point Reyes Hostel				56	
<i>Other Private Rentals</i>					36 (239)
<b>OLEMA</b>					
Bear Valley Inn	4				
The Inn at Roundstone Farm	5				
Olema Inn	6				
Olema Cottages	5				
Olema Druids Hall	4				
An English Oak at Ridgeway	8				
Olema Ranch Campground		107	80		
Point Reyes Seashore Lodge	24				
<i>Other Private Rentals</i>					1 (4)
<b>BOLINAS</b>					
Woodville Ranch	1				
Beach Haus	1				
Elfriede Haus	1				
Rose Garden Cottage	2				
Smiley's Schooner Saloon & Hotel	6				
Thomas White House Inn	2				
Blue Heron Inn	2				
The Grand Hotel	2				
<i>Other Private Rentals</i>					27 (151)
<b>STINSON BEACH</b>					
Beach Cottage	2				
Ocean Court Motel	14				
Redwoods Haus Inn Beach Bed & Breakfast	5				
Sandpiper Motel	10				
The Anchorage Inn	1				
Patterson Sand Castle B&B	1				
<i>Other Private Rentals</i>					187 (1218)
<b>MUIR BEACH</b>					
Pelican Inn	6				
<i>Other Private Rentals</i>					0
<b>TOTALS (current)</b>	<b>430</b>	<b>1119</b>	<b>80</b>	<b>56</b>	<b>354 (2601)</b>
<b>TOTALS (Units I and II)</b>	<b>84</b>	<b>235</b>	<b>331</b>	<b>40</b>	<b>n/a</b>
<b>Net change</b>	<b>+346</b>	<b>+884</b>	<b>(-251)</b>	<b>+16</b>	<b>n/a</b>
*The figures listed for Lawson's Landing are an estimate only, and are subject to change following consultation with the California Coastal Commission.					

LCP Units I and II - Overnight Accommodations in the Coastal Zone				
Location, Name	Hotel/Motel/Inn/Bed and Breakfast (B&B) Rooms	Campsites	Trailer/RV (spaces)	Hostel (beds)
<b>UNIT I</b>				
<b>MUIR BEACH</b>				
Pelican Inn	6			
<b>UNIT II</b>				
<b>OLEMA</b>				
Olema Ranch Campground		121	75	
<b>INVERNESS RIDGE</b>				
Inverness Motel	8			
Manka's/ Inverness Lodge	9			
Golden Hinde Boatel	36			
Inverness Valley Inn	9			
Holly Tree Inn (B&B)	3			
10 Inverness Way (B&B)	5			
<b>MARSHALL/ EAST TOMALES BAY</b>				
Marconi Cove Marina		22 (incl RV)		
<b>TOMALES</b>				
Byron Randall Guest House (B&B)				
Victoria and Albert (B&B)				
<b>DILLON BEACH</b>				
Lawson's Dillon Beach Resort <sup>1</sup>	4		25	
Lawson's Landing		46	231	
<b>All private</b>	78	189	331	
<b>All public parks</b>		46		40
<b>TOTALS:</b>	<b>84</b>	<b>235</b>	<b>331</b>	<b>40</b>
<sup>1</sup> The trailer sites are rented on a yearly basis.				





## **ATTACHMENT # 7**

### **TITLE 22 DEVELOPMENT CODE AMENDMENTS APPROVED ON AUGUST 22, 2011 BY THE PLANNING COMMISSION**

On August 8, 2011, your commission reviewed and approved staff recommended changes to The Marin County Development Code, Title 22. The approved changes included amendments that impact Chapters of the Development Code that would be applied to the Coastal Zone. Summarized below are changes that are applicable to the discussion of the LUP Built Environment Section. The below sections summarize recommended changes that will amend allowed uses and permit requirements for the coastal zoning districts, and definitions in Article VIII. The detailed amended text is located at the end of this attachment

#### Coastal Zoning Districts Allowed Uses and Permit Requirements

1. In Tables 5-1-a through 5-3-f, the word “entitlement” was changed “requirement (pages. 19-39).
2. A new land use category was added titled “Health/fitness facilities,” in Table 5-1-b, under Recreation, Education and Public Assembly Uses, and it is now allowed as a conditional use in the C-OA district (page 21).
3. Equestrian employee housing is now allowed with Use Permit approval in the C-ARP district (Table 5-1-b, page 21).
4. A new land use category titled “Tennis and other recreational uses” was added as as a conditional use in C-APZ, C-ARP, C-OA, C-VCR, C-H1 and C-CP districts and as a principally permitted use in the C-RA, C-R1, C-R2, C-RSPS, C-RSP and C-RMP districts (Tables 5-1-c, 5-2-c, and 5-3-c, pages 22, 30, and 35).
5. Multi-family, Single-family and Two family dwellings would be allowed as a conditional use in the C-CP district, and new foot notes were added to the table to indicate exceptions and conditions (Table 5-3-c, page 35).
6. A new land use category for “Homeless Shelters” was added to C-CP district under the section Service Uses (Table 5-3-e, page 37).
7. A change to the density, setbacks and FAR calculation were made to the C-H1 zoning district (Table 5-4-a), and footnotes were added regarding the calculation of density and FAR for properties that contain an Environmentally Sensitive Habitat Area (ESHA) and lack public water or sewer. A footnote was changed regarding the requirement for Design Review and now refers to Chapter 22.42 (Table 5.4-b and 5-5, page 43 and 44).

## Chapter 22.65.030 Planned District General Development Standards

1. The height limits for structures were revised to include language that clarifies how to measure the height to the first floor and states that “the floor level of the first floor shall not exceed 10 feet above natural grade at the lowest corner, unless otherwise required by FEMA standards.”
2. The height limit has been limited to a maximum of 18 feet for structures located within the ridgeline areas.
3. Language has been added that allows agricultural structures to exceed the height requirements, if they qualify for an exception, based on 22.65.030.D2, which has been amended (see # 5 below), and provided that there are no significant visual or resource impacts.
4. Language has been added that allows for the Director to waive requirements of this section based on an unusual circumstance.
5. Language has been added that allows for development near a ridgeline if the lot is located substantially within the ridgeline area, and if siting the development outside of the ridgeline area will result in greater visual or environmental impacts.
6. Language has been added requiring that projects that result in damaging impoundments of water be avoided.

### Definitions

Numerous changes were made to the Article VIII definitions, with some of the more impacting changes summarized below. Not included in the below discussion are the definitions that pertain to Agricultural or Natural Systems, which will be discussed at a latter date.

1. New definitions and language revisions have been made that apply to affordable housing regulations and affordable housing calculations.
2. New definitions have been added that define and/or clarify allowed uses, structures, and requirements allowed under MCC 22.20 General Property Development and Use Standards.
3. The definition of a Conventional District was amended to remove C-RCR (Coastal, Resort and Commercial Recreation) and include C-OA (Coastal, Open Area).
4. The definition of floor area was amended to include bay windows and to include floor area required to meet minimum parking standards for two-family, multi-family, and non-residential structures.
5. Definitions that pertain to Subdivision Map Act definitions have been included.

6. The definition of a Legal Lot of Record has now been defined with criteria for a determination.
7. The definition of a Multi-Family Dwelling has been amended to include duplexes, and now explicitly defines it as not including Tenants in Common, Second units, and farm working housing.
8. Pre-schools and child-day care facilities have been added to the definition of a "School."
9. The definition of "Supportive Housing" and "Transitional Housing" as defined in Health and Safety Code Sections 50675.14(b) and 50675.2 (h) respectively, has been added.
10. The definition of a Visually Prominent Ridgeline has been added.

**Item 1: Table footnote (3) referencing Master Plans and Precise Development Plans**  
*[see revised tables attached] (approved by PC 8/22/11)*

In footnote reference (3) for Tables 5-1-a through 5-3-f in Article V (pp. 19-25, 28-31, and 33-39), change reference of “lesser entitlement” to “lesser requirement” as follows:

(3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser entitlement requirement.

**Item 2: Health/fitness facilities (land use)** *[see revised tables attached] (approved by PC 8/22/11)*

In Table 5-1-b (p. 21), add new land use category for “Health/fitness facilities” under Recreation, Education, and Public Assembly Uses, and allow it as a conditional use by Use Permit in the C-OA district.

\*Note: In Table 5-3-b (p. 34), “Health/fitness facilities” are proposed as a conditional use allowed by Use Permit in the C-VCR, C-CP, C-RMPC and C-RCR districts. However, outside the Coastal Zone in the VCR, CP and RMPC non-coastal zoning districts, Health/fitness facilities are not permitted.

**Item 3: Equestrian facilities (land use)** *[see revised table attached] (approved by PC 8/22/11)*

In Table 5-1-b (p. 21), add new footnote (9) for Equestrian facilities in the C-ARP district.

(9) Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits.

**Item 4: Tennis and other recreational uses (land use)** *[see revised tables attached] (approved by PC 8/22/11)*

In Tables 5-1-c (p. 22), 5-2-c (p. 30), and 5-3-c (p. 35), add new land use category for “Tennis and other recreational uses” under Residential Uses. Establish this land use as a conditional use allowed by Use Permit in the C-APZ, C-ARP, C-OA, C-VCR, C-H1 and C-CP districts, and as a Principally Permitted use in the C-RA, C-R1, C-R2, C-RSPS, C-RSP and C-RMP districts.

**Item 5: Residential Uses in Commercial/Mixed Use Districts** *[see revised table attached] (approved by PC 8/22/11)*

In Table 5-3-c (p. 35), update Multi-family, Single-family, and Two-family dwellings to be a conditional use allowed by Use Permit in the C-CP district. Add new footnotes (8) and (9) as follows:

(8) Dwellings, except for affordable housing, shall be accessory to the primary commercial use. See Section 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).

(9) Employee housing is permitted by Design Review. See Chapter 22.42 (Design Review)

**Item 6: Homeless shelters (land use)** *[see revised table attached] (approved by PC 8/22/11)*

In Table 5-3-e (p. 37), add new land use category for “Homeless shelters” under Service Uses, and establish it as a Permitted Use in the C-CP district.

**Item 7: Maximum densities and FAR** *[see revised table attached] (approved by PC 8/22/11)*

Amend Tables 5-4-a (p. 42), 5-4-b (p. 44), and 5-5 (p. 46) as shown in attached, to reflect changes to density and FAR calculations in coastal zoning districts.

**Item 8: 22.65.030 – Planned District General Development Standards** *(approved by PC 8/22/11)*

In Subsection C.1 *Height limits for structures*, revise items (b) – (e) as follows:

(b) The floor level of the first floor shall not exceed 10 feet above natural grade at the lowest corner, unless otherwise required by FEMA standards.

(c) Structures located within the ridgeline areas pursuant to Subsection D.2 below shall be limited to a maximum height of 18 feet. ~~Where a ridge lot is too flat to allow placement of the house in compliance with Subsection D.2 below (Building Location Development Near Ridgelines), the maximum height shall be 18 feet.~~

(d) Where allowed, agricultural accessory structures sited in compliance with the requirements of Subsection D.2 below ~~located below ridgetops~~ may exceed the above height limits if determined to have no significant visual or resource impacts.

(e) These requirements may be waived by the Director in unusual circumstance resulting from an irregular site characteristic (e.g., location, lot shape/size, topography) where the waiver will not result in a structure that will impinge significantly on sun and light exposure, views, vistas, and privacy of adjacent properties and rights-of-way. ~~if the Director determines site terrain features make the above height limits ineffective, or unnecessary in minimizing the visibility of the proposed structures.~~

In Subsection D.2 *Building location - Development near ridgelines*, revise as follows:

**2. Development near ridgelines.** No construction shall occur on top of, or within 300 feet horizontally, or within 100 feet vertically, of visually prominent ridgelines, whichever is more restrictive, unless no other suitable locations are available on the site or the lot is

located substantially within the ridgeline area as defined herein. If structures must be placed within this restricted area because of site constraints or because siting the development outside of the ridgeline area will result in greater visual or environmental impacts, they shall be in locations that are the least visible from adjacent properties and view corridors.

In Subsection H.6 *Site preparation – Watershed areas*, revise as follows:

**6. Watershed areas.** All projects within water district watershed areas shall be referred to the appropriate district for review and comment. Damaging impoundments of water shall be avoided.

The following items have not yet been reviewed by the Planning Commission, and will be proposed at the August 31, 2011 hearing:

**Item 9: Article VIII, Section 22.130.030 – Definitions** (*approved by PC 8/22/11*)

The following definitions have been approved as follows:

**Affordable Housing.** Dwelling units that are income restricted and rented or sold at rates that are affordable to households with income qualifying as low, very low or extremely low income, as described in Chapter 22.22 (Affordable Housing Regulations) or Chapter 22.24 (Affordable Housing Incentives) and defined by Health and Safety Code Sections 50052.5 and 50053. Affordable Housing includes Transitional and Supportive housing consistent with qualifying income requirements.

**Affordable Ownership Cost.** Figure at which affordable housing must be provided for purchase, which is calculated as annual housing costs, during the first calendar year of a household's occupancy, including mortgage payments, property taxes, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual housing costs cannot exceed 30 percent of 60 percent of area median income, adjusted for household size.
2. For affordable housing that qualifies a project for a state density bonus, annual housing costs cannot exceed the following:
  - (a) for moderate income households: 35 percent of 110 percent of area median income, adjusted for household size.
  - (b) for low income households: 30 percent of 70 percent of area median income, adjusted for household size.
  - (c) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.
  - (d) for extremely low income households: less than 30 percent of area median income, adjusted for household size.

**Affordable Rent.** Annual rent, including utilities and all fees for housing services, which does not exceed the following:

- (1) For inclusionary units required by Chapter 22.22, annual rent cannot exceed 30 percent of 50 percent of median area income, adjusted for household size.
- (2) For affordable housing that qualifies a project for a state density bonus, annual rent cannot exceed the following:

- (a) for low income households: 30 percent of 60 percent of area median income, adjusted for household size.
- (b) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

(c) for extremely low income households: less than 30 percent of area median income, adjusted for household size.

**Area Median Income.** Median income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. ~~Current or a~~ Applicable schedule to be applied ~~is~~ at the discretion of the Director.

**Assessor's Parcel.** A unit of real property recognized by the Marin County Assessor's Office for tax purposes, mapped and assigned an Assessor's Parcel Number by the Assessor's Office.

**Arterial Road.** *(Definition under Planning Commission review)*

**Base Density.** This definition applies only to projects that seek a density bonus. The base density is ~~either:~~ ~~the lower of~~ 1) the number of units/lots that are calculated using the minimum lot area or maximum density associated with the zoning district; or 2) the maximum density allowed by the **Built Environment Element of the Countywide Plan,** ~~for including provisions applicable to~~ sites with sensitive habitat, or located within the Ridge and Upland Greenbelt, or lacking public water or sewer systems, or if the project will result in an exceedance to the Level of Service Standards. ~~Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the Built Environment Element, the Built Environment Element density shall prevail.~~

**Bay Window.** A windowed enclosure that projects from an exterior wall and is at least 18 inches above the adjoining finished floor as measured to the lowest horizontal plane of the projection. To be considered a bay window for the purposes of allowed exemptions and floor area, the windowed enclosure shall not occupy an area greater than 25 percent of any individual wall element of a building for each story or extend more than 30 inches from the exterior wall.

**Blue Line Stream.** A watercourse shown as a blue line (perennial or intermittent) on the most recent ~~appropriate~~ ~~USGS~~ ~~data-topographic quadrangle map.~~

**Building.** Any structure, having a roof supported by columns or walls and usable for shelter, housing, or enclosure of any person, animal, equipment or material.

**Building Envelope.** An area of real property identified for the construction of buildings.

**Community Garden (land use).** This land use consists of public or private gardening for non-commercial neighborhood or community use where there is usually a formal or informal sharing of cultivation and maintenance responsibilities. Unlike parks and playgrounds, where plantings are often ornamental and ecological, community gardens emphasize planting of vegetables and agricultural crops.

**Conventional District.** Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Planned District" provided by this Chapter. The conventional districts include:

A (Agriculture and Conservation)	C-R2 (Coastal, Residential, Two-Family)
A2 (Limited Agriculture)	VCR (Village Commercial/Residential)
RA (Residential, Agricultural)	C1 (Retail Business)
C-RA (Coastal, Residential, Agricultural)	AP (Administrative and Professional)
RR (Residential, Restricted)	H1 (Limited Roadside Business)
RE (Residential, Estate)	C-VCR (Coastal, Village)

R1 (Residential, Single-Family)	Commercial/Residential)
C-R1 (Coastal, Residential, Single-Family)	C-H1 (Coastal, Limited Roadside Business) <del>C RCR (Coastal, Resort and Commercial Recreation)</del>
R2 (Residential, Two-Family)	<del>O-A (Open Area)</del> <del>C-OA (Coastal, Open Area)</del> <del>PF (Public Facilities)</del>

**Cottage Industry (land use).** This land use consists of the design, light manufacturing or product assembly, and the sale of products and services inside a dwelling or within an accessory building located on the same site as the dwelling, by the inhabitants of the dwelling. This land use involves the design, manufacture, and sale of the following products and services, or other uses determined by the Director to be similar in nature including: See Section 22.32.060 (Cottage Industries).

- |  |                          |
|--|--------------------------|
| - antique repair and refinishing                     | - jewelry making         |
| - baking & food preparation for off-site consumption | - painting and sculpture |
| - batik and tie dyeing                               | - photography            |
| - catering   | - sewing                 |
| - ceramics   | - weaving                |
| - dress making, cloth decoration, etc.               | - other handcrafts       |
| - furniture and cabinet making, other woodworking    |                          |

**Density** ~~(coastal).~~ The number of dwellings per acre of lot area, unless otherwise stated, for residential uses.

~~**Detached Structure (coastal).** See "Accessory Structure."~~

**Development** ~~(coastal).~~ On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973(commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

"Development" does not mean a "change of organization", as defined in California Code Section 56021 or a "reorganization", as defined in California Code Section 56073.

**Development Project.** Any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects proposed to be carried out or approved by public agencies.

~~**Discretionary Action.**~~ **Discretionary Project.** A project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. A timber harvesting plan submitted to the



State Forester for approval under the requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Sections 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act Section 21065(c).

The approval or denial of a land use permit application by a review authority, based on findings of fact.

**Discretionary Permit.** A permit granted by a review authority in response to a land use permit application after applying the exercise of judgment or deliberation prior to making a decision. Includes any of the following entitlements/approvals established by Article IV (Land Use and Development Permits): Coastal Permits, Design Review, Floating Home Adjustment Permits, Floating Home Architectural Deviations, ~~Large Family Day Care Permits~~, Master Plans and Precise Development Plans, Use Permits, Sign Review, Temporary Use Permits, Tentative Maps, Tidelands Permits, and Variances. See also "~~Ministerial Land Use Permit~~."

**Educational Tours (land use).** Interactive excursion for groups and organizations for the purpose of informing them of the unique aspects of a property, including ~~but not limited to~~ agricultural operations and environmental resources.

**Existing Residential Second Unit.** A second unit existing prior to March 27, 1987, or the effective dates of resolutions establishing Second Unit Use Permit standards in specific communities (September 29, 1983 in Bolinas, January 10, 1984 in the Tamalpais Area, and June 25, 1985 in Stinson Beach). Also, see Residential Second Unit.

**Food Preparation Facilities.** Food preparation facilities may include, but are not limited to, a stove, oven, microwave, hot plate, refrigerator, sink, counters, or cabinets. Wet bars and snack bars are not considered food preparation facilities.

**Floor Area.** Except as specified by the Tamalpais Area Community Plan, the sum of the gross area of all floors in all buildings on a site, measured from the exterior faces of the exterior walls, including enclosed understory, basement, and attic space that can be easily converted to living area, but excluding:

1. All unenclosed horizontal surfaces, including balconies, courts, decks, porches, terraces;
2. ~~For single-family residential structures, the first 250 square feet of floor area of all detached accessory structures not designed for and/or used for habitable space;~~
3. ~~For single-family residential structures, the first 540 square feet of garage areas permanently allocated for vehicle parking;~~
4. ~~For two-family, multi-family, and non-residential structures, all floor area that is required to meet minimum parking standards under Title 24;~~
5. ~~The first 540 square feet of garage areas permanently allocated for vehicle parking; and~~
6. ~~Exterior wall thickness of greater than 6 inches, where the additional wall thickness results in greater energy efficiency (e.g. straw bale construction or earthen wall construction), as demonstrated by the applicant and subject to the approval of the Director; and~~
7. ~~Bay windows.~~

The floor area of stairways, elevators, and other vertical accesses, is included in the total floor area only as to the "footprint" (area at the base) of the vertical access, and is not counted at each floor of a building. In order to qualify as an unenclosed horizontal surface, at least one of the longest wall planes of the space shall be kept open with the exception that railings with a surface area that is at least 50% open and unobstructed by structural elements and that are necessary for safety or convenience purposes may be allowed within the open wall plane. As defined herein, understory, basement, and attic space that can be easily converted to living area include: (1) unconditioned and unimproved spaces that yield a minimum clear room area of 7 feet by 7 feet and a minimum ceiling height of 7 ½ feet or higher; and (2) all attic areas with a minimum ceiling height of 5 feet or higher.

**Food Preparation Facilities.** Food preparation facilities may include, but are not limited to, a stove, oven, microwave, hot plate, refrigerator, sink, counters, or cabinets. ~~Wet bars are not considered food preparation facilities.~~

**Footprint.** ~~The horizontal surface area covered by a structure.~~

**Grade.** The ground elevation used as the basis for measurement of allowed structure height. ~~For the purposes of this Development Code, gGrade~~ shall be the elevation of the natural or finished grade at the exterior surface of the structure, whichever is more restrictive, and the elevation of the natural grade within the footprint of the structure.

**Guest House (land use).** This land use consists of a detached structure that has a bathroom and that contains more than 400 square feet of floor area that is subject to building permit requirements under a residential occupancy code. To be a guest house, the structure cannot contain food preparation facilities.

**Habitable Space.** ~~Space within a structure that is designed or used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closet, hall, storage, or utility space and similar areas are not considered habitable space, but may be included when calculating floor area.~~

**Highway.** State Route 1, State Route 101, and Panoramic Highway.

**Historic Area.** Areas mapped and described as historic areas in the Marin County Local Coastal Plan Program, including those within Bolinas, Inverness, Marshall, Olema, Point Reyes Station, Stinson Beach, and Tomales.

**Historic Lot.** A unit of real property that was formerly a legal lot of record.

**Historic Structure.** As determined by the Marin County Local Coastal Plan Program, any building constructed prior to 1930, including any accessory structures on a site.

**Homeless Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. In order for a facility to be a homeless shelter, no person may be denied emergency shelter because of an inability to pay, per Health and Safety Code Section 50801(e).

**Inclusionary Unit/Lot (coastal).** A housing unit or lot that is required by Chapter 22.22 (Affordable Housing Regulations) to be affordable to extremely low, very low, or low income households, as specified, or that has been proposed by an applicant and approved by the County to meet the requirements of Chapter 22.22.

**Income Qualifying Household.** Household whose income is defined as extremely low, very low, low or moderate-income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Current or applicable schedule to be applied is at the discretion of the Director.

a) Moderate income, 80 to 120 percent of area median income;

b) Low income, 50 to 80 percent of area median income.

c) Very low income, under 30 to 50 percent of area median income.

d) Extremely low income, 30 percent and less of the area median income.

**Income Restricted Housing.** Dwelling units with a long-term income restriction which restricts occupancy to households at or below a specific income.

**In-Lieu Fee.** A fee paid to the County by developers in lieu of providing required on-site inclusionary units or lots, or a fee paid to the County by developers in lieu of dedicating parkland.

**Kennels and Animal Boarding (land use).** This land use consists of the keeping, boarding or maintaining of six or more household pets dogs at least four months of age or older, except for household pets dogs in pet shops or animal hospitals. "Kennel" does not mean and does not include any lot or premises on which a person has been issued a dog hobbyist or ranch dog permit in compliance with the provisions of Sections 8.04.245 or 8.04.246 of the Marin County Code.

**LCP.** See "Local Coastal Plan Program."

**Legal Lot of Record.** A parcel is considered to be a legal lot of record if it was created in conformance with any of the following criteria:

- A. Recorded subdivision. The lot was created through a subdivision Final map or Parcel map recorded on or after January 1, 1930. Antiquated subdivisions may not be deemed to have created lots. A lot created on a subdivision Final map or Parcel map recorded before January 1, 1930 may be considered a legal lot if it has been reconveyed subsequently with references made to the original subdivision Final map or Parcel map.
- B. Individual lot legally created by deed. The lot was legally created by deed in compliance with the zoning and subdivision requirements that applied at the time of creation.
- C. Government conveyance. The lot was created by conveyance to a governmental entity.

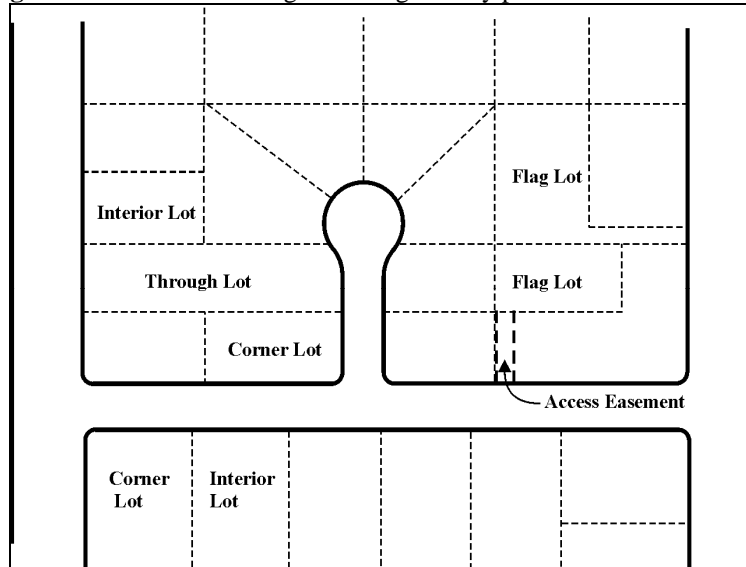
When historic lots were merged by agency action or pursuant to applicable State law, the merged historic lots comprise a single legal lot of record.

**Livestock Operations, Small Animals (land use).** This land use consists of the raising or keeping of up to 12 fowl of any kind and/or 12 rabbits or similar animals. Does not include hog raising, dairying or the raising or keeping for commercial purposes of cattle, horses, or similar livestock, as determined by the Director; see "Livestock Operations, Large Animals."

**Local Coastal Program-Plan (LCP).** The Marin County Local Coastal Program, Units I and II, prepared and adopted in compliance with the California Coastal Act of 1976 (Division 20 of the Public Resources Code).

**Lot or Parcel.** A recorded lot or parcel under single ownership, having its principal frontage on a street or right of way, and lawfully created as required by the Subdivision Map Act and Marin County ordinances, including this Development Code or its predecessors. A legal lot of record. Types of lots include the following. See Figure 8-3 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets, bounded on two or more sides by street lines.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee or by means of an access easement.
3. **Interior Lot.** A lot abutting only one street.
4. **Through Lot.** A lot with frontage on two generally parallel streets.



**Lot or Parcel (coastal).** A recorded lot or parcel of real property under single ownership, having its principal frontage on a street or right of way, and lawfully created as required by the Subdivision Map Act and Marin County ordinances, including this Development Code or its predecessors. (LCP Glossary definition approved for deletion by Planning Commission on 08/22/11, and replaced by revised definition of "Legal Lot of Record")

**Low Income.** See "Income Qualifying Household." "Moderate, Low, and Very Low Income."

**Ministerial Permit.** A permit granted to a development project after applying fixed, objective standards with little or no subjective evaluation as to the wisdom or manner of carrying out the project. Examples are Sign Permit, Large Family Day-care Permit, Homeless Shelter Permit, Certificate of Compliance, Second Unit Permit, Final Map approval, and most Building Permits. See also "Discretionary Permit."

**Moderate, Low, and Very Low Income Households.** Households whose incomes do not exceed income limits for moderate, low, and very low income households, respectively, as determined and published periodically by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. For inclusionary housing, income levels are generally defined as:

1. Moderate income, 80 to 120 percent of area median income;
2. Low income, 50 to 80 percent of area median income;
3. 3. Very low income, under 30 to under 50 percent of area median income;
4. Extremely low income, 30 percent and less of the area median income.

**Multi-Family Dwellings (land use).** This land use consists of multiple detached dwellings on the same lot, or a building or a portion of a building used and/or designed as residences for two three or more families living independently of each other. Includes: duplexes, triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse development (three or more attached single-family dwellings where no unit is located over another unit); senior citizen multi-family housing; and common ownership, attached unit projects such as condominiums. Tenants in Common developments. Second units and farm worker housing are not considered in the calculation of the number of units for this definition and do not convert a single-family residential development into a multi-family development.

**NAVD (North American Vertical Datum).** A vertical elevation control datum used in height measurements.

**Original Lot Parcel.** A contiguous area of real property land under one ownership, which is proposed for division in compliance with Article VI (Subdivisions) of this Development Code.

**Parcel.** See "Assessor's Parcel." A unit of real property.

**Parcel (coastal).** See "Legal Lot of Record"

A unit of real property. See "Lot or Parcel."

**Planned District.** Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Conventional District" provided by this Chapter. The planned districts include:

C-APZ (Coastal, Agricultural Production Zone)	RX (Residential, Mobile Home Park)RF
ARP (Agricultural, Residential Planned)	(Residential, Floating Home Marina)
C-ARP (Coastal, Agricultural, Residential Planned)	
RSP (Residential, Single-Family Planned)	RMPC (Residential/Commercial Multiple
C-RSP (Coastal, Residential, Single-Family Planned)	Planned)
C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)	CP (Planned Commercial)
	OP (Planned Office)
	RCR (Resort and Commercial Recreation)

RMP (Residential, Multiple Planned)  
C-RMP (Coastal, Residential, Multiple Planned)

**C-RCR (Coastal, Resort and Commercial Recreation)**  
C-RMPC (Coastal, Residential/Commercial Multiple Planned)  
C-CP (Coastal, Planned Commercial)  
**IP (Industrial, Planned)**  
**RF (Floating Home Marina)**

**Protected Trees and Heritage Tree.** Any one of the following as indicated in the table below:

Common Name	Botanical Name	Protected Size Diameter at Breast Height	Heritage Size Diameter at Breast Height
Arroyo willow	<i>S. lasiolepis</i>	6 inches	18 inches
Big-leaf maple	<i>Acer macrophyllum</i>	10 inches	30 inches
Bishop pine	<i>Pinus muricata</i>	10 inches	30 inches
Blue oak	<i>Q. douglasii</i>	6 inches	18 inches
Box elder	<i>A. negundo</i> var. <i>californicum</i>	10 inches	30 inches
California bay	<i>Umbellularia californica</i>	10 inches	30 inches
California black oak	<i>Q. kelloggii</i>	6 inches	18 inches
California buckeye	<i>Aesculus californica</i>	10 inches	30 inches
California nutmeg	<i>Torreya californica</i>	10 inches	30 inches
Canyon live oak	<i>Q. chrysolepis</i>	6 inches	18 inches
Chaparral oak	<i>Q. wislizeni</i>	6 inches	18 inches
Coast live oak	<i>Quercus agrifolia</i>	6 inches	18 inches
Coast redwood	<i>Sequoia sempervirens</i>	10 inches	30 inches
Douglas-fir	<i>Pseudotsuga menziesii</i>	10 inches	30 inches
Giant	<i>Castanopsis chrysophylla</i>	10 inches	30 inches
Chinquapin			
Hawthorn	<i>Crataegus douglasii</i>	10 inches	30 inches
Mountain-mahogany	<i>Cercocarpus betuloides</i>	10 inches	30 inches
Narrow leaved willow	<i>Salix exigua</i>	6 inches	18 inches
Oak	<i>Q. parvula</i> var. <i>shrevei</i>	6 inches	18 inches
Oregon ash	<i>Fraxinus latifolia</i>	10 inches	30 inches
Oregon oak	<i>Q. garryana</i>	6 inches	18 inches

Pacific madrone	<i>Arbutus menziesii</i>	6 inches	
Pacific yew	<i>Taxusbrevifolia</i>	10 inches	30 inches
Red alder	<i>A. rubra</i>	10 inches	30 inches
Red elderberry	<i>Sambucuscallicarpa</i>	10 inches	30 inches
Red willow	<i>S. laevigata</i>	6 inches	18 inches
Sargent cypress	<i>Cupressussargentii</i>	6 inches	18 inches
Scouler's willow	<i>S. scouleriana</i>	6 inches	18 inches
Service-berry	<i>Amelanchieralnifolia</i>	10 inches	30 inches
Shining willow	<i>S. lucida ssp. lasiandra</i>	6 inches	18 inches
Silk tassel	<i>Garryaelliptica</i>	10 inches	30 inches
Sitka willow	<i>S sitchensis</i>	6 inches	18 inches
Tanbark oak	<i>Lithocarpusdensiflorus</i>	10 inches	30 inches
Valley oak	<i>Q. lobata</i>	6 inches	18 inches
Wax myrtle	<i>Myricacalifornica</i>	10 inches	30 inches
White alder	<i>Alnusrhombifolia</i>	10 inches	30 inches

**Referral.** Any transmittal, notification, posting, consultation, request for or distribution of information, initiated by the Agency to communicate with other agencies, organizations, groups or the public that pertains to a proposed project.

**Resale Controls.** Legal restrictions by which the price of affordable housing units will be controlled to ensure that the units remain affordable to extremely low, very low, low or moderate-income County households, as applicable, over a specified period of time.

**Residential Accessory Uses and Structures (land use).** This land use consists of and includes any use that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following accessory structures, and other similar structures and uses normally associated with a residential use of property:

- garages
- storage sheds
- gazebos
- studios
- greenhouses
- swimming pools
- household pet facilities
- workshops
- spas and hot tubs

Also includes community gardens and the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "Telecommunications Facilities."

**Residential Second Unit (land use).** This land use consists of a second permanent dwelling that is accessory to a primary dwelling on the same site. A residential second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, food preparation, sanitation, and parking. The primary criterion for defining a second unit shall be the existence of separate food preparation facilities which may include but are not limited to stove, oven, hot plate, refrigerator or sink. Also see Pre-existing Residential Second Units. Also see Existing Residential Second Units.

**Ridge and Upland Greenbelts.** The uppermost portions of hills, and the wooded hillsides identified in the Built Environment Environmental Quality Element of the Marin Countywide Plan.

**Room Rental (land use).** This land use consists of the rental of three or fewer individual bedrooms within a dwelling or accessory structure, excluding a guest house, whether or not meals are provided. This use is subordinate to the primary residential use of the property, ~~and does not entail on-site advertising.~~

**Schools (land use).** This land use consists of public and private educational institutions, including:

- boarding schools
- business, secretarial, and vocational schools
- community colleges, colleges and universities
- elementary, middle, and junior high schools
- establishments providing courses by mail
- high schools
- military academies
- professional schools (law, medicine, etc.)
- seminaries/religious ministry training facilities
- pre-schools

Also includes specialized non-degree granting schools offering instruction in:

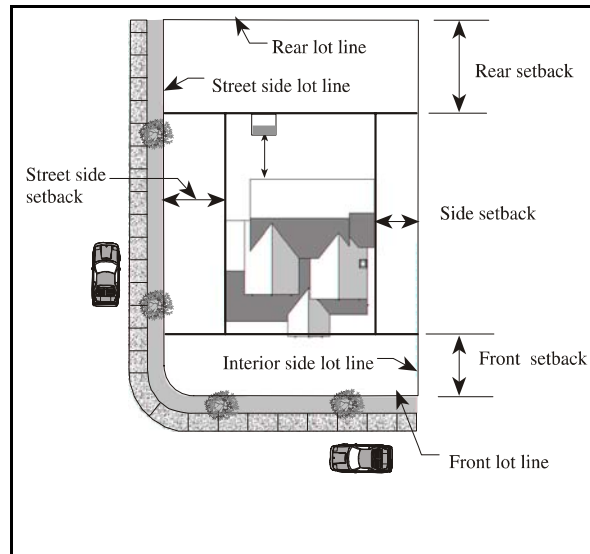
- art
- ballet and other dance
- computers and electronics
- drama
- driver education
- language
- music

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. ~~Does not include pre-schools and~~ Includes child day-care facilities where authorized by the same type of land use permit required for the school itself. (see "Child Day Care Facilities").

**Setback.** The distance by which a structure is required to ~~must~~ be separated from a lot line, measured perpendicular to the lot line. Setbacks from private streets and driveways are measured from the edge of the easement. See also "Yard." Figure 8-6 (Setbacks) shows the location of front, side, street side, and rear setbacks.



**FIGURE 8-6  
SETBACKS**



**Single-Family Dwellings (land use).** This land use consists of a building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the California Uniform Building Code (UBC), and mobile homes/manufactured housing on permanent foundations.

**Structure.** Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Development Code, the term "structure" includes "buildings." Examples of structures include, but are not limited to:

- residence/guest house
- garage/carport/car deck
- swimming pool/spa
- barn
- arbor/gazebo
- retaining wall
- fence/trellis

**Supportive Housing.** Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Health and Safety Code section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community per Health and Safety Code section 50675.14(b).

**Tennis and Other Recreational Uses (land use).** Non-commercial facilities constructed for private use on residential single-family properties. See also "Hotel/Motel", "Outdoor Commercial Recreation", Private Recreational Facility, and "Sports Facilities and Outdoor Public Assembly".

**Tobacco Products.** Any substance containing any tobacco leave, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

**Transitional Housing.** Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible



program recipient at some predetermined future point in time, which shall be no less than six months per Health and Safety Code section 50675.2(h).

**Use Permit.** A discretionary land use permit that may be granted by the review authority **Planning Commission** in compliance with Chapter 22.48 (Use Permits), which authorizes a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit.

**Vacant Lot ~~Parcel~~.** A ~~lot parcel~~ which is not developed with a primary structure, or is developed only with one or more accessory structures. As used in this Code, development of a lot which entails demolition exceeding 75 percent of the linear sum of the primary structure's exterior walls for each story shall be subject to the regulations for developing a vacant lot.

**Visually Prominent Ridgeline.** A line connecting the topographic highpoints within the Countywide Plan's Ridge and Upland Greenbelt along a ridge that separates watersheds and is visible from public viewpoints from open space areas, parks, trailheads, highways, arterial roads, the bay and other water bodies.

**Wet Bar.** An area that includes a bar sink not exceeding a maximum dimension of 12-inches by 12-inches and adjoining cabinets and counters not exceeding an aggregate length of six feet. Electrical service in a wetbar area shall be limited to general purpose receptacles. The maximum size of the trap arm and drain for the bar sink shall not exceed 1.5 inches. Dedicated electrical circuits, gas lines, gas stubouts, and additional plumbing stubouts are prohibited as part of the wet bar area. Wet bars are not considered food preparation facilities.

**TABLE 5-2-c - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS (Continued)**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Standards in Section:
	C-RA Residential Agri- cultural	C-R1 Single Family	C-R2 Two Family	C-RSPS Single Family Seadrift Sub- division	C-RSP Single Family Planned	C-RMP Multiple Planned	
<b>RESIDENTIAL USES</b>							
Affordable housing	PP	PP	PP	PP	PP	PP	22.32.080
Group homes. 6 or fewer residents	P	P	P	P	P	P	22.32.080
Group homes, 7 or more residents	U	U	U	U	U	U	22.32.080
Guest houses	P	P	P	P	P	P	22.32.090
Home occupations	P	P	P	P	P	P	22.32.100
Multi-family dwellings	—	—	—	—	—	P	
Organizational houses	U	U	U		U	U	
Room rentals	PP	PP	PP	PP	PP	PP	
Residential accessory uses and structures	PP	PP	PP	PP	PP	PP	22.32.130
Residential care facility, 6 or fewer individuals	P	P	P	P	P	P	
Residential care facility, 7 or more individuals	U	U	U	U	U	U	
Residential second units	PP	PP	PP	PP	PP	PP	22.32.140
Single-family dwellings	PP	PP	PP	PP	PP	PP	
Tennis and other recreational uses	PP	PP	PP	PP	PP	PP	22.32.130
Two-family dwellings	—	—	PP	—	—	PP	

**KEY TO PERMIT REQUIREMENTS**

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

**Notes:**

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser requirement ~~entitlement~~.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

**TABLE 5-3-c - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential (4)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RESIDENTIAL USES						
Affordable housing	PP	PP	PP	PP	PP	Chapter 22.22
Group homes, 6 or fewer residents	P	U	—	P	—	22.32.080
Group homes, 7 or more residents	U	U	—	U	—	22.32.080
Guest houses	PP	U	—	PP	—	22.32.090
Home occupations	PP	U	—	PP	—	22.32.100
Multi-family dwellings	U	U	<u>—U</u>	PP	<u>—(9)</u>	<u>22.32.150</u>
Organizational houses	U	U	—	U	—	
Residential accessory uses and structures	PP	U	—	PP	—	22.32.130
Room rentals	PP	U	—	PP	—	
Single-family dwellings	PP	U	<u>—U</u>	PP	<u>—(9)</u>	<u>22.32.150</u>
Tennis and other recreational uses	<u>U</u>	<u>U</u>	<u>U</u>	PP	---	<u>22.32.130</u>
Two-family dwellings	U	U	<u>—U</u>	PP	<u>—(9)</u>	<u>22.32.150</u>

**KEY TO PERMIT REQUIREMENTS**

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

**Notes:**

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.
- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser requirement entitlement.
- (4) Use Permit approval is required for residential uses proposed on the ground floor of a new or existing structure on the road-facing side of the property per Land Use Plan Policy C-PK-3.
- (8) Dwellings, except for affordable housing, shall be accessory to the primary commercial use. See 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).
- (9) Employee housing is permitted by Design Review. See Chapter 22.42 (Design Review).

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

**TABLE 5-3-e - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED USE DISTRICTS (Continued)**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Standards in Section
	C-VCR Village Commercial Residential	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
SERVICE USES						
Automatic teller machine (ATM), not at bank	PP	P	PP	PP	P	
Banks and financial services (no drive-thru)	PP	—	PP	PP	—	
Bed and breakfast, 3 or fewer guest rooms	PP	U	—	PP	—	22.32.040
Bed and breakfast, 4 or 5 guest rooms	U	U	—	U	—	22.32.040
Business support services	P	—	P	P	—	
Cemeteries, columbariums and mortuaries	U	U	U	U	U	
Child day-care centers	U	U	U	U	—	22.32.050
Child day-care, large family day-care homes	U	U	U	U	—	22.32.050
Child day-care, small family day-care homes	P	P	P	P	—	22.32.050
Construction yards	U	—	U	U	—	
Homeless shelters	---	---	P	---	---	22.32.095
Hotels and motels	U	U	U	U	PP	
Medical services - Clinics and laboratories	U	U	U	U	—	
Medical services - Hospitals and extended care	U	U	U	U	U	
Offices	PP	U	PP	PP	—	
Personal services	PP	—	PP	PP	—	
Public utility or safety facilities	U	U	U	U	U	
Repair and maintenance - consumer products	P	—	P	P	—	
Repair and maintenance - vehicles	U	U	U	U	—	
Service stations	U	U	U	U	U	22.32.160
Storage, accessory	P	P	P	P	U	
Veterinary clinics and animal hospitals	U	U	U	U	—	
Warehousing	U	—	U	U	—	

**KEY TO PERMIT REQUIREMENTS**

Symbol	Permit Requirements	Procedure is in Section:
PP	Principal permitted use	
P	Permitted use. (2)	
U	Conditional use, Use Permit required. (2)	Chapter 22.48
—	Use not allowed. (See 22.02.020.E regarding uses not listed.)	

**Notes:**

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) See Chapter 22.42 (Design Review) for separate, non-coastal permit Design Review requirements for all uses.

- (3) See Chapter 22.44 (Master Plans and Precise Development Plans) for separate, non-coastal permit criteria and possible waiver or reduction to a lesser requirement~~entitlement~~.

Development shall also be consistent, as applicable, with Chapters 22.130 (Definitions), 22.32 (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

**TABLE 5-4-a – COASTAL ZONE DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2,6)	Minimum Setback Requirements (1, 3)			Height Limit (4)		Maximum FAR (5,7)
			Front	Sides	Rear	Primary	Accessory	
C-RA	7,500 sq. ft.	Not applicable	25 ft.	6 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	25 ft.	15 ft.	0.30
C-R1								
C-R2								
C-VCR		1 unit per 2,000 sq. ft. of lot area	0 ft.	0 ft. for commercial use, 5 ft. for residential use	0 ft. for commercial use, 15 ft. for residential use			Not applicable
C-H1		Not applicable 1 unit per 7,500 sq. ft. of lot area	Not applicable 30 ft.	Not applicable 6 ft. adjacent to residential district, none otherwise	Not applicable 12 ft. adjacent to residential district, none otherwise			

**Notes:**

- (1) Minimum lot area and setback standards may change, as follows:
  - a. Minimum lot area and setback standards may change when such district is combined with a “-B” district in compliance with the provisions of Section 22.64.030 (Coastal “-B” Combining District Development Standards).
  - b. Minimum lot area may change in areas of sloping terrain, including those districts combined with “-B” districts, in compliance with the provisions of Section 22.82.050 (Hillside Subdivision Design).
- (2) In C-RA, C-R1, C-R2, and C-H1 districts, maximum residential density is based on one unit per the minimum lot area required.
- (3) See (1) above. See Section 22.20.100 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. In C-H1 districts, setbacks are determined through the Coastal Permit.
- (4) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Building height limits may change, as follows:
  - a. In C-R1 districts of the Stinson Beach Highlands, the primary building height limit is 17 feet.
  - b. Single-family dwellings over 25 feet in height may require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review), and 22.54 (Variances) in addition to a Coastal Permit.
- (5) ~~Single-family dwellings that contain over 4,000 square feet of floor area, and all dwellings in the C-VCR district, may require Design Review approval in compliance with Chapter 22.42 (Design Review) in addition to a Coastal Permit. See Chapter 22.42 (Design Review) for other conditions that may require Design Review approval in addition to a Coastal Permit.~~ In C-VCR and C-H1 districts, maximum floor area may be determined through the Design Review Process in compliance with Chapter 22.42 (Design Review) in addition to a Coastal Permit.
- (6) The maximum residential density for proposed subdivisions for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, lots proposed for affordable housing, or where it can be demonstrated that the development can be served by on-site water and sewage disposal systems.

(7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or where it can be demonstrated that the development can be served by an on-site water and sewage disposal system.

**See Article VIII (Development Code Definitions) for definitions of the terms used above.**

## 22.64.040 - Coastal Minimum Lot Size (-B) Combining District

**A. Purpose.** The Coastal Minimum Lot Size “-B” combining district is intended to establish lot size, area, and setback requirements for new subdivisions that are different from those normally applied by the primary zoning district applicable to a site; and to configure new development on existing lots, where desirable, because of specific characteristics of the area.

**B. Development standards.** Where the -B combining district is applied, the minimum lot area, average lot width, and depths of front, side, and rear yards in Table 5-5 shall be required, instead of those that are normally required by the primary zoning district. The maximum residential density for proposed subdivisions for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, lots proposed for affordable housing, or where it can be demonstrated that the development can be served by on-site water and sewage disposal systems.

**TABLE 5-5 – COASTAL -B COMBINING DISTRICT DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Minimum Setback Requirements (2)			Height Limit (3)		Maximum FAR (4, 5)
		Front	Sides	Rear	Primary	Accessory	
B1	6,000 sq.ft.	25 ft.	5 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	25ft.	15 ft.	0.30
B2	10,000 sq.ft.		10 ft.				
B3	20,000 sq.ft.	30 ft.	15 ft.				
B4	1 acre		20 ft.				
B5	2 acres		20 ft., 30 ft. on street side	30 ft.			
B6	3 acres						
BD	See Section 22.66.110						

**Notes:**

- (1) Minimum lot area shown applies except where Section 22.82.050 (Hillside Subdivision Design) establishes a different standard.
- (2) See Section 22.20.100 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.
- (3) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Primary building height limit in the Stinson Beach Highlands is 17 feet, not 25 feet. Single-family dwellings over 25 feet in height may require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.54 (Variances) in addition to a Coastal Permit.
- (4) ~~Single-family dwellings that contain over 4,000 square feet of floor area may require Design Review approval in compliance with Chapter 22.42 (Design Review) in addition to a Coastal~~



Permit. See Chapter 22.42 (Design Review) for other conditions that may require Design Review approval in addition to a Coastal Permit.

- (5) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or where it can be demonstrated that the development can be served by an on-site water and sewage disposal system.

**See Article VIII (Development Code Definitions) for definitions of the terms used above.**