

REMAINDER OF THE IMPLEMENTING PROGRAM (IPA)

(Excluding IPA sections re: Agriculture, Environmental Hazards and Permit Administration)

CCC staff-suggested Modifications (April 2015 staff report including 4/15/15 Addendum) are shown as baseline (i.e. accepted into the text)

CDA changes are indicated in blue by ~~italic-strike-outs~~ and underlining

Chapter 22.32 – Standards for Specific Land Uses

22.32.010 – Purpose of Chapter

This Chapter provides site planning and development standards for land uses that are allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards) in individual or multiple zoning districts (e.g., in residential, commercial, and industrial districts and in residential and commercial, and/or in commercial and industrial districts).

22.32.020 – Accessory Retail Uses

The retail sales of food and other products may be allowed in a restaurant, store, or similar facility within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers in compliance with this Section.

- A. **Limitation on use.** Accessory retail uses shall be limited to serving employees and customers in pharmacies, gift shops, and food service establishments within institutional uses (e.g., hospitals and schools); convenience stores, gift shops, and restaurants/bars within hotels and resort complexes; restaurants within office and industrial complexes; and/or other uses determined to be similar by the Director.
- B. **External appearance.** There shall be no external evidence (e.g., signs, windows with merchandise visible from streets or sidewalks external to the site, etc.) of any commercial activity other than the primary use of the site (except in the case of a restaurant/bar within a hotel).

22.32.021 – Agricultural Accessory Activities (Coastal)

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22.32.022 – Agricultural Accessory Structures (Coastal)

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22.32.023 – Agricultural Homestays (Coastal)

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22.32.023 – Agricultural Homestays (non-Coastal)

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22.32.024 – Agricultural ~~Intergenerational Homes~~ Dwellings Units (Coastal)

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22.32.025 – Airparks

Comment [SFS1]: Here and throughout – references to Chapter 22 and its components should be changed to (new) Chapter 20; thus this would become 20.32.025 – Airparks. Chapter 20 would be exclusive to the coastal zone.

Airparks may be located where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zoning Districts and Allowable Uses) of this Development Code, for business or emergency purposes, subject to the following standards:

- A. **State permit required.** A ~~Use P~~ permit or exemption shall be obtained from the California Department of Transportation, Division of Aeronautics, and evidence of the permit or exemption shall be presented to the Agency, prior to establishing any airpark.
- B. **Nuisance mitigation.** A proposed airpark shall be located so that neither air or related surface traffic constitute a nuisance to neighboring uses. The applicant shall demonstrate that adequate controls or measures will be taken to mitigate offensive bright lights, dust, noise, or vibration.

Comment [JL2]: Refers to state permit

Airparks shall not constitute a nuisance resulting from frequency and timing of flights, location of landing area, or departure and approach patterns that conflict with surrounding land uses.

22.32.025 – Farmhouse (Coastal)

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22.32.026 – Agricultural Processing Uses (Coastal)

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22.32.027 – Agricultural Retail Sales, Facilities/Farm Stands (Coastal)

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22.32.028 – Agricultural Worker Housing (Coastal)

22.32.030 – Animal Keeping

The standards of this Section shall apply to the keeping of animals in specified zoning districts and their Coastal Zone counterparts, in addition to the standards in Chapter 8.04 (Animal Control) of the County Code.

- A. **General standards.** The following general standards shall apply:
 - 1. **Requirements.** All animal keeping activities shall comply with the general requirements in Tables 3-6 and 3-7; and
 - 2. **Household pets.** Household pets are allowed in all zoning districts.

**TABLE 3-6
GENERAL REQUIREMENTS FOR THE KEEPING OF SMALL ANIMALS**

(Chickens, Ducks, Exotics, Geese, Guinea Fowl, Pea-fowl,
Rabbits, Roosters, and Similar Animals)

Zoning Districts	Applicable Standards	Standards
A2, A3 to A60 ARP, APZ	All animals allowed subject to Standard 4	1. Maximum 12 animals, unless approved by a Use Permit.
RSP, RMP, RMPC	All standards apply	
RA and RE RR, R1, R2, R3	All standards apply	<p>2. In R zoning districts, the keeping of small animals shall be an accessory use to the primary residential use of the parcel.</p> <p>3. Roosters, quacking ducks, geese, guinea fowl, and pea fowl are not permitted</p> <p>4. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.</p>

TABLE 3-7
GENERAL REQUIREMENTS FOR THE KEEPING OF LARGE ANIMALS, HORSES,
DONKEYS, MULES, AND PONIES
(Cows, Exotics, Goats, Pigs, Sheep, Llamas & Similar Animals)

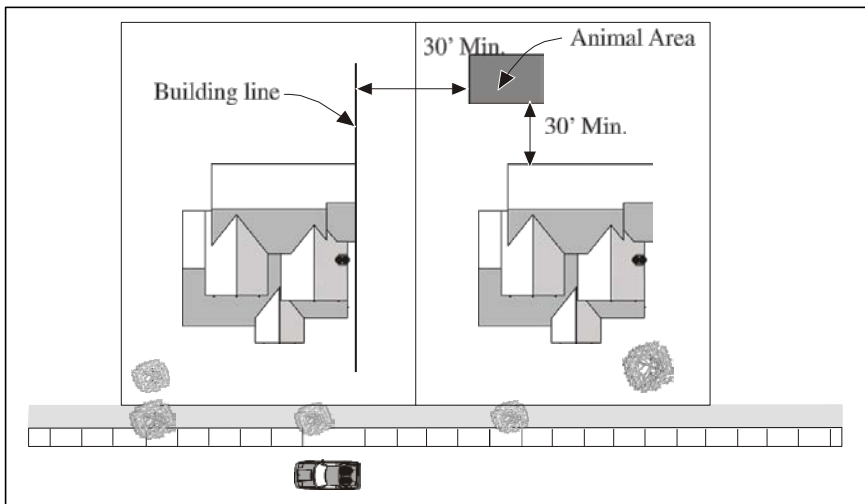
Zoning Districts	Allowed Animals and Applicable Standards	Standards
A3 to A60 and APZ to ARP	All animals allowed subject to standards 1, 4, and 5	1. Livestock sales/feed lots and stockyards require a Use Permit in all zoning districts where permitted.
A2, RSP, RMP, RMPC	All animals allowed and all standards apply.	2. Livestock operations for grazing and large animals are allowed in the RSP, RMP, and RMPC zoning districts only where the site is three acres or more, and only with a Use Permit. 3. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 4. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted. 5. A Use Permit is required for keeping more than five horses, donkeys, mules, or ponies within the APZ zoning district where these are the primary or only animals raised.
RA	All animals allowed and all standards apply.	1. Maximum: Three animals unless approved by a Use Permit. 2. Large dairy animals for a dairy operation allowed in RA zoning district only on parcels of five acres or more. 3. Equestrian facilities require a Use Permit. 4. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 5. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.
RR, R1, R2, R3, RE	Allowed animals limited to donkeys, horses, mules and ponies, subject to all standards.	1. Only donkeys, horses, mules and ponies allowed in compliance with Section 22.32.030.B. 2. In R zoning districts, the keeping of animals shall be an accessory use to the primary residential use of the parcel.

OA	All animals allowed and all standards apply.	<ol style="list-style-type: none"> 1. Large animals allowed in conjunction with dairies and grazing. Horses, donkeys, mules, and ponies allowed in compliance with Section 22.32.030.B. 2. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted
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B. Standards for livestock, horses, donkeys, mules, and ponies The following standards, which do not apply in the A-3 to A-60, ARP or APZ zoning districts, shall apply to the keeping of livestock, horses, donkeys, mules, and ponies in addition to those in 22.32.030.A (General Standards), above:

1. **Location of animals and structures.** No animal or any structure for animals shall be located closer than 30 feet to:
 - a. The public right-of-way upon which the parcel faces;
 - b. Any dwelling;
 - c. Any building line on an adjoining parcel (the boundary extended from the nearest edge of a primary or accessory structure or the required setback line on the adjoining parcel, whichever is closer to the property line). (See Figure 3-13); and
 - d. Additionally, no animal or any structure for animals shall be located in a required setback area, or closer than 10 feet to a property line.

FIGURE 3-13
LOCATION OF ANIMALS AND ANIMAL STRUCTURES



2. **Minimum area and slope standards.** The keeping of livestock, horses, donkeys, mules, and ponies shall comply with the following standards:
 - a. The minimum lot area for the keeping of one animal shall be 15,000 square feet for properties with one percent through 15 percent slope. For each percent of slope over 15 percent, the minimum lot area shall be increased by 1,000 square feet.

- b. For each additional animal, an additional 5,000 square feet of lot area shall be provided.
- c. No animals shall be allowed on slopes exceeding 50 percent.
- 3. **Erosion and drainage control plan required.** An erosion and drainage control plan shall be submitted and approved by the County Department of Public Works for the keeping of animals on sites over 25 percent in slope.
- 4. **Site maintenance.** The property owner shall submit a manure management plan that should require periodic manure collection and composting or removal of manure from the premises, subject to the approval of the County Health Officer.
- 5. **Water supply.** An adequate supply of fresh water shall be available to animals at all times, subject to the approval of the County Health Officer.
- 6. **Exceptions by Use Permit.** The keeping of horses, donkeys, mules, or ponies may be allowed with Use Permit approval, in compliance with Chapter 22.48 (Use Permits), in any zoning district not listed in this Section or for an exception from any of the standards.
- 7. **Existing uses conforming.** Any residential property where horses, donkeys, mules, or ponies are legally kept as of the effective date of this Development Code shall be deemed to be conforming. Any expansion of use shall be subject to the provisions of this Section.

22.32.040 – Bed and Breakfast Inns

Bed and breakfast inns (B&Bs) are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between the B&B and any adjoining zoning district or use is maintained or enhanced.

- A. **Permit requirement.** B&Bs are allowable in the zoning districts and with the permit requirements determined by Articles II (Zoning Districts and Allowable Land Uses), and V (Coastal Zone Development and Resource Management Standards).
- B. **Site requirements.** Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable Residential, Commercial, Coastal, or Agricultural zoning district.
- C. **Appearance.** The exterior appearance of the structure used for the B&B shall maintain single-family residential or, in the case of B&Bs on agricultural land, rural farm, characteristics.
- D. **Limitation on services provided.** The services provided guests by the B&B shall be limited to the rental of bedrooms and the provision of breakfast and light snacks for registered guests. There shall be no separate/additional food preparation facilities for

guests. No receptions, private parties, retreats, or similar activities, for which a fee is paid shall be allowed.

- E. **Business license required.** A current business license shall be obtained/posted, in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code.
- F. **Occupancy by permanent resident required.** All B&Bs shall have one household in permanent residence.
- G. **Transient Occupancy Tax.** B&Bs shall be subject to the Transient Occupancy Tax, in compliance with Chapter 3.05 (Uniform Transient Occupancy Tax) of the County Code.
- H. **Signs.** Signs shall be limited to one on-site sign not to exceed four square feet in area and shall be installed/maintained in compliance with Chapter 22.64.100(A)(5) (Signs) Signs shall also be installed/maintained in compliance with Chapter 22.28 in addition to and independent of Coastal Permit requirements..
- I. **Fire safety.** The B&B shall meet all of the requirements of the County Fire Department.
- J. **Parking.** On-site parking shall be provided in compliance with 22.64.150 (Transportation). Parking shall also be provided in compliance with 24.04.330 through .400 (Parking and Loading) of the County Code in addition to and independent of Coastal Permit requirements.
- K. **Sewage disposal.** Any on-site sewage disposal shall be provided in compliance with 22.64.140 (Public Facilities and Services). Sewage disposal shall also be provided in compliance with Title 18 (Sewers) of the County Code in addition to and independent of Coastal Permit requirements.

22.32.050 – Child Day-Care Facilities

This Section establishes standards for the County review of child day-care facilities, in conformance with State law (Health and Safety Code Section 1596.78), including the limitations on the County's authority to regulate these facilities.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child daycare facilities.

- A. **Applicability.** Where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zoning Districts and Allowable Land Uses) child day-care facilities shall comply with the standards of this Section. As provided by State law (Health and Safety Code Sections 1596.78, et seq.), small and large family day-care homes are allowed within any single-family residence located in an agricultural or residential zoning district. ~~In the coastal zone, small and large family day-care homes must be within otherwise allowable dwellings and not within additional separate structures.~~ Child day-care centers are allowed in the zoning districts determined by Article II (Zoning Districts and Allowable Land Uses), subject to Use Permit approval, in

Comment [SFS3]: A standard should not be addressed in the Applicability section. Moved to new Section D. Standards below

compliance with Chapter 22.48 (Use Permits), and all of the standards in Subsection D, below.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services. Licensing by the Department of Social Services is required for all child day-care facilities. A California Department of Social Services license for a child day-care facility shall be obtained and evidence of the license shall be presented to the Agency prior to establishing any child day-care facility.

- B. Definitions.** Definitions of the child day-care facilities regulated by this Section are in Article VIII (Development Code Definitions) under “Child Day-Care Facilities”.
- C. Large family day-care homes.**
- 1. Permit requirement.** A large family day-care home shall require the approval of a Large Family Day-care Permit by the Director.
 - 2. Standards for large family day-care homes.** As allowed by Health and Safety Code Sections 1597.46 et seq., a large family day-care home shall be approved if it complies with the criteria for Large Family Day-care Permit in Chapter 22.58 of this Development Code.

D. Standards

In the coastal zone, small and large family day-care homes must be within otherwise allowable dwellings and not within additional separate structures.

Comment [JL4]: Verbatim CCC language moved from “A” above.

DE. Child day-care centers.

- 1. Permit requirement.** A child day-care center shall require approval of a Use Permit in compliance with Chapter 22.48 (Use Permits).
- 2. Standards for child day-care centers.** The following standards apply to child daycare centers in addition to the standards in Subsection 22.32.050.C.2.
 - a. Fencing.** A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area. ~~or where there would be significant impacts to coastal resources, including public views.~~ All fences or walls shall provide for safety with controlled points of entry in compliance with 22.20.050 (Fencing and Screening Standards). In the coastal zone, all fences and walls shall also comply with Chapter 22.64.045(2) (Fencing and Similar Structure Standards).
 - b. Outdoor lighting.** On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded, subject to the approval of the Director.

Comment [SFS5]: Many fences are exempt from Coastal Permits. Furthermore, the safety of children should take precedence over protection of views. Moreover, the Code sets measurable standards and should not be subject to interpretations such as “where there would be significant impacts to coastal resources, including public views.”

Comment [SFS6]: Added: “In the coastal zone, all fences and walls that require a Coastal Permit shall also comply...”

- c. **Swimming pools/spas prohibited.** No swimming pool/spa shall be installed on the site after establishment of the child day-care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a child day-care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.

22.32.060 – Cottage Industries

- A. Limitation on use. Cottage industries shall be limited to activities involving the design, manufacture, and sale of the following products and services, or others determined by the Director to be similar. See 22.02.020.E (Rules of Interpretation—Allowable Uses of Land).
1. Antique repair and refinishing;
 2. Baking and the preparation of food specialties for consumption at locations other than the place of preparation;
 3. Catering;
 4. Ceramics;
 5. Cloth decorating by batik, dyeing, printing, silk screening, or other similar techniques;
 6. Clothing production, including dressmaking, etc.;
 7. Furniture and cabinet making and other woodworking;
 8. Jewelry making;
 9. Painting and sculpture;
 10. Photography;
 11. Sewing;
 12. Weaving; and
 13. Other handicrafts.
- B. Permit requirement. Use Permit approval, in compliance with Chapter 22.48 (Use Permits), is required for a cottage industry. During review of the application, the Zoning Administrator shall consider the adequacy of on- and off-site parking, the degree and intensity of any proposed retail sales, and shall first find that the proposed cottage industry would not result in any adverse impacts on the neighborhood. In the coastal zone, cottage industries must be within otherwise allowable dwellings or accessory structures.

- C. Equipment, noise. Approved cottage industries may use mechanical equipment or processes as necessary, provided that no noise shall be audible beyond the property line of its site.
- D. Employees. A cottage industry established in a dwelling or a detached accessory structure may have employees as authorized by the review authority, provided the number of employees does not exceed limitations established in an adopted community or specific plan.
- E. Other codes. Cottage industries shall comply with all applicable health, sanitary, and fire codes, and shall obtain a County Business License.

22.32.062 – Educational Tours (Coastal)

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22.32.070 – Floating Home Marinas

This Section provides for the creation and protection of floating home marinas in pleasing and harmonious surroundings, through the control of water coverage, vessel spacing, and height of structures, with emphasis on usable public access to the shoreline. Floating Home Marinas are not allowed in the Coastal Zone.

22.32.075 – Floating Homes

This Section provides standards for the floating homes that may be located within floating home marinas. Floating Homes are not allowed in the Coastal Zone.

22.32.080 – Group Homes and Residential Care Facilities

The standards of this Section shall apply to group homes and residential care facilities. Group homes and residential care facilities are dwellings licensed or supervised by any Federal, State, or local health or welfare agency that provide 24-hour non-medical care of unrelated persons, who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment.

- A. **Permitted use, zoning districts.** Group homes and residential care facilities are permitted in all zoning districts where dwellings are allowed by Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zone Development and Resource Management Standards). In the coastal zone, group homes and residential care facilities must be within otherwise allowable dwellings.
- B. **Limitations on use:**
 - 1. **Group homes.** Group homes are for persons who are not disabled.
 - 2. **Residential care facilities.** Residential care facilities are for persons who are disabled, as defined in Article VIII, (Development Code Definitions).

Comment [SFS7]: The suggested addition here and elsewhere of the phrase “as defined in...” is repetitious and unnecessary; furthermore, it risks creating the inaccurate impression that “development” has varying definitions depending on where in the document the word appears.

C. Permit requirements:

- 1. Small group homes (six or fewer persons).** A small group home is a permitted use in all zoning districts where dwellings are allowed.
- 2. Large group home (seven or more persons).** A large group home is a permitted use in all zoning districts where dwellings are allowed, subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits).
- 3. Residential care facilities.** A residential care facility is a permitted use in all zoning districts where dwellings are allowed.
- 4. Multiple group homes or residential care facilities.** Two or more group homes or residential care facilities occupying a lot are a permitted use, subject to:
 - a. Use Permit approval in compliance with Chapter 22.48 (Use Permits) and, where required, Master Plan approval in compliance with Chapter 22.44 (Master Plans and Precise Development Plans); and
 - b. Compliance with minimum lot area per unit and maximum density requirements of the zoning district where the dwellings are located.

22.32.090 – Guest Houses

A “guest house” is allowed to be located on the same lot as the primary residential structures, for use by occupants of the premises or guests without a payment of a fee. Only one guest house may be allowed on each legal lot. The guest house shall have no food preparation facilities and shall not be rented or otherwise used as a separate dwelling.

22.32.095 – Homeless Shelters

This section establishes standards for the County review of homeless shelters, in conformance with State law.

- A. Applicability.** Where allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards), homeless shelters shall comply with the standards of this Section. Homeless shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. In the coastal zone, homeless shelters must be within otherwise allowable dwellings. No individual or household may be denied emergency shelter because of an inability to pay.
- B. Permit requirement.** The use of a homeless shelter shall require the ministerial approval of a Homeless Shelter Permit by the Director, in compliance with Chapter 22.59 (Homeless Shelters), if it complies with the standards of 22.32.095.C.

C. Standards.

1. A homeless shelter shall not provide more than a maximum of 40 beds or serve 40 persons total.
2. The number of parking spaces required on-site for residents shall be based on 25% of the total beds and staff parking shall be the total number of beds divided by 10.
3. Shelters shall provide 5 square feet of interior waiting and client intake space per bed. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.
4. Management. On-site management must be provided during hours of operation.
5. Proximity to other emergency shelters. Emergency shelters shall be at least 300 feet apart.
6. Maximum length of stay. Maximum of 6 months.

22.32.100 – Home Occupations

The following provisions allow for home occupations that are secondary to a residential use, and compatible with surrounding uses. A “Home Occupation” is any use customarily conducted entirely on properties where residences are authorized and carried on only by its residents.

- A. **Permit requirement.** A business license shall be obtained/posted in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code for home occupations, which are allowed as accessory uses in all residential zoning districts. Home occupations shall comply with all health, sanitary, and fire codes. In the coastal zone, home occupations must be within otherwise allowable dwellings or accessory structures.
- B. **Operating standards.** Home occupations shall comply with all of the following operating standards.
 1. **Accessory use.** The home occupation shall be clearly secondary to the full-time residential use of the property, and shall not cause noise, odors, and other activities not customarily associated with residential uses. 2. **Visibility.** The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity be visible from the adjoining public right-of-way or from neighboring properties.
 3. **Display, signs.** There shall be no window display or advertising sign(s), other than one name plate not exceeding one square foot in area. There shall be no display of merchandise or stock in trade or other identification of the home occupation activity on the premises.

4. **Parking.** The use shall not impact the on-street parking in the neighborhood.
5. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of flammable, explosive, or hazardous materials unless specifically approved by the County Fire Department, in compliance with Title 16 (Fire) of the County Code.
6. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.
7. **Employees.** A home occupation may be authorized to have a maximum of one nonresident employee with a Use Permit, in compliance with Chapter 22.48.

C. **Prohibited home occupation uses.** The following are examples of uses that are not incidental to or compatible with residential activities, and are therefore prohibited as home occupations:

1. Adult businesses;
2. Dance or night clubs;
3. Mini storage;
4. Storage of equipment, materials, and other accessories for the construction and service trades;
5. Vehicle repair (body or mechanical), upholstery, automobile detailing and painting;
6. Welding and machining;
7. Any use which generates more than one client appointment at a time; and
8. Any other use not incidental to or compatible with residential activities as determined by the Director.

22.32.105 – Mariculture (Coastal)

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22.32.115 – Determination of Non-Agricultural (Coastal)

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22.32.115 – Non-Agricultural Uses in Agricultural Zoning Districts (non-Coastal)

Comment [Resp-8]: Not changed

This Section applies only in those instances where Table 2-1 expressly refers to this Section. The purpose of applying the following standards is to determine whether a specific non-agricultural land use is

accessory and incidental to the primary use of land for agricultural production. The intent of these provisions is to ensure that non-agricultural uses do not become the primary use of agricultural land to the detriment of agricultural production.

- A. **Permitted use, zoning districts.** Non-agricultural uses may be allowed as a principally permitted land use in the following zoning districts: A2, A3 to A60, ARP, O-A, and as allowed by Articles II (Zoning Districts and Allowable Land Uses) subject to the requirements of this section. This Section does not apply to ARP-1 to ARP-5 zoning districts.

22.32.130 – Residential Accessory Uses and Structures

When allowed in the zoning district applicable to a site, see Section 22.10.030 (Residential District Land Uses and Permit Requirements) or Section 22.62 (Coastal Zoning Districts and Allowable Land Uses), specific residential accessory uses and structures are subject to the provisions of this Section. ~~In the coastal zone, the standards in this section governing residential accessory uses and structures shall also apply to agricultural dwelling units.~~ Residential accessory uses and structures include any uses and structures customarily related to a residence, including swimming pools, workshops, studios, storage sheds, small greenhouses, and garages.

Comment [SFS9]: Ag dwelling unit standards are provided elsewhere, and therefore this suggested mod is inappropriate here. See: Agricultural Accessory Structures (Coastal).

- A. **General requirements.** All residential accessory uses and structures are subject to the following standards, and may also be subject to more restrictive requirements where established by other provisions of this Section.
1. **Relationship of accessory use to primary use.** Residential accessory uses and structures shall be incidental to and not alter the character of the site from that created by the primary use. Accessory uses and structures shall not be allowed until a primary use or structure has been established on the site.
 2. **Attached structures.** A residential accessory structure that is attached to a primary structure shall comply with all requirements of this Development Code applicable to the primary structure, including setbacks, height, and floor area ratio.
 3. **Detached structures:**
 - a. **Height.** Residential accessory structures shall be in compliance with Section 22.20.060 (Height Measurement and Height Limit Exceptions). In the coastal zone, residential accessory structures shall be in compliance with Section 22.64.045(3) (Height Limits and Exceptions). A residential accessory structure shall not exceed a height of 15 feet; except that an accessory structure may be constructed to the maximum height allowed by the applicable zoning district for a primary structure, where the structure is located at least 40 feet from any property line and it meets any other applicable requirements (e.g., those protecting public views). Further, where floor area is developed beneath a detached parking structure in conformance with Section 22.32.130.A.3.b below, the maximum height of the detached structure shall be 30 feet.

- b. **Setback requirements:** Residential accessory structure(s) shall be in compliance with Section 22.20.090 (Setback Requirements and Exceptions). In the coastal zone, residential accessory structures shall be in compliance with Section 22.64.045(4) (Setback Requirements and Exceptions). Floor area directly beneath a parking structure that is built in reliance on Section 22.32.130.B.2 may be built to within three feet of the front property line that abuts the adjoining street from which vehicular access is taken, provided the floor area does not extend beyond the footprint of the parking structure.
 - c. **Coverage.** The total aggregate floor area of all detached accessory structures shall not exceed 30 percent of the area contained within the boundaries of the setback required in the rear yard except with Design Review approval, which shall be required in addition to and independent of Coastal Permit requirements. See Chapter 22.42 (Design Review).
 - d. **Floor Area Ratio (FAR).** A detached residential accessory structure shall be subject to the FAR requirements of the applicable zoning district, as FAR is defined in Article VIII (Development Code Definitions).
- B. **Parking structures.** The following additional requirements shall also apply to detached garages and other residential accessory parking structures for parking.
 - 1. **Floor area ratio.** A parking structure shall be subject to the FAR requirements, of the applicable zoning district, as FAR is defined in Article VIII (Development Code Definitions).
 - 2. **Front setback exception.** Where the slope of the one-half of the parcel beginning at the street-access side is 20 percent or more, or where the elevation of the parcel at the property line from which vehicular access is taken is five feet or more above or below the elevation of the adjoining street, a garage, carport, or cardeck may be built to within three feet of the front and side property lines that abut the adjoining street from which vehicular access is taken. All portions of the dwelling other than the parking structure shall maintain the setbacks applicable to the primary dwelling in the applicable zoning district. No portion of a residential parking structure, including eaves or roof overhangs, shall extend beyond a property line or into an access easement or street right-of-way.
- C. **Home occupations.** Home occupations are subject to Section 22.32.100 (Home Occupations).
- D. **Tennis and other recreational uses.** Private non-commercial outdoor tennis courts and courts for other sports (e.g., racquetball, etc.) accessory to a residential use may be established with Design Review approval in addition to and independent of Coastal Permit requirements, in compliance with Chapter 22.42, and are subject to the following requirements:

1. **Fencing.** Court fencing shall be subject to the height limits of Section 22.20.050 (Fencing and Screening Standards). In the coastal zone, court fencing shall be subject to Section 22.64.045(2) (Fencing and Similar Structure Standards).
 2. **Lighting.** Court lighting may be prohibited, as a condition of the Design Review approval. If allowed, the court lighting may be installed with a height not exceeding 10 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property.
- E. Vehicle storage.** The storage of vehicles, including incidental restoration and repair, shall be in compliance with Section 22.20.090.F (Restrictions on the Use of Front Yard Setbacks in Residential Districts), and Chapter 7.56 (Abandoned Vehicles) of the County Code, in addition to and independent of Coastal Permit requirements.
- F. Workshops or studios.** A residential accessory structure intended for engaging in artwork, crafts, handcraft manufacturing, mechanical work, etc. may be constructed or used as a workshop or studio in a residential zoning district solely for: non-commercial hobbies or amusements; maintenance of the primary structure or yards; artistic endeavors (e.g., painting, photography or sculpture); maintenance or mechanical work on vehicles owned or operated by the occupants; or other similar purposes.

Any use of accessory workshops for a commercial activity shall comply with the requirements for Home Occupations in Section 22.32.100 (Home Occupations) or, where applicable Cottage Industries in Section 22.32.060 (Cottage Industries).

22.32.140 – Residential Second Units

- A. Purpose.** This Section is intended to accomplish the following:
1. Meet the County's projected housing needs and provide diverse housing opportunities;
 2. Provide needed income for homeowners;
 3. Provide second units which are safe and built to code;
 4. Provide second units which are compatible with the neighborhood and the environment; and
 5. Comply with provisions of State law, including those contained in Section 65852.2 of the California Government Code.
- B. Applicability.** The provisions of this Section shall apply to single-family and multi-family residential zoning districts, including the R1, R-2, RA, RR, RE, RSP, C-R1, C-R2, C-RA, CRSP, C-RSPS, A, A2, ARP, C-ARP, RMP, and C-RMP districts in the unincorporated portions of the County.

C. **Design Characteristics.** A second residential unit shall be designed and constructed as a permanent residence with a minimum of 220 square feet of floor area, including: food preparation facilities which may include kitchen counters and cabinets, a stove, oven, hot plate, microwave, refrigerator, or sink, as determined by the Director; both a separate bathroom and separate entrance intended for the use of the occupants, as determined by the Director. A second unit may be established by:

1. The alteration of a single-family unit whereby food preparation facilities are not shared in common;
2. The conversion of an attic, basement, garage, or other previously uninhabited portion of a single-family unit;
3. The addition of a separate unit onto the existing single-family unit; or
4. The conversion or construction of a separate structure on the parcel in addition to the existing single-family unit.

5. ~~With the exception of density, all~~ Second units ~~must shall~~ be ~~found~~ consistent with all lot coverage and other site development standards per the applicable residential zoning district where such standards are considered on a cumulative basis that include accounting for any existing buildings on site. Second Units shall conform to all of the zoning and development standards (i.e., lot coverage, height, setbacks, design, FAR, etc.) of the residential zoning district which governs the lot. A Second Unit attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principal residence. ~~A Second Unit detached from the principal dwelling shall be treated as a residential accessory structure in regard to height, and setbacks.~~

Comment [SFS10]: Second units are not counted for density calculation purposes; text deleted for clarity.

D. **Limitation on sale.** A second unit may be rented but shall not be sold **separately** from the single-family unit.

E. **Second Unit Permitting Procedure.** Applications for Second Unit Permits that are not otherwise subject to a discretionary permit (e.g., Coastal Permit, Design Review, Variance) shall be approved ministerially without discretionary review or public hearing, pursuant to the Second Unit Permit requirements established in Chapter 22.56 (Second Unit Permits). ~~All second units in the coastal zone shall also require coastal permit approval consistent with the LCP (see additional standards in 22.64.130(A)(5)).~~

Comment [cda-11]: Residential accessory structures, as specified in sec. 22.32.130 (above) and 22.130 (Definitions) are structures related to a residence, including swimming pools, workshops, studios, storage sheds, small greenhouses, and garages. Second units are residences to which residential standards apply.

F. **Recordation of Residential Second Unit Permits.** Any Residential Second Unit Permit granted in compliance with this Section may be recorded in the County Recorder's Office as an informational document in reference to the title of the subject property.

G. **Periodic report.** The Agency shall periodically prepare a report to the Commission and Board on the status of this Section. The report shall include information about the number, size, type, and rent, as available, of each second unit by neighborhood. The report shall provide a basis for an evaluation of the effectiveness of this Section.

Comment [4/5]112]: Second units are a residential use, that are listed as a Principally Permitted use in coastal residential districts (see attached), and a Permitted use in commercial districts. Any Second Unit that necessitates "development" within the meaning of the Coastal Act would still require a CP. Defining acceptable uses is within the prerogative of the County under the Coastal Act.

22.32.150 – Residential Uses in Commercial/Mixed Use Areas (Coastal)

This section applies to commercial development projects that include residential floor area in the C-VCR, CH1, C-CP, C-RMPC, and C-RCR zoning districts.

Comment [JL13]: Clarification re comm./mix use

- A. **Permit requirement.** Any allowable dwellings shall be accessory to the primary commercial use, if any, and shall be designed and sited in a manner that does not conflict with the continuity of store frontages, while maintaining visual interest and a pedestrian orientation. Residential development within the C-VCR zone must also comply with the specific standards contained in 22.64.170(A)(3).

Comment [JL14]: Clarification

22.32.150 – Residential Uses in Commercial/Mixed Use Areas (non-Coastal)

...

Comment [Resp-15]: Not changed

22.32.160 – Service Stations/Mini-Markets

The retail sales of food and beverage products and other general merchandise in conjunction with a motor vehicle service station is allowed subject to Use Permit approval, in compliance with Chapter 22.48 (Use Permits), and the following standards.

- A. **Sales area.** The maximum allowable floor area for retail sales shall be 175 square feet or 15 percent of the total floor area of the structure whichever is greater. These area limitations may be increased through Use Permit approval provided that the following findings are made:
1. Retail sales shall be subordinate to the primary motor vehicle service station use(s);
 2. The proportion of retail sales to total floor area of the structure(s) shall be limited to an amount that is reasonable to allow sales of a limited number of items for the convenience of travelers as permitted by Subsection B, below.
 3. The size, extent and operation of retail sales shall not conflict with the predominant character of the area surrounding the service station.
 4. The size, extent, and operation of retail sales shall not cause a significant increase in traffic and noise in the area surrounding the service station. B. Allowed products. Retail sales of non-automotive products shall be limited to items for the convenience of travelers, including film, personal care products, and packaged food and beverage items.
- C. **Signs.** No exterior signs are allowed to advertise specific items for sale. All on-site signs shall be in compliance with Chapters 22.28 (Signs) and Title 5, Chapter 5.40 (Posting of Gasoline Prices) of the County Code, in addition to and independent of Coastal Permit requirements, including those specified in Chapter 22.64.100(A)(5).

- D. Parking.** On-site parking shall comply with Sections 24.04.330 through .400 (Parking and Loading) of the County Code, in addition to and independent of Coastal Permit requirements, including those specified in 22.64.150, and shall include sufficient spaces for all employees on a single shift.
- E. Restrooms.** Restrooms shall be provided and available to the public.
- F. Self-service stations.** Establishment of self-service stations or the conversion of existing full-service stations to self-service stations shall require an additional finding by the Zoning Administrator, 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 motor vehicle repair and public restrooms, or discriminating against individuals needing refueling assistance.

22.32.161 – Solar Energy Systems (Coastal)

The installation of any solar energy system, as defined in Section 22.130.030, must be sited and designed to be consistent with all required setbacks and height limits of the specific zoning district in which it is proposed. In addition, ground area coverage of the system shall have no significant impacts on environmental quality or wildlife habitats, and shall meet all other applicable policies and standards of the LCP.

A. Roof-Mounted Solar Energy System:

1. Allowed as a Principal Permitted Use in all coastal zoning districts.
2. May be exempt from the Coastal Permit requirement, consistent with Section 22.68.050.
3. May exceed the required height limit of the zoning district in which the project is proposed by no more than two feet. If any part of the solar energy system structure exceeds the required height limit by greater than two feet, findings of consistency with the LCP, ~~including Policies C-DES-1 & 3~~, shall be required, in addition to and independent of any required Design Review.

Comment [SFS16]: Unnecessary; findings of consistency with LUP policies are required in any event

B. Free-Standing Solar Energy System:

1. Allowed as a Permitted Use in all coastal zoning districts.
2. Exempt from the minimum yard setback requirements of the zoning district in which the project is proposed if the structure does not exceed a height of eighteen inches above grade at any point.

22.32.165 – Telecommunications Facilities (Coastal)

This Section establishes permit requirements and standards for the development and operations of telecommunications facilities in compliance with State and Federal law, and the LCP.

- A. Permit requirements.** Telecommunications facilities are allowable in all zoning districts. All new telecommunications facilities shall require CDP approval, unless exempt pursuant to 22.68.050.
- B. Electromagnetic fields.** The electromagnetic field (EMF) strengths or equivalent planewave power densities generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law.
- C. Development standards.** In addition to all applicable required standards and findings, including those in the LCP's Community Design and Public Facilities and Services chapters, the following additional development standards shall apply for telecommunications facilities. All telecommunications facilities shall comply with all applicable LCP policies, including those specified below, except when denial would be inconsistent with the Federal Telecommunications Act (FTA) and the reviewing authority finds there is no feasible alternative location. Where denial would be inconsistent with FTA and the reviewing authority finds there is no feasible alternative, approval of the facilities is also subject to all of the following written findings: (1) There is no alternative facility configuration that would avoid impacts inconsistent with all other applicable standards of the certified LCP; (2) Impacts are avoided to the maximum extent feasible; (3) Unavoidable impacts are minimized and mitigated to the maximum extent feasible; and (4) The facility can be found consistent with all otherwise applicable LCP standards.

 - 1. New telecommunication facilities shall not be permitted where co-location on existing facilities would provide equivalent coverage with less impact to coastal resources.
 - 2. The placement of co-located facilities on an existing wireless telecommunication facility shall require a CDP, except that if a CDP was issued for the original wireless telecommunication facility and that CDP authorized the proposed new co-location facility, the terms and conditions of the underlying CDP shall remain in effect and no additional CDP shall be required.
 - 3. New telecommunications facilities shall not be permitted in Ridge and Upland Greenbelt areas, unless no other technically feasible and available site exists; provided, wireless communications facilities should be permitted in ridge and upland greenbelt areas where they are co-located with existing structures and are consistent with the policies and programs of the LCP. Applications for new telecommunications facilities in Ridge and Upland Greenbelt areas shall include

technical information prepared by qualified professionals that sufficiently demonstrates that no other technically feasible site is available to provide adequate coverage consistent with Federal law requirements. For the purposes of this section, any determination that no other technically feasible site is available shall be made in writing and supported by evidence.

4. New or expanded sites shall ensure co-location and other efficient use of facilities to minimize the need for new sites, particularly on ridgeline and/or visually sensitive locations. Site users and operators shall be encouraged to share and/or consolidate facilities to the greatest extent possible. Facilities that may be shared include buildings, access roads, parking areas, utilities, transmitters, towers and other structures, and antennas.
5. All telecommunication facilities shall be sited and designed to avoid, and where unavoidable, to minimize, visual impacts to the maximum extent feasible, including by visually blending with the predominant landscape, co-locating with existing facilities, landscaping consisting of non-invasive/native plants, coloring and materials to blend with the existing landscape, and shall be the minimum height necessary to provide adequate service coverage consistent with Federal law requirements. A visual analysis of the facility shall be submitted with the application materials to assess the proposed facility at design capacity. The visual analysis shall include a photo-montage or photosimulation, and/or poles erected at the proposed site. The analysis shall address views of the proposed facility from public vantage points, including views from public roads, trails, lookouts, parks, and beaches. The analysis shall also depict cumulative conditions by including information on existing, approved, and proposed telecommunications facilities that will or may eventually be approved at the proposed site.
6. Telecommunications support facilities such as vaults and equipment rooms, utilities and other support structures shall be placed underground, depressed, earth bermed, or sited below ridgelines or other significant public line of sight to the greatest extent feasible. All facilities shall visually blend with the surrounding built and natural environments.
7. New telecommunications facilities shall protect significant public views as required by Policy C-DES-2.
8. New telecommunications facilities proposed on parcels restricted by agricultural, open space, scenic or other public easement or restriction will only be permitted in accordance with the terms of such public easement or restriction.
9. Applications for new or expanded telecommunications facilities shall contain long range plans which project market demand and long-range facility expansion needs.
10. Development of telecommunications facilities shall be consistent with LCP policies requiring the protection of coastal resources, including ESHA and prime agricultural land. Such facilities shall be evaluated for the potential for significant

adverse effects on plant and animal species, including the potential to interfere with the migratory flyway or flight path used by resident bird species, and where clearing native vegetation is required for facility construction or expansion. Where potential significant effects are identified, appropriate mitigation including siting, design, and monitoring shall be required to avoid, and/or offset if unavoidable, such effects.

11. All coastal permit approvals granted for telecommunications facilities shall include a condition that the permit be authorized and renewed via a new CDP at least every 10 years. When reviewing requests for permit renewal, the Applicant shall incorporate all feasible new or advanced technologies that will reduce previously unavoidable impacts to the maximum extent feasible or the permit will not be renewed.

Comment [JL17]: Clarification

22.32.165 – Telecommunications Facilities (non-Coastal)

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Comment [Resp-18]: Not changed

22.32.170 – Tobacco Retail Establishments

This Section establishes permit requirements and standards for the development and operation of tobacco retail establishments.

- A. **Permit requirements.** Notwithstanding any provision of this title, a tobacco retailer may be established in the following zoning districts subject to securing a Use Permit or Master Plan where required: C1, CP, OP, H1, IP, C-H1, or C-CP.
- B. **Development standards.** No significant tobacco retailer shall be located within 1,000 feet from a parcel occupied by the following uses:
 1. Public or private kindergarten, elementary, middle, junior high or high schools;
 2. Licensed child day-care facility or preschool other than a small or large family daycare home;
 3. Public playground or playground area in a public park (e.g., a public park with equipment such as swings and seesaws, baseball diamonds or basketball courts);
 4. Youth or teen center;
 5. Public community center or recreation center;
 6. Arcade;
 7. Public park;
 8. Public library; or

9. Houses of worship conducting youth programs or youth oriented activities.

- C. Exceptions.** Notwithstanding any other provisions of this code, nothing in this section shall prohibit the County from approving any of the uses specified above in Subsection B, if they are subsequently proposed to be located within 1,000 feet of an existing significant tobacco retailer, if the appropriate decision-making body finds that the establishment of such uses is necessary to protect the public, health, safety, and welfare, or other substantial governmental interest is thereby served.

22.32.180 – Wind Energy Conversion Systems (WECS) (non-Coastal)

Comment [Resp-19]: Not changed

This Section establishes permit requirements for planned zoning districts and non-planned zoning districts and standards for the development and operation of Wind Energy Conversion Systems (WECS) in compliance with Marin County policies and State and Federal laws and allows and encourages the safe, effective, and efficient use of WECS in order to reduce consumption of utility supplied electricity. Wind Energy Conversion Systems (WECS) are not allowed in the Coastal Zone.

...

Chapter 22.60 – Purpose and Applicability of Coastal Zone Regulations

Sections:

22.60.010 – Purpose of Article

22.60.020 – Applicability

22.60.030 – Consistency with Coastal Act

22.60.010 – Purpose of Article

This Article identifies permit requirements and development standards for proposed development, as defined in Article VIII, in the unincorporated areas of Marin County within the Coastal Zone established by the California Coastal Act of 1976. This Article implements applicable provisions of the Coastal Act and the Marin County Local Coastal Program (LCP) Land Use Plan (LUP), which, among other things identify the location and density of development, provide for visitor-serving facilities, provide for public access to and along the coast, and protect significant public views and natural resources. Chapters 22.60 through 22.70 inclusive, along with portions of Chapters 22.32 (Standards for Specific Land Uses) and 22.130 (Definitions) that apply in the coastal zone, and zoning district maps together constitute the LCP's Implementation Plan.

22.60.020 – Applicability

The requirements of this Article apply to all proposed development, as defined in Article VIII, within the Coastal Zone. These requirements apply in addition to all other applicable provisions of this Development Code. In the event of any perceived conflict between the requirements of the LCP's Implementation Plan and any other provisions of this Development Code, the Implementation Plan shall control.

22.60.030 – Consistency with Coastal Act

All development in the Coastal Zone within the County's coastal permitting jurisdiction shall be consistent with the Marin County LCP and, where located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, be supported by a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses

Sections:

- 22.62.010 – Purpose of Chapter
- 22.62.020 – Applicability
- 22.62.030 – Coastal Zoning Districts Established
- 22.62.040 – Allowable Land Uses and Permit Requirements
- 22.62.050 – Coastal Zoning District Regulations
- 22.62.060 – Coastal Agricultural and Resource-Related Districts
- 22.62.070 – Coastal Residential Districts
- 22.62.080 – Coastal Commercial and Mixed-Use Districts
- 22.62.090 – Coastal Special Purpose and Combining Districts

22.62.010 – Purpose of Chapter

This Chapter establishes the zoning districts in areas of the County within the Coastal Zone as mapped on the certified maps for the Marin County Local Coastal Program, identifies allowable uses within those zoning districts, and identifies permit requirements within those zoning districts.

22.62.020 – Applicability

The provisions of this Chapter apply to all property within the Coastal Zone, including county, state, school, and special district property, but not including federal property. Consistent with Coastal Act Section 30519(b), for development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, development shall be reviewed against the Coastal Act by the Coastal Commission and the County LCP in those cases may provide non-binding guidance.

22.62.030 – Coastal Zoning Districts Established

The unincorporated areas of Marin County within the Coastal Zone shall be divided into zoning districts which consistently implement the Marin Countywide Plan and Marin County Local Coastal Program. The following coastal zoning districts are established, and shall be shown on the official Zoning Map (Section 22.06.030 (Zoning Map Adopted)).

A. Agricultural and Resource-Related Districts	Map Symbol
Coastal, Agricultural Production Zone	C-APZ
Coastal, Agricultural, Residential Planned	C-ARP
Coastal, Open Area	C-OA
B. Residential Zoning Districts	
Coastal, Residential, Agricultural	C-RA
Coastal, Residential, Single-Family	C-R1

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

C. Commercial and Mixed-Use Zoning Districts

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

D. Special Purpose and Combining Districts

Coastal, Public Facilities	C-PF
Coastal, Minimum Lot Size	B

22.62.040 – Allowable Land Uses and Coastal Permit Requirements

- A. General requirements for allowed uses.** Proposed development, as defined in Article VIII, located within the Coastal Zone shall be consistent with definitions in Article VIII, and comply with Chapter 22.32 (Standards for Specific Land Uses) and other applicable provisions of this Article.
- B. Coastal zone permit requirements.** Unless exempted or Categorically Excluded, proposed development within the Coastal Zone shall require approval of a Coastal Permit in compliance with Chapter 22.68 (Coastal Permit Requirements), in addition to any non-coastal permits required by the Development Code and Section 22.62.040.B.

The uses of land allowed by this Chapter in each coastal zoning district are identified in Tables 5-1, 5-2, and 5-3 (Allowable Land Uses for the Coastal Agricultural and Resource Related Districts, Coastal Residential Districts, and Coastal Commercial and Mixed/Use Districts, respectively) as being:

1. Uses for which no Coastal Permit is required are those as specified in applicable Categorical Exclusion Orders issued by the California Coastal Commission or determined exempt under Coastal Permit Requirements herein (Chapter 22.68). These uses are shown as “E” in the tables and are only exempt if they meet the conditions and limitations set forth in the applicable Exclusion Order and Chapter 22.68.
2. Principally permitted uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code. A Coastal Permit decision for a principal permitted use is

appealable to the Coastal Commission only if the project is located in a geographic appeals area as defined by Section 22.70.080(B)(1)(a) and (b), or if the project constitutes a major public works project or major energy facility. ~~Any development that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use. Land divisions are not the principally permitted use in any zoning district.~~ Principal permitted uses are shown as "PP" uses in the tables.

Comment [SFS20]: Coastal Zone Variances are addressed in Sec. 22.70.150. Land divisions are addressed in Sec. 22.70.190. Variances do not apply to use.

3. Permitted uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code. A Coastal Permit decision for a permitted use is appealable to the Coastal Commission. Permitted uses are shown as "P" uses in the tables.

Comment [SFS21]: Clarify- a permit denial is not generally appealable.

4. Conditional uses, subject to compliance with all applicable provisions of this Development Code, Coastal Permit approval where required, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code, including approval of a Use Permit (Chapters 22.48 and 22.50). The Use Permit is not part of the Coastal Permit and is not subject to appeal to the Coastal Commission; however, any Coastal Permit decision for a conditional use is appealable to the Coastal Commission. Conditional uses are shown as "U" uses in the tables. [See Section 22.70.080 for Appeal of Coastal Permit Decisions]

Comment [SFS22]: Clarify - a permit denial is not generally appealable.

5. Land uses that are not listed in Tables 5-1, 5-2, and 5-3 or are not shown in a particular zoning district are not allowed, except where otherwise provided by Section 22.68.050 (Exempt Projects).

Comment [SFS23]: Projects not regulated by the Coastal Act may be allowed under non-coastal provisions of the Development Code, and therefore the final phrase in this sentence should be restored.

- C. **Master Plan and Other Non-Local Coastal Program Permit Requirements.** In addition to and independent of permits required for conformance with the Marin County Local Coastal Program, a Master Plan and/or other local permit such as a Second Unit Permit may be required for certain uses. Please refer to Articles II-IV, VI, and VII for development standards that govern these uses. A Master Plan is required only for the following uses:

1. A subdivision which does not exhaust the potential for residential development based on the Countywide Plan and zoning district densities and floor area ratios.
2. Airparks
3. Cemeteries, columbariums, mausoleums
4. Marinas and harbors
5. Mineral resource extraction
6. Waste disposal sites

22.62.050 – Coastal Zoning District Regulations

- A. **Purpose.** Sections 22.62.0460 through 22.62.080 and Chapter 22.64 determine which land uses are allowable in each zoning district, what land use permits are required to establish each use, and the basic development standards that apply to allowed land uses in each of the zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established).
- B. **Single parcel in two zoning districts.** In the event two or more parcels are consolidated through the approval of a lot line adjustment, merger, parcel or Tentative Map, or reversion to acreage in compliance with Article VI (Subdivisions), where a single parcel is covered by two or more zoning districts, the consolidated parcel should be reviewed by the Director to determine whether the parcel should be rezoned to a single zoning district.
- C. **Measurements, calculations.** Explanations of how height limits, site coverage requirements, and floor area ratios (FAR) apply to sites and projects are in Chapter 22.64 (Coastal Zone Development and Resource Management Standards).

22.62.060 – Coastal Agricultural and Resource-Related Districts

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TABLE 5-1-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS

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TABLE 5-1-b - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS

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TABLE 5-1-c – ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS

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TABLE 5-1-d - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS

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TABLE 5-1-e - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL AGRICULTURAL & RESOURCE-RELATED DISTRICTS

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22.62.070 – Coastal Residential Districts

- A. **Purpose of Section.** This Section provides regulations for development and new land uses, as defined in Article VIII, in the coastal residential zoning districts established consistent with Marin County Local Coastal Program policies by Section 22.62.020 (Coastal Zoning Districts Established).

|

B. Purposes of zoning districts. The purposes of the individual zoning districts are as follows:

- 1. C-RA (Coastal, Residential, Agricultural) District.** The C-RA zoning district provides areas for residential use within the context of small-scale agricultural and agriculturally related uses, subject to specific development standards. The C-RA zoning district is consistent with the Single-Family Residential 3, 4, 5, and 6 land use categories of the Marin County Land Use Plan.
- 2. C-R1 (Coastal, Residential, Single-Family) District.** The C-R1 zoning district provides areas for detached single-family homes, similar and related compatible uses. The C-R1 zoning district is consistent with the Single-Family Residential 3, 4, 5, and 6 land use categories of the Marin County Land Use Plan.
- 3. C-RSP (Coastal, Residential, Single-Family Planned) District.** The C-RSP zoning district provides areas for detached single-family homes, similar and related compatible uses, which are designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics. The CRSP zoning district is consistent with all Single-Family Residential land use categories of the Marin County Land Use Plan.
- 4. C-RSPS (Coastal, Residential, Single-Family Planned) District (Seadrift Subdivision).** The C-RSPS zoning district is applied to areas within the Seadrift Subdivision intended for detached single-family homes, and similar and related compatible uses, which are designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics unique to the Seadrift sandspit and lagoon, Bolinas lagoon, and the beaches adjacent to the Subdivision. The C-RSPS zoning district is consistent with all Single-Family Residential land use categories of the Marin County Land Use Plan.
- 5. C-R2 (Coastal, Residential, Two-Family) District.** The C-R2 zoning district provides areas for attached two-family housing units, detached single-family homes consistent with Land Use Plan Policy C-CD-26, and similar and related compatible uses. The C-R2 zoning district is consistent with the Multi-Family Residential 2 land use category of the Marin County Land Use Plan.
- 6. C-RMP (Coastal, Residential, Multiple Planned) District.** The C-RMP zoning district provides areas for varied types of residential development, and similar and related compatible uses, designed in compliance with Marin County Local Coastal Program policies. This Section establishes no specific setback requirements, so that development may be designed for maximum compatibility with sensitive site characteristics. The CRMP zoning district is consistent with the Planned Residential and other Multi-Family Residential land use categories of the Marin County Land Use Plan.

- C. Allowable land uses and permit requirements in residential districts.** Table 5-2 (Allowed Uses and Permit Requirements for Coastal Residential Districts) lists the land uses allowed in the residential zoning districts within the Coastal Zone, in compliance with Section 22.62.040 (Allowable Land Uses and Permit Requirements).
- D. Development standards for residential districts.** Proposed development and new land uses, as defined in Article VIII, shall be consistent with the land use definitions in Article VIII, and shall comply with the provisions of Chapters 22.32 as applicable (Standards for Specific Land Uses) and all other applicable provisions of this Article.

TABLE 5-2-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL RESIDENTIAL DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Permit Requirements and Standards
	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	
AGRICULTURAL							
Agricultural accessory structures	P	P	P	—	P	P	22.32.022
Agricultural processing	U	—	—	—	—	—	
Agricultural production	P	P	P	—	P	P	
Agricultural worker housing	P	—	—	—	—	—	22.32.028
Commercial gardening	P	P	P	—	P	P	
Livestock operations, grazing	—	—	—	—	U(4,5)	U(4,5)	22.32.030
Livestock operations, large animals	P(5)	—	—	—	—	—	22.32.030
Livestock operations, small animals	P(5)	P(5)	P(5)	—	P(5)	P(5)	22.32.030
Mariculture/aquaculture	U	—	—	—	U	U	22.32.105
Plant nurseries, with on-site sales	U	U	U	—	U	U	
Plant nurseries, without on-site sales	P	P	P	—	P	P	
MANUFACTURING & PROCESSING USES							
Cottage industries	U	U	U	U	U	U	22.32.060

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.)	
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Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.
- (4) Allowed only where a maximum density of one unit per three acres or larger is required.
- (5) Permit requirement determined by Section 22.32.030 (Animal Keeping).

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), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

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

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See <u>Permit Requirements and Standards</u> 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	
RESOURCE, OPEN SPACE USES							
Nature preserves	P	P	P	P	P	P	
Solar energy systems (coastal), roof-mounted	PP	PP	PP	PP	PP	PP	22.32.161 22.42.055 (2)
Solar energy systems (coastal), free-standing	P	P	P	P	P	P	22.32.161
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Community centers	U	U	U	U	U	U	
Equestrian facilities	U	—	—	—	U	U	22.32.030
Horses, donkeys, mules, ponies	P(4)	P(4)	P(4)	—	U(4)	U(4)	22.32.030
Libraries and museums	U	U	U	U	U	U	
Private residential recreation facilities	U	U	U	U	U	U	
Public parks and playgrounds	U	U	U	U	U	P	
Public buildings	U	U	U	U	U	U	
Religious places of worship	U	U	U	U	U	U	
Schools	U	U	U	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) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.
- (4) Permit requirement determined by Section 22.32.030 (Animal Keeping).

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), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

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

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See <u>Permit Requirements and Standards in Section:</u>
	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	
RESIDENTIAL USES							
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	—	—	—	—	—	PP	
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	
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) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

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), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

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

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See <u>Permit Requirements and Standards</u> 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	
RETAIL TRADE USES							
Sale of agricultural products produced on site	U	U	U	—	U	U	
SERVICE USES							
Bed and breakfast, 3 or fewer guest rooms	P	P	P	P	P	P	22.32.040
Bed and breakfast, 4 or 5 guest rooms	U	U	U	U	U	U	22.32.040
Child day-care centers	U	U	U	U	U	U	22.32.050
Child day-care, large family day-care homes	P	P	P	P	P	P	22.32.050
Child day-care, small family day-care homes	P	P	P	P	P	P	22.32.050
Kennels and animal boarding	U	—	—	—	—	—	
Public utility or safety facilities	U	U	U	U	U	U	
TRANSPORTATION & COMMUNICATIONS USES							
Pipelines and utility lines	U	U	U	U	U	U	
Telecommunications facilities	P/U	P/U	P/U	P/U	P/U	P/U	22.32.165

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) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

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), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

22.62.080 – Coastal Commercial and Mixed-Use Districts

- A. **Purpose of Section.** This Section provides regulations for development, as defined in Article VII, in the coastal commercial and mixed-use zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established).
- B. **Purposes of zoning districts.** The purposes of the individual coastal commercial and mixed use zoning districts are as follows:
1. **C-VCR (Coastal, Village Commercial/Residential) District.** The C-VCR zoning district is intended to: maintain the established historical character of village commercial areas; promote village commercial self-sufficiency; foster opportunities for village commercial growth, including land uses that serve coastal visitors; maintain a balance between resident-serving and non-resident-serving commercial uses; protect established residential, commercial, and light industrial uses; and maintain community scale. The C-VCR zoning district is consistent with the Neighborhood Commercial land use category of the Marin County Land Use Plan.
 2. **C-H1 (Coastal, Limited Roadside Business) District.** The C-H1 zoning district is intended for rural areas suitable for businesses that serve the motoring public. The C-H1 zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan.
 3. **C-CP (Coastal, Planned Commercial) District.** The C-CP zoning district is intended to create and protect areas suitable for a full range of commercial and institutional uses in compliance with the Marin County Local Coastal Program. The C-CP zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan.
 4. **C-RMPC (Coastal, Residential/Commercial Multiple Planned) District.** The C-RMPC zoning district is intended to create and protect areas suitable for a mixture of residential and commercial uses in compliance with the Marin County Local Coastal Program. The C-RMPC zoning district is consistent with the General Commercial/Mixed-Use land use category of the Marin County Land Use Plan.
 5. **C-RCR (Coastal, Resort and Commercial Recreation) District.** The C-RCR zoning district is intended to create and protect areas for resort facilities, with emphasis on public access to recreational areas within and adjacent to developed areas. The C-RCR zoning district is consistent with the Recreational Commercial land use category of the Marin County Land Use Plan.
- C. **Allowed land uses and permit requirements in commercial/mixed use districts.** Table 5-3 (Allowed Use and Permit Requirements for Coastal Commercial/Mixed-Use Districts) lists the land uses allowed in the commercial zoning districts within the Coastal

Comment [SFS24]: Recurrent unnecessary addition

Zone, in compliance with Section 22.62.040 (Allowable Land Uses and Permit Requirements).

- D. Development standards for Commercial/Mixed-use districts.** Proposed development, as defined in Article VIII, shall comply with the LCP, including the provisions of Chapters 22.32 as applicable (Standards for Specific Land Uses), 22.64 (Coastal Zone Development and Resource Management Standards), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

Comment [SFS25]: Recurrent unnecessary addition

TABLE 5-3-a - ALLOWED USES AND PERMIT REQUIREMENTS FOR COASTAL COMMERCIAL/MIXED-USE DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See <u>Permit Requirements and Standards</u> in Section
	C-VCR Village Commercial Residential	C-HI Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
AGRICULTURAL, RESOURCE & OPEN SPACE						
Agricultural production	P	P	P	P	—	
Commercial gardening	P	P	P	P	—	
Mariculture/aquaculture	P	P	P	P	—	22.32.105
Plant nurseries, with or without on-site sales	P	P	P	P	—	
Solar energy systems (coastal), roof-mounted	PP	PP	PP	PP	PP	22.32.161 22.42.055(2)
Solar energy systems (coastal), free-standing	P	P	P	P	P	22.32.161
MANUFACTURING & PROCESSING USES						
Beverage production	U	—	U	U	—	
Boat manufacturing and sales	U	—	U	U	—	
Cottage Industries	U	—	—	U	—	22.32.060
Food products	U	U	U	U	—	
Furniture and fixtures	U	—	U	U	—	
Laundries and dry cleaning plants	U	—	—	U	—	
Recycling facilities	<u>—U</u>	U	<u>—U</u>	U	<u>—P</u>	
Recycling – Reverse vending machines	P	P	P	P	P	
Seafood processing and sales	U	—	U	U	—	

Comment [SFS26]: Recycling facilities are essential in commercial districts in order to reduce littering and adverse impacts to coastal waters; therefore, these uses are restored here.

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.)	
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Notes:

- (1) Listed land uses must be consistent with definitions in Article VIII (Development Code Definitions).
- (2) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

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), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

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

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See <u>Permit Requirements and Standards</u> 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	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Community centers	U	P	U	U	U	
Golf courses/country clubs	—	—	—	—	U	
Health/fitness facilities	U	—	U	U	U	
Indoor recreation centers	U	—	U	U	U	
Libraries and museums	U	P	U	U	U	
Membership organization facilities	U	U	U	U	—	
Outdoor commercial recreation	—	U	—	—	U	
Public parks and playgrounds	U	U	U	U	U	
Religious places of worship	U	U	U	U	<u>U</u>	
Schools	U	U	U	U	<u>U</u>	
Sport facilities and outdoor public assembly	U	U	U	U	U	
Studios for dance, art, music, photography, etc.	U	U	U	U	U	
Theaters and meeting halls	U	U	U	U	U	

Comment [SFS27]: There is no Coastal Act basis to ban all schools and places of worship from coastal communities; these uses should be restored, with a Use Permit.

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) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

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), 22.65 (Coastal Zone Planned District Development 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 <u>Permit Requirements and Standards</u> in Section
	C-VCR Village Commercial Residential <u>(3)(4)</u>	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	P- <u>PP</u>	U	U	P	P (9)	
Group homes, 6 or fewer residents	P- <u>PP</u>	U	—	P	—	22.32.080
Group homes, 7 or more residents	U	U	—	U	—	22.32.080
Guest houses	P- <u>PP</u>	U	—	P	—	22.32.090
Home occupations	P- <u>PP</u>	U	—	P	—	22.32.100
Multi-family dwellings	U	U	U	P	—(9)	22.32.150
Organizational houses	U	U	—	U	—	
Residential accessory uses and structures	P- <u>PP</u>	U	—	P	—	22.32.130
Residential Second Units	— P- <u>PP</u>	— <u>P</u>	— <u>P</u>	— <u>P</u>	—	22.32.140
Room rentals	P- <u>PP</u>	U	—	P	—	
Single-family dwellings	P- <u>PP</u>	U	U	P	—(9)	22.32.150
Tennis and other recreational uses	U	U	U	P	—	22.32.130
Two-family dwellings	U	U	U	P	—(9)	22.32.150

Comment [SFS28]: Residential second units are appropriate in Coastal Commercial/Mixed Use Districts and should be restored as a Permitted Use.

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) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-CVR zone and residential shall be Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core area, residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a finding that the development maintains and/or enhances the established character of village commercial areas.

The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

- (4) Development on parcels zoned C-VCR must also meet the requirements of Land Use Plan Policy C-PK-3.
- (8) All dwellings in these zoning districts shall be accessory to the primary commercial use. See 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).
- (9) Employee housing is permitted with Design Review requirements independent of and in addition to Coastal Permit requirements. See Chapter 22.42 (Design Review). Such housing would be a Conditional Use.

Comment [CDA29]: Clarifying edit that development not parcels must meet the requirements.

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), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

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

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See <u>Permit Requirements and Standards</u> in Section
	C-VCR Village Commercial Residential <u>(3)</u>	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
RETAIL TRADE USES						
Accessory retail uses	PP, <u>P</u>	U	PP	PP	—	22.32.020
Auto, mobile home, vehicle and parts sales, new	U	—	—	U	—	
Auto sales, used	U	—	—	U	—	
Bars and drinking places	U	—	U	U	U	
Building material stores	U	U	U	U	—	
Farmers' markets	U	U	U	U	—	
Fuel and ice dealers	U	U	U	U	—	
Furniture, furnishings, and equipment stores	PP, <u>P</u>	U	PP	PP	—	
Grocery stores	PP, <u>P</u>	U	PP	PP	—	
Liquor stores	PP, <u>P</u>	U	PP	PP	—	
Outdoor retail sales and activities	U	U	U	U	—	
Outdoor retail sales, temporary	U	U	U	U	—	
Restaurants, 40 patrons or less	PP, <u>P</u>	PP	PP	PP	U	
Restaurants, more than 40 patrons	U	U	U	U	U	
Restaurants, with liquor and/or entertainment	U	U	U	U	U	
Restaurants, take-out, fast food	U	U	U	U	U	
Retail stores, general merchandise	PP, <u>P</u>	U	PP	PP	—	
Retail stores, visitor/collector	U	U	U	U	—	
Second hand stores	U	U	U	U	—	
Shopping centers	U	U	U	U	—	
Tobacco retail establishments	—	U	U	—	—	22.32.170

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) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.

(3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-CVR zone and residential shall be Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core area, residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a finding that the development maintains and/or enhances the established character of village commercial areas.

The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

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), 22.65 (Coastal Zone Planned District Development 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 <u>Permit Requirements and Standards</u> in Section
	C-VCR Village Commercial Residential <u>(3)</u>	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, <u>P</u>	P	PP	PP	P	
Banks and financial services (no drive-thru)	PP, <u>P</u>	—	PP	PP	—	
Bed and breakfast, 3 or fewer guest rooms	PP, <u>P</u>	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	—	
Child day-care centers	U	U	U	U	—	22.32.050
Child day-care, large family day- care homes	P	P	P	P	—	22.32.050
Child day-care, small family day- care homes	P	P	P	P	—	22.32.050
Construction yards	—	—	—	U	—	
Homeless shelters	—	—	<u>P</u>	—	—	22.32.095
Hotels and motels	U	U	U	U	PP	
Medical services - Clinics and laboratories	U	U	<u>U</u>	U	—	
Medical services - Hospitals and extended care	U	U	<u>U</u>	U	U	
Offices	PP, <u>P</u>	U	<u>PP</u>	PP	—	
Personal services	PP, <u>P</u>	—	PP	PP	—	
Public utility or safety facilities	U	U	U	U	U	
Repair and maintenance – consumer products	P	—	P	P	—	

Comment [SFS30]: Homeless shelters should be restored here. This is a suitable use in commercial district. If hotels for prosperous visitors are allowed (see line below), then certainly homeless shelters should also.

Comment [SFS31]: Medical services are essential land uses in small communities, as elsewhere; both residents and visitors depend upon them.

Comment [SFS32]: Hospitals are essential community services.

Comment [SFS33]: Offices are an appropriate use in a Planned Commercial zone and should be restored.

Repair and maintenance – vehicles	U	U	<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	—	

Comment [SFS34]: Vehicle repair is an appropriate use in a Planned Commercial district; visitors' vehicles break down, too...

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) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.
- (3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-CVR zone and residential shall be Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core area, residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a finding that the development maintains and/or enhances the established character of village commercial areas.

The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

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), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

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

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See <u>Permit Requirements and Standards</u> in Section
	C-VCR Village Commercial Residential <u>(3)</u>	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation	
TRANSPORTATION & COMMUNICATIONS USES						
Commercial parking and vehicle storage	U	—	U	U	—	
Harbors	U	—	U	U	U	
Marinas	U	—	U	U	U	
Pipelines and utility lines	U	U	U	U	U	
Telecommunications facilities	P/U	P/U	P/U	P/U	P/U	22.32.165

Attachment #7

Remainder of the Implementing Program (IPA)

Transit stations and terminals	U	—	U	U	U	
Transit stop shelters	P,PP	P	P	P	P	
Vehicle and freight terminals	—	—	P	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) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.
- (3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-CVR zone and residential shall be Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core area, residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a finding that the development maintains and/or enhances the established character of village commercial areas.

The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

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), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and 22.68 (Coastal Permit Requirements).

22.62.090 – Coastal Special Purpose and Combining Districts

- A. **Purpose of Section.** This Section provides regulations for development, as defined in Article VIII, in the coastal special purpose and combining zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established).

Comment [SFS35]: Recurrent unnecessary addition

- B. **Purpose and applicability of zoning districts.**

1. General Applicability.

- a. **Special purpose districts.** Special purpose zoning districts are intended to identify sites suitable for types of land uses that are different from but that can be accommodated along with certain land uses allowed within the other coastal agricultural, residential, and commercial zoning districts established by Section 22.62.030.
- b. **Combining districts.** Combining districts are applied to property together with one of the other agricultural, residential, or commercial zoning districts, to highlight areas where important site, neighborhood, or area characteristics require particular attention in project planning.

- (1) The combining districts established by this Chapter provide standards that apply to development, as defined in Article VIII, in addition to those of zoning districts.
- (2) The applicability of a combining district to property is shown by its map symbol established by Section 22.62.030 (Coastal Zoning Districts Established) being shown as a suffix to the symbol for the primary zoning district. A site designated within a combining district shall be subject to all applicable provisions of this Chapter, in addition to the requirements of the primary zoning district. If provisions of this Chapter conflict with any requirements of a primary zoning district, this Chapter shall control.

Comment [SFS36]: Recurrent unnecessary addition

2. C-PF (Coastal, Public Facilities) Zoning/Combining District.

- a. The Coastal Public Facilities “C-PF” zoning/combining district is applied to land in the Coastal Zone suitable for public facilities and public institutional uses, including where a governmental, educational, or other institutional facility is the primary use of the site, in compliance with the Marin County Local Coastal Program. The C-PF district is consistent with the Public Facility and Quasi-Public Facility land use categories of the Marin County Land Use Plan.
- b. The C-PF district may be applied to property as a primary zoning district if it is sufficiently different from surrounding land uses as to warrant a separate C-PF zoning district, and as a combining district where a

publicly-owned site accommodates land uses that are similar in scale, character, and activities, to surrounding land uses.

3. **B (Coastal, Minimum Lot Size) Combining District.** See Section 22.64.040 (Coastal Minimum Lot Size (-B) Combining District) for the purpose and applicability of this district.

- C. **Development standards for special purpose/combining districts.** Proposed development, as defined in Article VIII, shall comply with the provisions of Chapter 22.32 (Standards for Specific Land Uses) as applicable and all other applicable provisions of this Article.

Comment [SFS37]: Recurrent unnecessary addition

Chapter 22.64 – Coastal Zone Development and Resource Management Standards

Sections:

22.64.010 – Purpose of Chapter
22.64.020 – Applicability
22.64.030 – General Site Development Standards
22.64.040 – Coastal Minimum Lot Size (-B) Combining District
22.64.050 – Biological Resources
22.64.060 – Environmental Hazards
22.64.080 – Water Resources
22.64.100 – Community Design
22.64.110 – Community Development
22.64.120 – Energy
22.64.130 – Housing
22.64.140 – Public Facilities and Services
22.64.150 – Transportation
22.64.160 – Historical and Archaeological Resources
22.64.170 – Parks and Recreation
22.64.180 – Public Coastal Access

22.64.010 – Purpose of Chapter

This chapter provides general standards for proposed development, including site planning, and appropriate land use, for the following coastal zoning districts: C-APZ (Coastal, Agricultural Production Zone), C-ARP (Coastal, Agricultural, Residential Planned), C-OA (Coastal, Open Area), C-RA (Coastal, Residential, Agricultural), C-R1 (Coastal, Residential, Single-Family), CRSP (Coastal, Residential, Single-Family Planned), C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision), C-R2 (Coastal, Residential, Two-Family), C-RMP (Coastal, Residential, Multiple Planned), C-VCR (Coastal, Village Commercial/ Residential), C-H1 (Coastal, Limited Roadside Business), C-CP (Coastal, Planned Commercial), C-RMPC (Coastal, Residential/Commercial Multiple Planned) zoning districts, and the -B (Minimum Lot Size) combining district.

Comment [SFS38]: The word “general” should be reinserted here, meaning “generally applicable”. Without this word, the opening sentence would imply that this chapter provides all the standards that apply, which is not the case

22.64.020 – Applicability

The provisions of this Chapter apply to proposed development, as defined in Article VIII, in all coastal zoning districts, which requires Coastal Permit approval in addition to the requirements of Chapters 22.62 (Coastal Zoning Districts and Allowable Land Uses), 22.65 (Coastal Zone Planned District Development Standards), 22.66 (Coastal Zone Community Standards), and all other applicable provisions of this Development Code. In addition to specific standards applicable to a particular land use, all other LCP requirements also apply.

Comment [SFS39]: Recurrent unnecessary addition

Comment [SFS40]: A comma should be inserted, or rewording accomplished, in order to make clear that it is the proposed development which requires Coastal Permit approval, not the zoning districts.

22.64.030 –General Site Development Standards

Proposed development within the coastal zoning districts established by Section 22.62.030 (Coastal Zoning Districts Established) shall be sited, designed, constructed in compliance with the minimum lot area, density, setback requirements, height, and floor area ratio requirements shown in Table 5-4 (Coastal Zone Development Standards), as well as all other applicable LCP 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)			Maximum Height (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			See Notes 5, 7
C-H1		1 unit per 7,500 sq. ft. of lot area	30 ft.	6 ft. adjacent to residential district, none otherwise	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 22.64.040 (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 22.64.045(4) (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. Setback exceptions for ESHA and hazards are only allowed per the LCP’s Biological Resources and Environmental Hazards policies, respectively.
- (4) See Section 22.64.045(3) (Height Limits 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 shall require Design Review (in addition to and independent of Coastal Permit requirements) and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.70.150 (Coastal Zone Variances), in addition to a Coastal Permit.

~~e. All height limit exceptions must be found consistent with Land Use Plan Policies C-DES-1, 2, and 3.~~

Comment [SFS41]: Unworkable; delete.

- c. ~~Notwithstanding “a” and “b” above, where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.~~
- (5) See Chapter 22.42 (Design Review) for other conditions that may require Design Review approval in addition to and independent of 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 and independent of a Coastal Permit.
- (6) The maximum residential density for proposed ~~land~~ divisions of land for ~~that portion or portions of~~ properties with Environmentally Sensitive Habitat Areas and buffers, ~~hazardous areas and setbacks,~~ 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 lots proposed for affordable housing, if it can be demonstrated that ~~all resulting the~~ development ~~will can avoid and protect all ESHA and ESHA buffers, can avoid all hazardous areas and hazard setbacks, and 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, ~~hazardous areas and setbacks,~~ and properties that lack public water or sewer systems, shall be calculated at the lowest end of the ~~FAR 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 ~~will can avoid and protect all ESHA and ESHA buffers, avoid all hazardous areas and hazard setbacks, and~~ be served by on-site water and sewage disposal systems.

Comment [4.2]I-42]: See Staff Recommendation for April 19, 2016 BOS Hearing.

Comment [SFS43]: These provisions should be restored to the form originally proposed by the County as shown. This requirement is not in the LUP.

Comment [SFS44]: The CCC staff’s suggested mods misunderstand the use of the FAR concept. “Density” should be restored here, along with the text as originally proposed by the County.

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

TABLE 5-4-b – COASTAL ZONE DEVELOPMENT STANDARDS (Continued)

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2, 6)	Minimum Setback Requirements (3)			<u>Maximum Height Limit</u> (4)		Maximum FAR (5,7)
			Front	Sides	Rear	Primary	Accessory	
C-OA	See Note 1	See Notes 2 and 6	See Note 3			25 ft.	15 ft.	See Notes 5 and 7
C-APZ		See Zoning Map						
C-ARP								
C-RMP								
C-RMPC								
C-RSP								
C-RSPS						See 22.66.070.D		
C-CP		Not permitted				25 ft.	15 ft.	
C-RCR								

Notes:

- (1) Minimum lot area is determined through the Coastal Permit. The review authority will determine whether the lot area is adequate for a proposed land use.
- (2) Where dwellings are permitted, the following standards apply:
 - a. In C-OA districts, maximum density is determined through the Coastal Permit.
 - b. In C-APZ, C-ARP, C-RMP, C-RMPC, C-RSP, and C-RSPS districts, when determining the maximum density allowed, any fraction of a dwelling unit of 0.90 or greater will be counted as a whole unit.
 - c. C-APZ districts shall have a maximum density of one unit per 60 acres.
 - d. In considering division of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by this Code, based on site characteristics such as topography, soil, water availability, environmental constraints, and the capacity to sustain viable agricultural operations. {See also LUP Policy C-AG-6}
- (3) Setbacks are determined through the Coastal Permit. ~~Exceptions to Setback Requirements are not allowed for setbacks required for ESHA or hazards per the LCP's Biological Resources and Environmental Hazards policies, respectively.~~
- (4) See Section 22.64.045(3) (Height Limits and Exceptions) for height measurement and exceptions. Building height limits may change, as follows:
 - a. In C-RSP districts on the shoreline of Tomales Bay, building height limits shall comply with Section 22.65.060.C (C-RSP Zoning District Height Limit - Tomales Bay).
 - b. In C-RSPS districts, building height limits shall comply with Section 22.65.070.D (C-RSPS Zoning District Height Limit - Seadrift Subdivision).
 - ~~e. All height limit exceptions must be found consistent with Land Use Plan Policies C-DES 1, 2, and 3.~~
 - ~~c. Notwithstanding "a" and "b" above, where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.~~
- (5) Maximum floor area is determined through the Coastal Permit.

Comment [SFS45]: The hazards policies do not apply "setbacks" as such, so this term may be inappropriate.

Comment [SFS46]: Unworkable; delete.

Comment [4.2]l-47]: See Staff Recommendation for April 19, 2016 BOS Hearing.

- (6) The maximum residential density for proposed ~~land~~ divisions ~~of land~~ for ~~that portion or portions of~~ properties with Environmentally Sensitive Habitat Areas and buffers, ~~hazardous areas and setbacks~~, 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~~ lots proposed for affordable housing, if it can be demonstrated that ~~all resulting the~~ development ~~will can avoid and protect all ESHA and ESHA buffers, can avoid all hazardous areas and hazard setbacks, and 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, ~~hazardous areas and setbacks~~, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the ~~FAR 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 ~~will can avoid and protect all ESHA and ESHA buffers, avoid all hazardous areas and hazard setbacks, and~~ be served by on-site water and sewage disposal systems.

Comment [SFS48]: These provisions should be restored to the form originally proposed by the County as shown. This requirement is not in the LUP.

Comment [SFS49]: The CCC staff's suggested mods misunderstand the use of the FAR concept. "Density" should be restored here, along with the text as originally proposed by the County.

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 ~~land divisions~~ division of land that are different from those normally applied by the primary zoning district applicable to a site; and to configure 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 ~~land division~~ division of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~hazardous areas and setbacks~~, 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 lots proposed for affordable housing, and where it can be demonstrated that the development can avoid and protect all ESHA and ESHA buffers, ~~can avoid all hazardous areas and hazard setbacks~~, and can be served by on-site water and sewage disposal systems.

Comment [SFS50]: CDA staff propose to utilize “division of land” as a term of art in the LCP; a definition is added to the Definitions Chapter.

Comment [SFS51]: The existence of hazards on a site does not create “setbacks” Setbacks, buffers, ESHA, do not affect density, they determine where development can occur

Comment [SFS52]: See preceding comment

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

Zoning District	Minimum Lot Area (1)	Minimum Setback Requirements (2)			Maximum Height (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				
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 lower minimum lot area standard.
- (2) See (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. *Setback exceptions for ESHA and hazards are only allowed per the LCP's Biological Resources and Environmental Hazards policies, respectively.*
- (3) See Section 22.64.045(3) (Height Limits and 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 shall require *Design Review (in addition to and independent of Coastal Permit requirements) and Variance approval in compliance with Chapters 22.42 (Design Review) and approval in compliance with 22.70.150 (Coastal Zone Variances), in addition to a Coastal Permit. All height limit exceptions must be found consistent with Land Use Plan Policies C-DES 1, 2, and 3.*
- (4) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements.
- (5) The maximum residential density for proposed ~~land~~ divisions ~~of land~~ for ~~that portion or portions of~~ properties with Environmentally Sensitive Habitat Areas and buffers, ~~hazardous areas and setbacks~~, 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~~ lots proposed for affordable housing, if it can be demonstrated that ~~all resulting the development will can avoid and protect all ESHA and ESHA buffers, can avoid all hazardous areas and hazard setbacks, and can~~ be served by on-site water and sewage disposal systems.

Comment [SFS53]: ESHAs have buffers, not setbacks; hazards do not have "setbacks" per se.

Comment [SFS54]: The Coastal Zone Variance procedure, not Design Review, is the appropriate mechanism to review height exceptions.

Comment [SFS55]: These provisions should be restored to the form originally proposed by the County as shown. This requirement is not in the LUP.

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

22.64.045--Property Development and Use Standards

1. Applicability—General Standards.

- A. All proposed development, including new land uses, shall conform with all of the standards of this Chapter and all applicable LCP provisions unless exempted from coastal permit requirements by Chapter 22.68.

2. Fencing and Similar Structure Standards

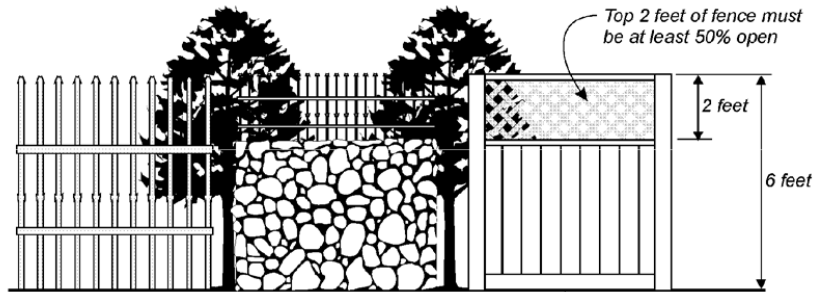
In addition to other applicable LCP provisions, the following standards shall apply to the installation of all fences, walls, trellises, and similar structures:

- A. **Height limitations.** Fences, walls, trellises, and similar structures are subject to the following height limitations.

1. **General height limit.** A fence or wall having a maximum height of four feet or less above grade may be located within a required setback for a front yard or side yard that abuts a street. A fence or wall having a maximum height exceeding four feet but no more than six feet above grade may be located within a required setback for a front yard or side yard that abuts a street if the entire section or portion of the fence or wall above four feet in height above grade has a surface area that is at least 50% open and unobstructed by structural elements. (See Figure 3-1.) A solid fence or wall having a maximum height of six feet above grade may be located within a required interior yard setback, a rear yard setback, a rear yard setback of a through lot, or on the property line defining such yards. A trellis above a gate or opening along the line of a fence, not exceeding a maximum height of eight feet above grade and a width of six feet, is permitted within a required setback for a front, side, or rear yard that abuts a street. ~~In all cases, such fences, walls, trellises, or other similar structures shall only be allowed so long as such structures protect significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas.~~

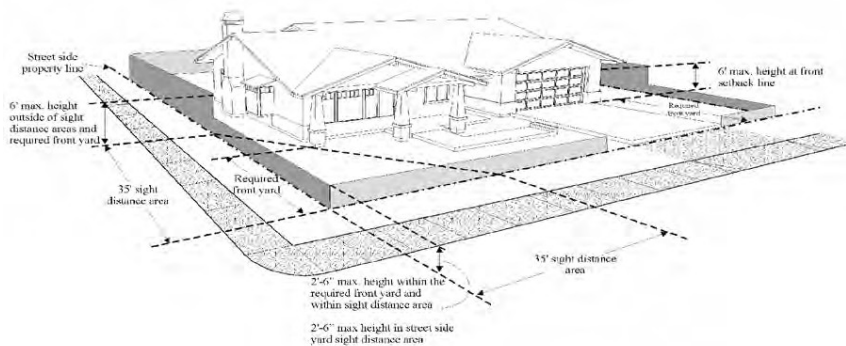
Comment [SF556]: No LUP policy necessitates this provision.

FIGURE 3-1
EXAMPLES OF FENCE, WALL, TRELLIS, AND SIMILAR STRUCTURES WITH
THE AREA ABOVE FOUR FEET AT LEAST 50 % OPEN



2. **Corner lots.** In addition to the general provisions described above, fences within the front and/or street side setbacks of a corner lot shall not exceed a height of two feet, six inches above the street level of an adjacent intersection, within the area between the property lines and a diagonal line joining points on the property lines which are 35 feet from their intersection. See Figure 3-2.

FIGURE 3-2
HEIGHT LIMITATIONS FOR FENCES, WALL, TRELLIS, AND SIMILAR
STRUCTURES ON CORNER LOTS



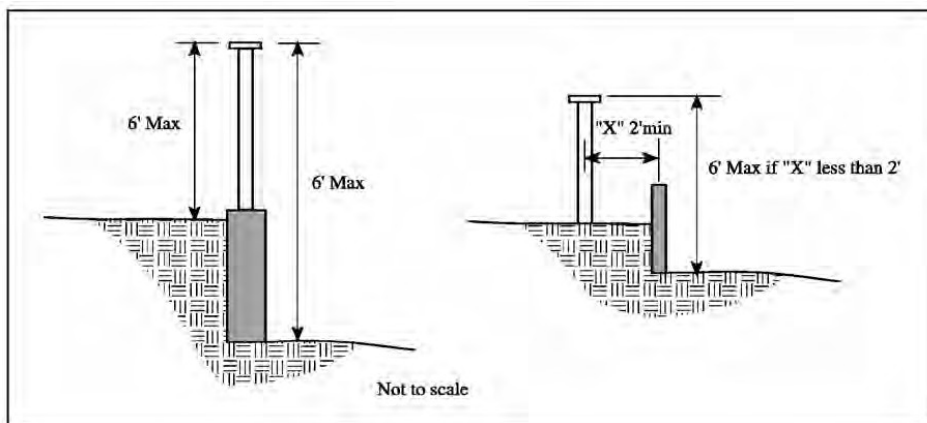
3. **Lots with grade differential.** In addition to the general provisions described above, where there is a difference in the ground level between two adjoining lots, the height of the fence, wall, trellis, or other similar structure shall not exceed six feet as measured from grade on either side of the structure. See Figure 3-3 (Fence Height Limits).
4. **Parallel fences and walls.** In addition to the general provisions described above, two approximately parallel fences, walls, trellises, or other similar structures shall maintain a separation of at least two feet to encourage landscaping between the separation, or the height of both

structures shall be computed as one structure, subject to the six foot height limitation. See Figure 3-3 (Fence Height Limits).

- B. Setback requirements.** Fences, walls, trellises, or other similar structures up to four feet in height or six feet in height above grade may be located within a required setback or on property lines in compliance with the height limits of Subsection A., above. Fences, walls, trellises, or other similar detached structures exceeding the height limits specified in Subsection A, shall be subject to the same setback requirements of this Implementation Plan applicable to the primary structure. ~~Fences, walls, trellises, or other similar structures shall be sited and designed to protect significant public views.~~

Comment [JL57]: Specific numerical standards apply

FIGURE 3-3
FENCING AND SIMILAR STRUCTURES HEIGHT LIMITS



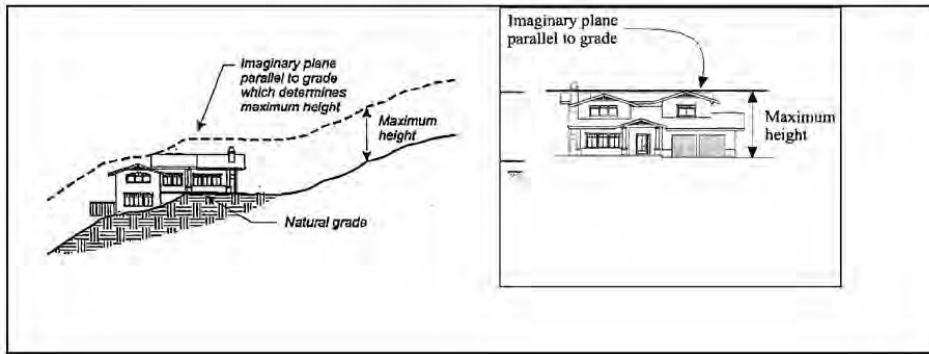
3. Height Limits and Exceptions.

In addition to other applicable LCP provisions, all structures shall meet the following standards relating to height, except for fences, walls, trellises, and similar structures, which shall comply with Fencing and Similar Structure Standards, above. ~~All maximum heights are maximums and not entitlements to that height, and may be adjusted downwards in order to meet LCP provisions, including those related to protecting public views.~~

Comment [SFS58]: Unnecessary addition; it goes without saying that all height limits are maximums

- A. Maximum height.** The height of any structure shall not exceed the maximum height standard established by the applicable zoning district in the LCP. Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the maximum number of feet above and parallel to the grade. See Figure 3-4 (Measurement of Maximum Height) and definition of “Grade” in Article VIII (Definitions).

FIGURE 3-4
MEASUREMENT OF MAXIMUM HEIGHT



- B. Detached accessory structures.** A detached accessory structure shall not exceed 15 feet in height above grade. However, a detached accessory structure may be constructed to the height allowed for primary structures by the applicable zoning district if the accessory structure is located at least 40 feet from all property lines.
- C. Structures for parking.** A detached parking structure is subject to the same maximum height limit as detached accessory structures, above.
- D. Height Exceptions:**
 - 1. Spires, towers, water tanks, etc.** Chimneys, cupolas, flag poles, gables, monuments, spires, towers (e.g., transmission, utility, etc.), water tanks, necessary mechanical appurtenances, and similar structures may be allowed to exceed the height limit established for the applicable zoning district, subject to all of the following standards:
 - a. The structure shall not cover more than 15 percent of the lot area at any level.
 - b. The area of the base of the structure shall not exceed 1,600 square feet.
 - c. No gable, spire, tower or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than that which is incidental to the allowed uses of the primary structure.
 - d. No structure shall exceed a maximum height of 150 feet above grade.

e. ~~Such height shall be found consistent with all other applicable LCP policies, including policies C DES 1, 2, and 3.~~

Comment [SFS59]: Unnecessary; all development must meet all LUP policies.

2. Roof-mounted Solar Energy Systems. ~~Roof-mounted solar energy systems may exceed the required height limit by no more than two feet.~~

Comment [SFS60]: Inserted for consistency with Sec. 22.32.161

3. Flood Hazard and Sea Level Rise Safety. ~~Where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.~~

Comment [4.2]l-61]: See Staff Recommendation for April 19,2019 BOS Hearing

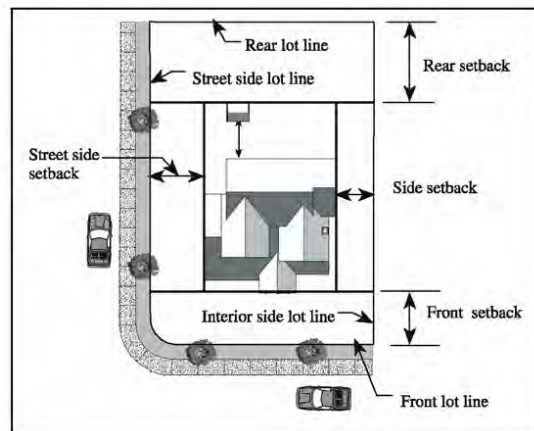
4. Setback Requirements and Exceptions.

- A. In addition to other applicable LCP provisions, this section establishes setback standards, including those related to allowed uses in setbacks, minimum sizes for setbacks, and exceptions to setback standards. (Additional setbacks may be required by the Hillside Ordinance). These standards are intended to provide for open areas around structures, including but not limited for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; space for privacy, landscaping, and recreation; water quality protection; space to account for fire safety; and protection of significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas. All setbacks are minimums and may be increased in order to meet LCP provisions, including those related to water quality and community character. Setback requirements and exceptions for coastal permits involving ESHA and coastal hazards are listed in 22.64.050 and 22.64.060, respectively.

Comment [Resp-62]: Clarifying cross-reference

Comment [Jl63]: These are not buffers, they are traditional structural setbacks. Buffers are addressed elsewhere

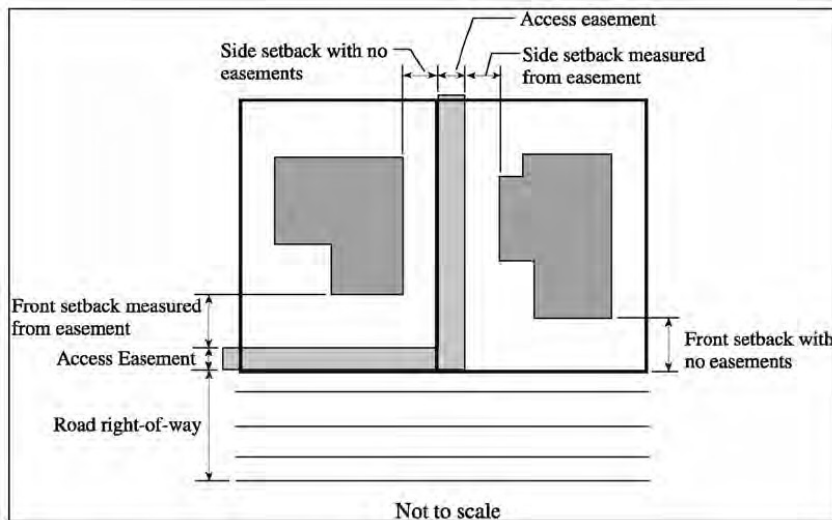
FIGURE 3-5
LOCATION AND MEASUREMENT OF SETBACKS



B. Measurement of Setbacks. Setbacks shall be measured from property lines, as shown by Figure 3-5 (Location and Measurement of Setbacks), and as follows; however, if an access easement or street right-of-way line extends into or through a yard setback, the measurement shall be taken from the nearest point of the easement or right-of-way line, not the more distant property line. See Figure 3-6 (Front and Side Setbacks with Easements).

- 1. Front yard setbacks.** The front yard setback shall be measured at right angles in from the front property line of the lot, establishing a setback line parallel to the front property line.
 - a. Flag lots.** For a lot with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, the measurement shall be taken in from the point where the access strip meets the bulk of the lot along a continuous line, establishing a setback line parallel to it. See Figure 3-7 (Flag Lot Setbacks).

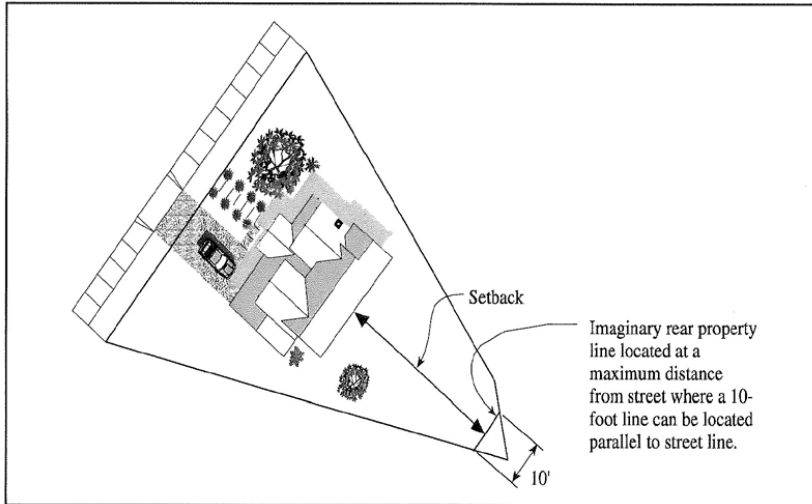
FIGURE 3-6
FRONT AND SIDE SETBACKS WITH EASEMENTS



The diagram illustrates a flag lot configuration. A building footprint is shown with a setback from the front property line. A flag lot access strip is shown leading from the building to the street. The setback distance is labeled "Front Setback". The street is labeled "Street".

- Attachment #7
Remainder of the Implementing Program (IPA)

FIGURE 3-8
REAR SETBACK IN IRREGULAR PARCELS



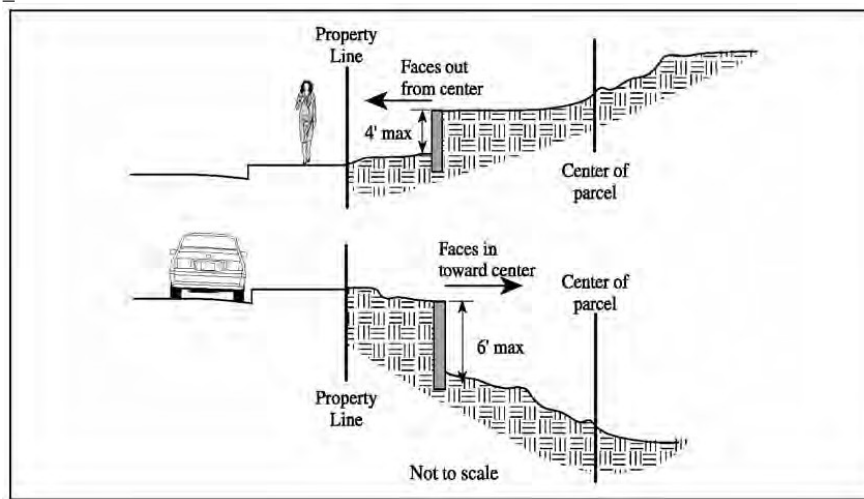
- C. Setback requirements.** Unless exempted in compliance with Subsections D and E, below, all structures shall conform with the setback requirements established for each zoning district by Article V (Coastal Zone Development and Resource Management Standards), and with any special setbacks established for specific uses by this Development Code, except as otherwise provided by this Section.
- 1. General requirements.** In no case shall any portion of a structure, including eaves or roof overhangs, extend beyond a property line, or into an access easement or street right-of-way.
 - 2. Accessory structures.** Detached accessory structures shall comply with the same setback requirements established by the applicable zoning district for primary structures, except as follows:
 - a. The minimum rear yard setback for a detached accessory structure shall equal the minimum side setback, and no less than ten feet; except that the rear setback on a through lot shall be 20 percent of the lot depth to a maximum of 25 feet.
 - b. The total aggregate floor area of all detached accessory structures shall not exceed 30 percent of the area contained within the boundaries of the setback required in the rear yard.

3. **Detached site elements.** Detached decks, swimming pools and spas, steps, terraces, and other site design elements that are placed at or below grade, and which exceed a height of 18 inches above grade at any point, shall conform with the setback requirements of this Chapter for detached accessory structures. Hand railings and other safety features required by the Uniform Building Code and attached directly to a detached site element shall not be included in the measurement of the maximum height of the detached site element.
4. Site design elements less than 18 inches above grade are exempt from setback requirements in compliance with Subsection D (Exemptions from setback requirements), below. Examples of site design elements less than 18 inches above grade include ponds, shuffleboard courts, and water elements (e.g., fountains, sprays, etc.).

D. Exceptions from setback requirements. The minimum setback requirements of this Development Code shall apply to all development except the following.

1. Fences, walls, trellises, and similar structures that comply with the height limits specified in Fencing and Similar Structure Standards;
2. Detached energy efficiency devices located within required rear yard and side yards that do not exceed a height of four feet in height above grade;
3. Decks, freestanding solar devices, swimming pools and spas, steps, terraces, and other site design elements which are placed at or below grade and do not exceed a height of 18 inches above grade at any point. Hand railings and other safety features required by the Uniform Building Code and attached directly to a detached site element which meets the criteria herein are exempt from the minimum setback requirements;
4. Flag poles that do not exceed a height of 30 feet above grade; and
5. Retaining walls. The following standards shall apply to all retaining walls. See Figure 3-9 (Maximum Height for Retaining Walls Exempt from Setbacks):
 - a. Retaining walls greater than six feet in height above grade shall be subject to the same setback requirements as the primary structure if the exposed face of the retaining wall faces into the center of the property.
 - b. Retaining walls greater than four feet in height above grade shall be subject to the same setback requirements as the primary structure if the exposed face of the retaining wall faces outward from the center of the property.

FIGURE 3-9
MAXIMUM HEIGHT FOR RETAINING WALLS EXEMPT FROM SETBACKS



- E. Allowed projections into setbacks.** Attached architectural features and certain detached structures may project into or be placed within a required setback in compliance with the following requirements:
- 1. Architectural features.** Architectural features attached to the primary structure may extend beyond the wall of the structure and into the front, side and rear yard setbacks, in compliance with Table 3-1 (Allowed Projections into Setbacks). See also Figure 3-10 (Examples of Allowed Projections into Required Setbacks).

TABLE 3-1
ALLOWED PROJECTIONS INTO SETBACKS

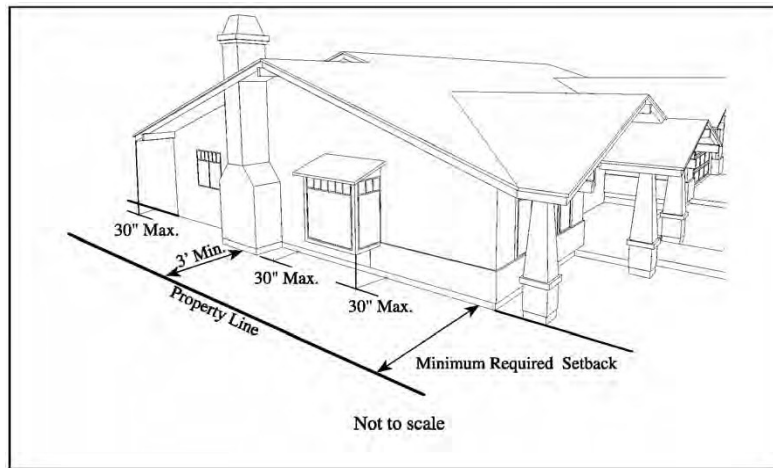
Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Chimney (1)	30 in.	30 in.	30 in.
Cantilevered architectural features (2)	30 in.	30 in.	30 in.
Deck (3)	6 ft.	3 ft. (1)	6 ft.
Porch (4)	6 ft.	3 ft. (1)	6 ft.
Solar devices and tankless water heaters	30 in.	30 in.	30 in.
Stairway (5)	6 ft.	3 ft. (1)	6 ft.

- Notes: (1) Feature may project no closer than three feet to the property line.
- (2) Cantilevered architectural features including balconies, bay windows, cornices, eaves and roof overhangs may project into setbacks as shown.
- (3) Decks less than 18 inches above grade are exempt, in compliance with Exceptions from Setback Requirements, above.
- ~~(4) A porch may project into a setback, provided it is enclosed only by a railing and is located at the same level as the entrance floor of the structure. An additional projection into the front yard setback may be allowed, provided it does not exceed 40% of the required porch setback permitted by Table 3-1. (For example, in a R-1 zoning district, Table 3-1 would allow the porch to maintain a 19-foot front yard setback. An additional 7.6-foot encroachment (representing 40% of the 19-foot setback) resulting in an 11.4-foot front yard setback may be permitted.)~~
- (54) A stairway may project into a setback, provided it is not roofed or enclosed above the steps.

Comment [SFS64]: Unnecessary; a Coastal Zone Variance would take care of this situation.

2. **Parking structures on steep lots.** In any zoning district allowing residential uses, where the slope of the one-half of the parcel beginning at the street-access side is 20 percent or more, or where the elevation of the parcel at the property line from which vehicular access is taken is five feet or more above or below the elevation of the adjoining street, a parking structure may be built to within three feet of the front and side property lines that abut the adjoining street from which vehicular access is taken.
3. **Trellises.** See Fencing and Similar Structure Standards - Height Limitations.

FIGURE 3-10
EXAMPLES OF ALLOWED PROJECTIONS INTO REQUIRED SETBACKS



- F. **Restrictions on the use of front yard setbacks in residential districts.** No junk or scrap shall be allowed in the front yard on any lot in any residential zoning district. This restriction includes the storage of operable or inoperable vehicles in other than improved parking or driveway areas.

G. Additional setbacks may be required by the Hillside Ordinance

Comment [SFS65]: Reference to setback requirements per 22.20.070.

22.64.050 – Biological Resources

A. Submittal requirements.

1. Biological studies.

- a. **Initial Site Assessment Screening.** The Marin County Community Development Agency (CDA) shall conduct an initial site assessment screening of all development proposals to determine the potential presence of Environmentally Sensitive Habitat Area (ESHA). The initial site assessment screening shall include a review of reports, resource maps, aerial photographs, site inspection and additional resources as necessary to determine the presence of ESHA.
- b. **Site Assessment.** A site assessment shall be submitted for those Coastal Permit applications where the initial site assessment screening reveals the potential presence of an Environmentally Sensitive Habitat Area (ESHA) within 100 feet of any portion of the proposed development. The permit will be subject to a level of review that is commensurate with the nature and scope of the development. A site assessment shall be prepared by a qualified biologist ~~hired by the County and paid for by the applicant~~, and shall confirm the extent of the ESHA, document any site constraints and the presence of other sensitive resources, recommend buffers, ~~and~~ development timing, ~~and mitigation measures~~, including required setbacks, and provide other information, analysis and potential modifications necessary to protect the resource. ~~The site assessment shall thoroughly discuss alternatives and mitigation measures to avoid impacts to ESHA, and any finding that there is no feasible alternative to avoid ESHA impacts shall be supported by such analysis. If the site assessment identifies significant impacts, then the report shall identify appropriate mitigation measures.~~ Where habitat restoration or creation is required to eliminate or offset potential impacts to an ESHA, a detailed Restoration and Monitoring Plan shall be required, as provided in this section.
- c. **Buffer Areas.** Buffers shall be provided for ESHAs in accordance with the policies of C-BIO-3 (ESHA Buffers), C-BIO-19 (Wetland Buffers), or C-BIO-24 (Coastal Streams and Riparian Vegetation), in combination

Comment [SFS66]: The County does not hire biologists as suggested.

Comment [SFS67]: See subsequent comment

Comment [SFS68]: The word "significant" is included to conform with PRC sec. 30240(a): *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

Moreover, it is inappropriate to require mitigation measures prior to identifying significant impacts that might warrant such measures. The requirement for mitigation measures should only apply when significant impacts have in fact been identified.

with the findings of a site assessment, as necessary to ensure the biological integrity and preservation of the habitat they are designed to protect. Maintain ESHA buffers in their natural condition, except as provided in C-BIO-20 (Wetland Buffer Adjustments), C-BIO-25 (Stream Buffer Adjustments) or C-BIO-4 (Protect Major Vegetation).

Determination of ESHA buffer requirements shall consider the following:

- 1) Habitat requirements of the ESHA, including the migratory patterns of affected species and tendency to return each season to the same nest site or breeding colony;
- 2) Sensitivity of the ESHA to disturbance;
- 3) Topography of the site;
- 4) Movement of stormwater;
- 5) Permeability of the soils and depth to water table;
- 6) Vegetation present;
- 7) Unique site conditions;
- 8) Whether vegetative, natural topographic, or built features (e.g., roads, structures) provide a physical barrier between the proposed development and the ESHA; and
- 9) The likelihood of increased human activity and disturbance resulting from the project relative to existing development.
- 10) ~~For buffer reductions, the applicant has provided clear and convincing findings of the need for the reduction, the reduction allowed is absolute minimum necessary, and the reduction will prevent impacts that degrade the ESHA and will be compatible with the continuance of the ESHA.~~ A buffer reduction shall be considered only when supported by evidence that the reduction is necessary, is the minimum necessary, and will prevent impacts that degrade the ESHA.

- d. **Habitat Mitigation.** ~~The only allowed development within ESHA, wetlands, and streams shall be those uses specifically identified in Land Use Plan Policies C BIO 2, 14, 15, and 24, respectively.~~ New development shall be sited and designed to avoid impacts to ESHA. If proposed development is a permissible use but there is no feasible alternative, including the no project alternative, that can avoid significant impacts to ESHA, then the alternative that would result in the fewest or least significant impacts shall be selected. Residual adverse impacts to

Comment [SFS69]: Applicants do not provide findings; applicants provide evidence which the County may rely upon in adopting findings.

Comment [SFS70]: The subject of this paragraph is Habitat Mitigation; therefore the question of allowable uses is inappropriate here. Furthermore, the allowed uses in ESHAs are identified elsewhere.

Comment [SFS71]: The word "significant" needs to be restored here to be consistent with PRC 30240

ESHA shall be fully mitigated, with priority given to on-site habitat mitigation. Off-site or fee-in-lieu habitat mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site habitat mitigation is more protective in the context of a biological analysis prepared by a qualified scientist and approved by the County of Marin. Any determination that it is infeasible to mitigate impacts onsite shall be supported by written findings. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.

Allowable habitat mitigation shall occur in accordance with the provisions of C-BIO21 (Wetland Impact Mitigation) for wetlands or the findings of a site assessment, and shall be provided at a minimum ratio of 2:1 for on-site mitigation; 3:1 for off-site mitigation or 4:1 for an in-lieu fee where applicable. In determining required mitigation, the acreage of habitat impacted shall be determined based on the size of the approved development area, road/driveway area, required fuel modification on the project site, and required vegetation clearance, if any, on adjacent properties. Habitat mitigation may be required at an adjusted ratio or through other appropriate techniques as commensurate with the extent of habitat disruption, based on the specific requirements of the ESHA as determined through the site assessment.

2. **Site map.** Coastal Permit applications shall contain a detailed site plan showing existing and proposed construction, with major vegetation, water courses, natural features, and other probable wildlife areas.
3. **Restoration and Monitoring Plan.** Restoration and Monitoring Plans shall include the following:
 - a. A clear statement of the ESHA habitat restoration goals. Characterization of the desired habitat, including an actual habitat, that can act both as a model for the restoration and as a reference site for developing success criteria.
 - b. Sampling of reference habitat using the methods that will be applied to the restoration site with reporting of resultant data.
 - c. Quantitative description of the chosen restoration site.
 - d. Requirements for designation of a qualified restoration biologist as the restoration manager who will be personally responsible for all phases of the restoration. Phases of the restoration shall not be assigned to different contractors without onsite supervision by the restoration manager.
 - e. A specific Grading Plan if the topography must be altered.

- f. A specific Erosion Control plan if soil or other substrate will be significantly disturbed during the course of the restoration.
- g. A Weed Eradication Plan designed to eradicate existing weeds and to control future invasion by exotic species that is carried out by hand weeding and supervised by a restoration biologist.
- h. A Planting Plan that specifies a detailed plant palette based on the natural habitat type that is the model for the restoration, using local native and non-invasive stock and requiring that if plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars. The Planting Plan should provide specifications for preparation of nursery stock and include technical details of planting methods (e.g., spacing, mycorrhizal inoculation, etc.)
- i. An Irrigation Plan that describes the method and timing of watering and ensures removal of watering infrastructure by the end of the monitoring period.
- j. An Interim Monitoring Plan that includes maintenance and remediation activities, interim performance goals, assessment methods, and schedule.
- k. A Final Monitoring Plan to determine whether the restoration has been successful that specifies:
 - 1) A basis for selection of the performance criteria,
 - 2) Types of performance criteria,
 - 3) Procedure for judging success,
 - 4) Formal sampling design,
 - 5) Sample size,
 - 6) Approval of a final report, and
 - 7) Provision for possible further action if monitoring indicates that initial restoration has failed.

- 4. **Additional information.** Based on review of the provided information, the County may request additional information to address site-specific conditions and/or as part of the environmental review process.

- B. **Biological Resource standards.** Development shall be consistent with the Biological Resources Policies of the LUP, including, but not limited to:

Comment [SFS72]: Raise with CCC staff: Perhaps include a statement such as: "Development within ESHA, wetlands, or streams shall be limited to those uses specifically identified in Land Use Plan Policies C-BIO-2, 14, 15, or 24."

1. **Environmentally Sensitive Habitat Areas (ESHAs).** The resource values of ESHAs shall be protected by limiting development per Land Use Plan Policies C-BIO-1, C-BIO-2, and C-BIO-3.
2. **Habitats of rare or endangered species and unique plant communities.** Habitats of rare and endangered species and unique plant communities shall be protected by limiting development in those areas and providing adequate buffers surrounding those areas per Land Use Plan Policy C-BIO-3.
3. **Ecological restoration.** Encourage restoration of degraded ESHAs per Land Use Plan Policy C-BIO-5.
4. **Invasive plants.** Where feasible, require the removal of non-native, invasive plant species, revegetation of denuded areas with native and non-invasive plants, and provision of primarily native, drought-tolerant plant species for areas of new or replacement planting, per Land Use Plan Policy C-BIO-6.
5. **Coastal dunes and beaches.** Coastal dunes and beaches shall be preserved by limiting development in those areas per Land Use Plan Policies C-BIO-7, C-BIO-8, and C-BIO-9.
6. **Roosting and nesting habitat.** Roosting and nesting habitat and the grassy shorebird feeding areas adjacent to Bolinas Lagoon shall be protected by limiting development per Land Use Plan Policies C-BIO-10; and C-BIO-11, ~~and C-BIO-12.~~
7. **Biological productivity.** The biological productivity and quality of coastal waters, coastal streams, coastal wetlands, coastal estuaries and coastal lakes shall be maintained, and where feasible, enhanced.
8. **Coastal wetlands.** Coastal wetlands shall be preserved and maintained as productive wildlife habitats, water filtering and storage areas, and, as appropriate, recreational open space, by limiting diking, dredging, and draining per Land Use Plan Policies C-BIO-14, C-BIO-15, C-BIO-16, and C-BIO-17, disposing of dredged materials per Land Use Plan Policy C-BIO-18 and mitigating wetland impacts per Land Use Plan Policy C-BIO-21.
9. **Coastal wetland buffers.** Adequate buffers shall be maintained surrounding coastal wetlands per Land Use Policy C-BIO-19 unless an adjustment to standard buffers is granted per Land Use Plan Policy C-BIO-20.
10. **Marine resources.** Marine resources shall be maintained, enhanced, and where feasible, restored and special protection shall be provided to areas and species of special biological or economic significance per Land Use Plan Policy C-BIO-23.
11. **Coastal streams, riparian vegetation, and buffers.** Alterations to coastal streams and riparian vegetation shall be limited to the uses specified in Land Use Plan Policy C-BIO-24, and adequate buffers shall be provided surrounding those

resources per Land Use Plan Policy C-BIO-“TBD”, unless an adjustment to the standard buffers is granted per Land Use Plan Policy C-BIO-25. Any alteration of riparian vegetation which is allowed under these policies shall require an erosion control plan and re-vegetation plan that incorporates native species to the maximum extent feasible.

22.64.060 – Environmental Hazards

...

Comment [Resp-73]: See Attachment 5, made a separate document for ease of discussion and editing

22.64.080 – Water Resources

A. Application requirements.

1. ~~*Water Quality Impairment Assessment. The Reviewing Authority shall conduct a water quality assessment of all development proposals, including for both new development and modifications to existing development, to identify potential water quality impacts. Where the assessment reveals the potential for water quality impairment, the project shall be required to have a plan which addresses both temporary (during construction) and permanent (post construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems and watercourses, and to minimize increases in stormwater runoff volume and rate.*~~

Comment [SFS74]: The suggested mod would create a “two-stage” information submittal process, which is not consistent with requirements of state law.

- ~~2~~ **1. Drainage plans.** Coastal permit applications for development that would add or create a total of 10,000 square feet or more of impervious surface (collectively over the entire project site) or would alter drainage patterns, shall be accompanied by a preliminary drainage plan. The plan shall include existing and proposed drainage patterns and storm drain improvements for the site, all structures and impervious areas, and any other improvements. The plan must indicate the direction of surface runoff and method of on-site runoff dispersal for existing and proposed drainage channels or facilities. Draining to existing watercourses or detention basins may be allowed if negative impacts to biological resources, water quality, channel stability or flooding of surrounding properties can be avoided or if existing soil conditions do not allow infiltration. Hydrologic calculations shall be required to determine whether there would be any additional surface run-off resulting from the development.
- ~~3~~ **2. Structural and/or treatment control facilities: monitoring and maintenance plans.** If structural and/or treatment control facilities are incorporated in a project, the applicant shall submit a monitoring and maintenance plan indicating how such facilities will be adequately maintained by the applicant and any subsequent property owner after construction is complete. (Policy C-WR-12)
- ~~4~~ **3. Site Plan – Post Construction Element.** At the discretion of the County based on the scale or potential water quality impacts of a proposed project, the applicant shall submit a site plan containing a Post-Construction Element. This plan shall detail how stormwater and polluted runoff will be managed or

Comment [SFS75]: This requirement addresses the issue of assessing impacts on water quality, suggested above in paragraph #1.

mitigated following project construction, utilizing both source control and treatment control measures, and both structural and non-structural measures. (Policy C-WR-13)

- 5 4. Grading plans.** Coastal permit applications for any cut, fill, or grading shall be accompanied by a preliminary grading plan that indicates existing and proposed contours across the building site and existing and proposed average lot slope.

- 6 5. Geotechnical reports.** A geotechnical report may be required if the Department of Public Works determines that proposed cut and fill slopes ~~are determined to~~ would be steeper than is safe for the subject material or determines that the report is necessary for the intended use. The geotechnical report shall be subject to review and approval by the Department of Public Works. (Policy C-WR-5)

Comment [JL76]: County procedure

- 7 6. Erosion and sedimentation control plans.** An erosion and sedimentation control plan, subject to approval by the Department of Public Works, shall be required for development of any site of 1 acre or more in size or, at the discretion of the Department of Public Works, for any site of less than 1 acre because of a high risk of erosion and sedimentation. Such plan is also required for ~~all~~ projects listed under Policy C-WR-14 that involve grading. (Policy C-WR-6)

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

In the application and initial planning process, the applicant shall submit for review and approval a Construction-Phase element that shall include, at a minimum, a narrative report describing all interim erosion, sedimentation, and polluted runoff control BMPs to be implemented during construction, including the following where applicable:

- (a) Controls to be implemented on the amount and timing of grading;
- (b) BMPs to be implemented for staging, storage, and disposal of excavated materials;
- (c) Design specifications for treatment control BMPs, such as sedimentation basins;

- (d) Revegetation or landscaping plans for graded or disturbed areas;
- (e) Methods to manage affected onsite soils;
- (f) Other soil stabilization BMPs to be implemented;
- (g) Methods to infiltrate or treat stormwater prior to conveyance off-site during construction;
- (h) Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (e.g., paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff;
- (i) Plans for the clean-up of spills and leaks;
- (j) BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials;
- (k) Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation;
- (l) A site plan showing the location of all temporary erosion control measures; and
- (m) A schedule for installation and removal of the temporary erosion control measures.

B. Water quality standards. Development shall be consistent with the Water Quality Policies of the LUP, including, but not limited to:

1. **Water quality protection.** The quality of coastal waters shall be monitored, protected, and enhanced for the benefit of natural communities, human health, recreational users, and the local economy (Land Use Plan Policy C-WR-1).
2. **Site design and source control measures.** Development shall meet the standards contained in Land Use Plan Policy C-WR-2.
3. **Drainage standards.** Development shall meet the standards contained in Land Use Plan Policy C-WR-3.
4. **Structural and/or treatment control facilities: proper maintenance.** Structural and/or treatment control facilities shall meet the requirements of Land Use Plan Policy C-WR-12.
5. **High impact projects: design standards.** Development that has a high potential for generating pollutants (High Impact Projects) shall incorporate treatment control Best Management Practices (BMPs) or ensure that the requirements of

the current NPDES Municipal Stormwater permit are met, whichever is stricter, to address the particular pollutants of concern, including the requirements of Land Use Plan Policy C-WR-14.

6. **Construction Non-sediment Pollution.** Construction site practices shall be carried out consistent with Land Use Plan Policy C-WR-16.
7. **Construction Phase Pollution.** The construction site shall be managed to prevent contact between runoff and chemicals, fuel and lubricants, cleansers, and other potentially harmful materials.

C. Grading and excavation standards.

1. **Site planning.** Development shall meet the standards contained in Land Use Plan Policy C-WR-4.
2. **Preservation of landforms and native vegetation.** Development shall meet the standards contained in Land Use Plan Policies C-WR-4 and C-WR-5. Grading shall not take place on slopes greater than 35%, to the extent feasible.
3. **Extent and timing of grading.** Development shall meet the standards contained in Land Use Plan Policies C-WR-6 and C-WR-7.
4. **Erosion and sedimentation control.** Development shall meet the standards contained in Land Use Plan Policies C-WR-10 and C-WR-8.
5. **Impervious surfaces, runoff control.** Development shall meet the standards contained in Land Use Plan Policy C-WR-2.
6. **Sediment basins during construction.** Development shall meet the requirements of Land Use Plan Policy C-WR-10.
7. **Pollutants.** Pollutants, including chemicals, fuels and other harmful materials shall be collected and disposed of in an approved manner.
8. **Topsoil.** Development shall meet the requirements of Land Use Plan Policy C-WR-9.
9. **Removal of construction debris.** All debris shall be removed from the site upon the completion of the project.
10. **Erosion and Flood Control Facilities.** Consider placement of sediments collected by erosion and flood control facilities at appropriate points on the shoreline, consistent with Land Use Plan Policy C-WR-17.

22.64.100 – Community Design

A. **Community Design standards.** Development shall be consistent with the Community Design policies of the LUP, including, but not limited to:

1. **Compatible Design.** The height, scale, and design of new structures shall be compatible with the character of the surrounding natural or built environment per Land use Policy CDES-1.
2. **Protection of visual resources.** Development shall be sited and designed to protect visual resources per Land Use Policy C-DES-2.
3. **Protection of ridgeline views.** New development proposed on or near visually prominent ridgelines shall be sited and designed per Land Use Policy C-DES-3.
4. **Height limits.** Structures in the Coastal Zone shall be limited ~~to a maximum height of 25 feet, unless a lower maximum height is required for other LCP reason (e.g., for specific zoning districts or types of development, etc.) as provided in Tables 5-4-a, 5-4-b, and 5-5,~~ with the exceptions provided for by Land Use Policy C-DES-4 and by this Code.
5. **New Signs.** New Signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points (Land Use Policy C-DES-5). A Coastal Permit is required for any sign that could impact public recreational access, including parking opportunities near beach access points or parklands, such as any changes in parking cost, timing or availability, and any signage prohibiting public parking, trespassing, and/or public coastal access. Coastal Permits for signs shall be consistent with all applicable LCP provisions, including the following additional objectives and standards:

Comment [SFS77]: Height limits should be expressed in one place in the Code, along with allowable exceptions

A. **Objective:** Signs shall be sited and designed to:

- Protect public safety within the County and the visual quality of its communities;
- Protect uses, which are adequately and appropriately identified and advertised, from the installation of too many and too large signs;
- Protect commercial districts from visual chaos and economic detriment;
- Protect the public's ability to identify uses and premises without confusion;
- Eliminate unnecessary distractions that may diminish driving and pedestrian safety;

- Enhance and improve properties and their neighborhoods by encouraging signs that are compatible with and complementary to related structures and uses and harmonious with their surroundings; and
- Protect and enhance coastal resources, including, but not limited to, significant public views and community character.

B. Standards:

1. **Freestanding signs.** Freestanding signs shall be designed and located to be viewed primarily from the immediately surrounding public streets.
2. **Prohibited Signs.** The following types of signs, including in terms of illumination, sound, materials, and forms are prohibited:

A. Prohibited types of signs.

1. Private use signs located on public land or in a public right-of-way;
2. Signs cut, burned or otherwise marked on a cliff, hillside or tree;
3. Signs in storage or in the process of assemblage or repair, that are located outside of the premises other than that advertised in the sign, and are visible from a public right-of-way;
4. Billboards;
5. Digital commercial displays that can distract drivers;
6. Signs advertising a use no longer in operation; and
7. Roof top signs.

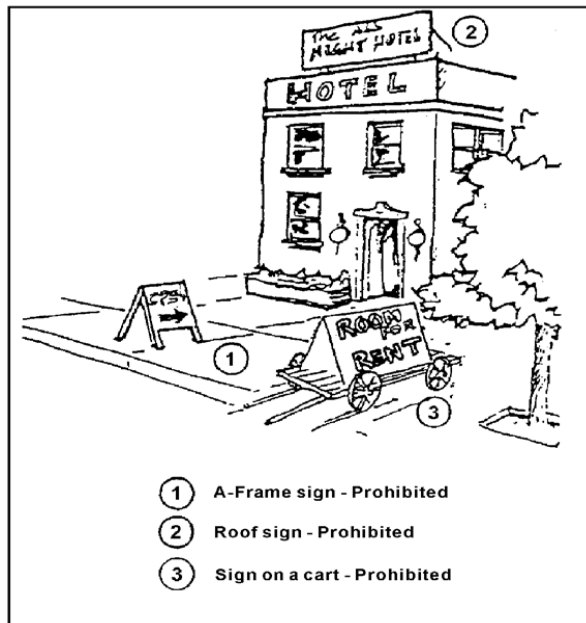
B. Prohibited types of illumination and sound. No electrical sign shall blink, flash or emit a varying intensity of color or light which would cause glare, momentary blindness or other annoyance, disability or discomfort to persons on surrounding properties or passing by.

C. Prohibited types of material and form.

1. Sign with reflective material;
2. Banners, pennants, streamers except in conjunction with an athletic event, carnival, circus, fair, or during the first 30 days of

- occupancy of a new structure or operation of a new business;
3. Signs, other than clocks or meteorological devices, having moving parts or parts so devised that the sign appears to move or to be animated; and
 4. Portable signs including "A" frame sign, or a sign on a balloon, boat, float, vehicle, or other movable object designed primarily for the purpose of advertising.

FIGURE 3-11
PROHIBITED TYPES OF SIGNS



~~**4. Removal of Dangerous Signs.**~~

~~*Notwithstanding any other provisions of this Chapter, the Director or any authorized County employee may, without notice, remove any sign which:*~~

~~*A. Is a physical danger to the public health and safety;*~~

~~*B. Is located within public lands or the public rights of way;*~~
~~*or*~~

Comment [SFS78]: Sign removal can be pursued when necessary through code enforcement procedures.

~~C. — Obstructs traffic signals or otherwise constitutes a hazard to roadside traffic.~~

6. **Underground Utilities.** Utility lines should be undergrounded per Land Use Policy CDES-6.
7. **Minimized exterior lighting.** Exterior lighting shall be the minimum consistent with safety and shall be low wattage, hooded, and downcast to prevent glare and shall limit visibility from public viewing places as much as possible (Land Use Policy C-DES-7).
8. **Protection of trees.** Structures and roads should shall be sited to avoid tree removal per Land Use Policy C-DES-8.
9. **Landscaping.** Required landscaping shall predominantly use native species of trees and plants and shall avoid using non-native, invasive trees and plants (Land Use Policy CDES-9).
10. **Prohibition of Gated Communities.** The establishment of gated communities shall be prohibited (Land Use Policy C-DES-10).
11. **Minimization of fuel modification.** New development should shall be sited and designed to avoid the need for fuel modification per Land Use Policy C-DES-11.

22.64.110 – Community Development

- A. **Community development standards.** Development, as defined in Article VIII, shall be consistent with all Community Design Policies of the LUP, including, but not limited to:
1. **Location of new development.** New development shall be located within, next to, or in close proximity to developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, including coastal resources (Land Use Policy C-CD-2).
 2. **Appropriate new development.** The type and intensity of new development, including land divisions, shall conform to the land use categories and density provisions of the LCP Land Use Maps. Allowable densities are stated as maximums and do not establish an entitlement to buildout potential, ~~including because such maximums may need to be reduced to address site constraints, including coastal resource protection.~~ (Land Use Policy C-CD-3).
 3. **Non-conforming structures and uses.** Allow lawfully established non-conforming structures and uses to be maintained or continued in conformance with the requirements of Section 22.70.165.

Comment [SFS79]: Delete because poorly worded and unnecessary.

4. **Development standards for Tomales Bay shoreline.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Policy C-CD-6.
5. **Structures on public trust lands.** The construction of new residential dwellings shall not be permitted on public trust lands. Along the shoreline of Tomales Bay, existing structures on public trust lands may be rebuilt if destroyed by natural disaster per Land Use Policy C-CD-7.
6. **Shoreline Structures and Piers.** The location of piers and other recreational or commercial shoreline structures shall be limited per Land Use Policy C-CD-8 and public access to such structures shall be required per Land Use Policy C-CD-9.
7. **Division of beachfront lots.** The division of beachfront lots shall be restricted per Land Use Policy C-CD-10.
8. **Maintenance of village limit boundaries.** Village limit boundaries shall be set and maintained per Land Use Policies C-CD-11 and C-CD-12.
9. **Chain store operations.** Discourage the establishment of chain store operations that are not consistent with the existing character and scale of the surrounding community (Land Use Policy C-CD-13).
10. **Limit conversion of overnight visitor-serving enterprises.** Visitor-serving uses shall remain available to the public on a space available basis; conversion of overnight accommodations into a more limited type of occupancy shall be discouraged (Land Use Policy C-CD-14).
- ~~11.~~ **Residential character in villages.** Consistent with the limitations to the village core commercial area outlined in C-PK-3, discourage the conversion of residential to commercial uses in coastal villages per Land Use Policy C-CD-15.
- ~~12~~ **11. Rural character of roadways.** Roadways, accessways and bridges shall reflect the character of coastal communities and shall be context and location specific sensitive. The primary areas to be considered for sidewalks, curbs, and similar roadway improvements shall be within designated village limit boundaries (Land Use Policy C-CD-16).
13. **Windbreaks.** Discourage new wind breaks along Highway One to preserve public views. Consider the effects of proposed wind breaks at initial planting as well as at maturity on sunlight, public views, and traffic safety related to visibility (Land Use Policy C-CD-19).
14. **Lighting for recreational use.** Prohibit night lighting for privately-owned recreational facilities per Land Use Policy C-CD-20.

Comment [SFS80]: The suggested mod would appear to limit rebuilding to cases of total destruction, rather than "damage" as originally proposed by the County, which would be odd. Minor damage could not be repaired, but a destroyed house could be rebuilt? Revisit Policy C-CD-7 as well.

Comment [Jl81]: Added back in consistent with Board action on LUP policy C-CD-15, August 2015.

Comment [Jl82]: Per LUP

22.64.120 – Energy

- A. **Energy efficiency standards.** Development, as defined in Article VIII, shall be consistent with all Energy Policies of the LUP, including, but not limited to:
1. **Energy efficiency standards.** Complement coastal permit requirements with the application of Marin County Energy Efficiency Ordinance 3494 and Green Building Requirements to integrate energy efficiency and conservation, and renewable energy requirements into the development review and building permit process per Land Use Policy C-EN-1.
 2. **Renewable energy resource priority.** Utilize renewable energy resources and support appropriate renewable energy technologies per Land Use Policy C-EN-4.
 3. **Energy production facility impacts.** Energy production facilities shall be designed and constructed to minimize impacts to public health and coastal resources per Land Use Policy C-EN-5.
 4. **Energy and Industrial Development.** Major energy or industrial development, both on and offshore, shall not be permitted per Land Use Policy C-EN-6.

22.64.130 – Housing

- A. **Affordable housing standards.** Development, as defined in Article VIII, shall be consistent with all Housing Policies of the LUP, including, but not limited to:
1. **Protection of existing affordable housing.** Protect and provide affordable housing opportunities for very low, low, and moderate income households. The demolition of existing deed restricted very low, low, and moderate income housing is prohibited except as provided for per Land Use Policy C-HS-1.
 2. **Density for affordable housing.** Allow 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, provided that such density will not result in adverse coastal resource impacts and is consistent with all applicable LCP policies (Land Use Policy C-HS-2). Density bonuses for affordable housing consistent with Coastal Act Section 30604(f) and Government Code Section 65915 may be provided to the extent that such increases in density are consistent with the provisions of the LCP per Land Use Policy C- HS-9. The reviewing authority may approve a density greater than that allowed by the underlying land use and zone district designations for affordable residential projects only if the following criteria are met:
 - (a) The housing development is located in a residential or commercial/mixed-use land use and zone district designation, ~~and~~

~~(b) The project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions.~~

Comment [SFS83]: Unnecessary; duplicative.

3. **Affordable housing requirement.** Residential developments in the Coastal Zone consisting of 2 or more units shall be required to provide 20 percent of the total number of units to be affordable by households of very low or low income or a proportional “in-lieu” fee to increase affordable housing construction. (Land Use Policy C-HS-3)
4. **Retention of small lot zoning.** Preserve small lot zoning (6,000 to 10,000 square feet) in Tomales, Point Reyes Station, and Olema for the purposes of providing housing opportunities at less expense than available in large-lot zones (Land Use Policy C-HS-4).
5. **Second units.** Enable the construction of well-designed second units in single-family and multifamily residential zoning districts consistent with Land Use Policy C-HS-5 and the standards below. ~~With the exception of density, all~~ Second units ~~must shall be found~~ consistent with all lot coverage and other site development standards per the applicable residential zoning district where such standards are considered on a cumulative basis that include accounting for any existing buildings on site. Second Units shall conform to all of the zoning and development standards (lot coverage, height, setbacks, design, floor area ratio, etc.) of the residential zoning district which governs the lot. A Second Unit attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principal residence. ~~A Second Unit detached from the principal dwelling shall be treated as a residential accessory structure in regard to height, and setbacks.~~

Comment [SFS84]: Changes to the paragraph are made consistent with those made in sec. 22.32.140 – Residential Second Units.

Second units are not counted for density calculation purposes; text deleted for clarity.

Re the last line, Residential accessory structures , as specified in sec. 22.32.130 (above) and 22.130 (Definitions) are structures related to a residence, including swimming pools, workshops, studios, storage sheds, small greenhouses, and garages. Second units are residences to which residential standards apply.

22.64.140 – Public Facilities and Services

Comment [CDA85]: See Staff Recommendation for April 19, 2019 BOS Hearing for discussion of revisions to 22.64.140.

Program 22.64.140 Reservation of Capacity for Priority Land Uses. Coordinate with water service and wastewater service providers to develop standards to allocate and reserve capacity for Coastal Act priority land uses.

- A. Public facility and service standards.** Development, as defined in Article VIII, shall be consistent with all Public Facilities and Services Policies of the LUP, including, but not limited to:
- 1. Adequate public services.** Adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation, including public transit as well as road access and capacity if appropriate) shall be available prior to approving new development per Land Use Policy C-PFS-1.

No permit for development may be approved unless it can be demonstrated, in writing and supported by substantial evidence, that it will be served with adequate water supplies and wastewater treatment facilities, consistent with the subsections below:

- a. Development receiving water from a water system operator and/or wastewater treatment from a public/community sewer system shall only be approved if there is: (i) sufficient water and wastewater public works capacity within the system to serve the development given the outstanding commitments by the service provider; or, (ii) evidence that the entity providing the service can provide such service for the development. ~~Such evidence may include a~~ A will-serve letter from the service provider shall constitute substantial evidence that adequate service capacity is available.
- b. ~~The~~ An application for new or increased well production to increase development receiving water from a public water supply well shall include a report prepared by a State Licensed Well Drilling Contractors, General (Class A License) Engineering Contractors, Civil Engineers, or Geologists California Registered Geologist or Registered Civil Engineer which demonstrates, to the satisfaction of the Director, that:
 - 1) The sustainable yield of the well meets the LCP-required sustained pumping rate (minimum of 1.5 gallons per minute) and must be equal to or exceed the project's estimated water demand.
 - 2) The water quality meets safe drinking water standards.
 - 3) The extraction will not adversely impact other wells located within 300 feet of the proposed well; adversely impact adjacent biological resources including streams, riparian habitats, and wetlands; and will not adversely impact water supply available for existing and

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continued agricultural production or for other priority land uses (i.e. coastal-dependent uses, public recreation, essential public services basic industries vital to economic health of the region, state, or nation, and, within village limit boundaries only, visitor-serving uses and commercial recreation uses).

c. The application for a development receiving water from a private well shall include a report prepared by State Licensed Well Drilling Contractors, General (Class A License) Engineering Contractors, Civil Engineers, or Geologists. The report shall demonstrate, to the satisfaction of the Director, all standards in Marin County Code Chapter 7.28, are met. The sustainable yield of private wells shall also meet the LCP-required sustained pumping rate (minimum of 1.5 gallons per minute).

ed. The application for development utilizing a private sewage disposal system shall only be approved if the disposal system:

- 1) Is approved by the Environmental Health Services Division of the Community Development Agency or other applicable authorities.
- 2) Complies with all applicable requirements for individual septic disposal systems by the Regional Water Quality Control Board.

ed. Limited Public Service Capacity. Limited service capacity shall be defined as follows:

- 1) For water system operators, when projected demand for service based upon both outstanding water commitments to existing development and projected development exceeds available supply.
- 2) For public/community sewer systems, when projected demand for service based upon both outstanding sewer commitments to existing development and projected development exceeds available capacity.

In areas with limited water service capacity, when otherwise allowable, new development for a non-Coastal Act and LCP priority use (i.e., a use other than agricultural production, coastal-dependent uses, public recreation, essential public services, and, within village limit boundaries only, visitor-serving uses and commercial recreation uses) shall only be allowed if adequate capacity remains for the above-listed priority land uses. In such limited service capacity areas, in order to minimize the reduction in service for and reserve capacity to priority land uses, applications for non-priority uses shall be required to offset their anticipated water usage through the retrofit of existing water fixtures or other appropriate measures within the same service area of the water system operator or the public/community sewer system of the proposed development,

whichever is applicable. All Coastal Permits authorizing development that results in increased water usage shall be conditioned to require applicants to provide to the Reviewing Authority for review and approval the following:

- 1) A list of all existing fixtures to be retrofitted and their present associated water flow (e.g. gallons/second);
- 2) A list of all proposed fixtures to be installed and their associated water flow; and;
- 3) The estimated annual water savings resulting from the proposed retrofit, showing all calculations and assumptions.

The County shall require certification from water service providers that all measures to reduce existing water usage has been implemented ~~inspect the water fixtures prior to and following the retrofit to confirm that the retrofit has reduced existing water use~~ in an amount equal or greater to the anticipated water use of the proposed project.

2. **Expansion of public services.** Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve planned development per Land Use Policy C-PFS2.
 - a. Permit requirements: Every new major public works facility or capacity expansion shall be required to go through the Coastal Permit review process. ~~Any Coastal Permit for development of public works facilities shall require that the development be phased if necessary in order to ensure that permitted public works capacity is limited to serving needs generated by development that is consistent with the Land Use Plan policies.~~ Expansion of public works facilities, including but not limited to water supply and transmission, sewage treatment and transmission, and the regional transportation system, shall ~~only~~ be permitted after considering the availability of other public works facilities, and establishing whether capacity increases would overburden the existing and probable future capacity of those other public works facilities.
 - b. ~~Timing for New or Expanded Public Works Facilities. The amount of new or expanded capacity shall be determined by: (i) considering the availability of related public works to establish whether capacity increases would overburden the existing and probable future capacity of other public works; (ii) considering the availability of funding; and (iii) considering all applicable policies of the LUP.~~
3. **Formation of special districts.** Ensure that special districts are formed or expanded only where assessment for, and provision of, the service would not induce new development inconsistent with the policies of the LCP (Land Use Policy C-PFS-3).

4. **High-priority visitor-serving and Coastal Act priority land uses.** In acting on any coastal permit for the extension or enlargement of community water or community sewage treatment facilities, adequate capacity shall be made available and reserved in the system to serve VCR- and RCR-zoned property, other visitor-serving uses, and other Coastal Act priority land uses (i.e., coastal-dependent uses, agriculture, essential public services, public recreation, etc.) (Land Use Policy C-PFS-4).
5. **Community sewer systems.** New development within a village limit boundary shall connect to a public sewer system within 400 feet of the parcel, unless such connection is prohibited, physically impossible, or otherwise infeasible (Land Use Policy C-PFS-5). Any determination that connection to the public sewer system is infeasible shall be made in writing.
6. **Sewage disposal systems and protection of water quality.** Require new and expanded sewage disposal systems to be designed, constructed, and maintained so as to protect the biological productivity and quality of coastal streams, wetlands, and other waters (Land Use Policy C-PFS-6).
7. **Adequately sized sewage disposal systems.** New and expanded sewage disposal systems shall be sized adequately to meet the needs of development that can be approved consistent with the certified LCP (Land Use Policy C-PFS-7).
~~Any new or expanded sewage treatment and distribution capacity to serve new development shall only be permitted when existing capacity has been consumed or will be consumed within the time period required to construct additional sewage treatment capacity, and only when capacity increases would not overburden the existing and probable future capacity of other public works facilities.~~
8. **Sewage disposal system requirements for new lots.** All sewage disposal systems on newly created lots shall comply in all respects, without variance, with applicable County and state regulations (Land Use Policy C-PFS-8).
9. **Preference for on-site individual sewage disposal systems.** An individual sewage disposal system shall be located on the same parcel as the building or buildings it serves per Land Use Policy C-PFS-9.
10. **Adequate on-site sewage disposal systems for existing development.** Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB885, so long as such requirements are consistent with the LCP. Where repairs to existing systems are necessary, corrective actions shall be taken per Land Use Policy C-PFS-10.
11. **Alternative on-site sewage disposal systems.** Alternative on-site sewage disposal systems shall be considered and approved per Land Use Policy C-PFS-11.

Comment [SFS86]: Unworkable and unnecessary.

12. **Limited use of off-site septic systems.** Allow construction of off-site individual or community septic systems only in compliance with Land Use Policy C-PFS-12.
13. **New water sources serving five or more parcels.** Applicants for new water wells or other sources serving 5 or more parcels shall demonstrate that no adverse impacts on coastal resources shall result per Land Use Policy C-PFS-13.
14. **Adequacy of water supply within water system service areas.** Development of individual domestic water wells or other individual water sources to serve new development in areas served by public or private water systems is prohibited except in limited cases per Land Use Policy C-PFS-14.
15. **Development of water sources including wells, streams and springs.** Coastal Permit approval is required for wells and borings unless otherwise exempt or categorically excluded per Land Use Policy C-PFS-15.
16. **Standards for water supply wells and other water sources.** Water supply wells and other water sources shall comply with the standards contained in the LCP, including Land Use Policy C-PFS-16.
17. **Conservation of water.** To minimize the generation of wastewater and to encourage the conservation of coastal water resources, the use of water saving devices, including as prescribed by the local water provider, shall be required in all new development (Land Use Policy C-PFS-17).
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, consistent with the limitations of Public Resources Code sections 30260, 30262 and 30515, with the exception of treatment of existing surface or ground water supplies for purposes of maintaining water quality (Land Use Policy C-PFS-18).
19. **Telecommunications facilities.** Ensure through siting, co-location, "stealth" design, and other measures that telecommunications facilities are designed and constructed to protect coastal resources, including significant public views, consistent with all applicable LCP policies and development standards, including those specified in 22.32.165. (Land Use Policy C-PFS-19).

22.64.150 – Transportation

A. **Transportation standards.** Development, as defined in Article VIII, shall be consistent with all Transportation Policies of the LUP, including, but not limited to:

1. **Roads in the Coastal Zone.** The motorized vehicular capacity of roads in the Coastal Zone shall be limited per Land Use Policy C-TR-1.
2. **Scenic quality of Highway One.** The scenic quality of Highway One shall be maintained consistent with LCP provisions, including per Land Use Policy C-TR-2.
3. **New bicycle and pedestrian facilities.** New development shall be encouraged or required to provide new bicycle and pedestrian facilities per Land Use Policy C-TR-6. Where appropriate, the installation of bike racks, lockers and other bike storage facilities shall be encouraged per Land Use Policy C-TR-7.
 - (a) **Bikeway Design Guidelines.** For bikeway planning and design requirements, refer to the Marin County Unincorporated Area Bicycle and Pedestrian Master Plan Supplemental Bikeway Design Guidelines, where otherwise LCP consistent.
4. **Expansion of the Countywide Trail System.** Acquire additional trails to complete the proposed countywide trail system, providing access to or between public lands and enhancing public trail use opportunities for all user groups, including multi-use trails, as appropriate (Land Use Policy C-TR-8).
5. **Complete Streets.** Consistent with the local implementation of the State of California's Complete Streets policy, at the outset of all projects, other than routine maintenance, an analysis shall be performed to ensure the inclusion of all necessary, appropriate and reasonable multi-modal facilities and improvements, including transit, bike and pedestrian access, disabled access, and traffic safety. (See also Department of Public Works Directive 2006-1, dated January 23, 2006)

~~6. **Roads, Driveways, Parking, Sidewalks.** Roads, driveways, parking, and sidewalks shall be provided in a manner that best protects coastal resources and is consistent with all applicable LCP provisions, including by meeting applicable agricultural, biological resources, environmental hazards, visual resources, transportation, and public facilities and services policies. Adequate parking and transportation facilities (including bicycle and pedestrian facilities) shall be provided. New development shall not adversely impact existing public parking facilities nor the ability to access existing development or existing coastal resource areas.~~

Comment [SFS87]: The suggested addition of paragraph 6. Is unreasonable and unworkable. For instance, it is not feasible to include parking, bicycle, and pedestrian facilities in every project, no matter how small.

22.64.160 – Historical and Archaeological Resources

A. Application requirements.

1. **Archaeological Resource Survey.** Coastal permit applications for development proposed within an area of known or likely archaeological or paleontological significance shall include a field survey by a state-qualified archaeologist recommended by the Sacred Sites Protection Committee of the Federated Indians of Graton Rancheria or by a qualified paleontologist which determines the extent of archaeological or paleontological resources on the site and evaluates the project's potential impacts to those resources. Where adverse impacts are possible, the report shall identify reasonable mitigation measures, including avoidance and permanent protection as open space, if feasible. (Land Use Plan Policy CHAR-2)

B. **Historical and Archaeological Resource standards.** Development, as defined in Article VIII, shall be consistent with all Historical and Archaeological Resources Policies of the LUP, including, but not limited to:

1. **Implementation of mitigation measures.** Implement appropriate mitigation measures, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey prepared per Land Use Plan Policy C-HAR-2.
2. **Monitoring of construction activities on archaeological sites.** New development on sites identified as archaeologically sensitive shall be monitored per Land Use Plan Policy C-HAR-3.
3. **Structures of special character and visitor appeal.** Preserve and restore structures with special character and visitor appeal in coastal communities (Land Use Plan Policy C-HAR4).
4. **Development affecting structures and areas of special character and visitor appeal.** Coastal Permit applications for projects that involve pre-1930 buildings or are located in areas designated as having special character and visitor appeal, including historic areas, shall be evaluated per Land Use Plan Policy C-HAR-5.
5. **Alterations and additions to structures of special character and visitor appeal.** Applications for substantial alterations or additions to any structure built prior to 1930 shall be evaluated per Land Use Plan Policy C-HAR-6.
6. **Proposed demolition of structures of special character and visitor appeal.** Proposed demolition of any structure built prior to 1930 shall be evaluated and processed per Land Use Plan Policy C-HAR-7.

7. **Villages with special character and visitor appeal.** New construction in mapped areas having special character and visitor appeal, including historic areas, shall comply with Land Use Plan Policy C-HAR-8.

22.64.170 – Parks, Recreation, and Visitor-Serving Uses

- A. **Parks and Recreation and Visitor-Serving Use standards.** Development, as defined in Article VIII, shall be consistent with all Parks, Recreation and Visitor Serving Use Policies of the LUP, including, but not limited to:

1. **Coastal recreation opportunities.** The development of visitor-serving and commercial recreation facilities shall have priority over residential or general commercial development per Land Use Plan Policy C-PK-1.
2. **Compatible commercial recreation facilities.** New visitor-serving and commercial development shall be sited and designed per Land Use Plan Policy C-PK-2.
3. **Mixed uses in coastal village commercial/residential zones.** A mixture of residential and commercial uses shall be permitted in the C-VCR zoning district ~~per Land Use Plan Policy C-PK-3 as follows:~~

Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Commercial shall be the principal permitted use within the mapped village commercial core area of the C-VCR zone and residential shall be the principal permitted use in all other parts of the C-VCR zone. In the village commercial core area, residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a finding that the development maintains and/or enhances the established character of village commercial areas. Replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted

4. **Balance of visitor-serving and local-serving facilities.** Support a level of local-serving facilities such that an adequate infrastructure can be maintained to ensure the health, vitality, and survival of the visitor-serving segment of the coastal economy (Land Use Plan Policy C-PK-4).
5. **Small-scale tourist facilities.** Small-scale tourist-oriented businesses, rather than large tourist facilities, shall be permitted per Land Use Plan Policy C-PK-5.
6. **Bed and breakfast inns.** Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations per Land Use Plan Policy C-PK-6.

7. **Lower-cost recreational facilities.** Lower cost visitor and recreational facilities shall be protected and encouraged per Land Use Plan Policy C-PK-7.
8. **Appropriate public recreation opportunities.** Public recreational development shall be undertaken in a manner which preserves the unique qualities of Marin's coast per Land Use Plan Policy C-PK-8.
9. **Appropriate uses of federal parks.** Uses and facilities within federal parklands should comply with Land Use Plan Policy C-PK-10.
10. **State parks.** Support management of Tomales Bay State Park and Mount Tamalpais State Park consistent with the adopted General Plan per Land Use Plan Policy C-PK-11.
11. **County parks in the Coastal Zone.** Continue to operate existing Marin County park facilities in the Coastal Zone per Land Use Plan Policy C-PK-12 and support future acquisition of park areas per Land Use Plan Policy C-PK-13.
12. **California Coastal Trail.** Support completion of the California Coastal Trail through Marin County per Land Use Plan Policy C-PK-14.
13. **Commercial fishing and recreational boating.** Support and protect commercial fishing and recreational boating on Tomales Bay per Land Use Plan Policy C-PK-15.
14. **Standards for new boating facilities.** The development of new boating facilities on Tomales Bay shall comply with the standards contained in Land Use Plan Policy C-PK-16.

22.64.180 – Public Coastal Access

A. Application requirements.

1. **Site Plan.** Coastal permit applications for development on property located between the shoreline and the first public road shall include a site plan showing the location of the property and proposed development in relation to the shoreline, tidelands, submerged lands or public trust lands. All easements and/or other similar restrictions associated with the property shall be mapped, and the associated legal document provided. Any evidence of historic public use should also be indicated.

B. Public Coastal Access standards. Development, as defined in Article VIII, shall be consistent with all Public Coastal Access Policies of the LUP, including, but not limited to:

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 Plan Policy C-PA-2. Where a requirement to dedicate public access is related in nature and extent to the impacts of the proposed development, the dedication of a lateral, vertical and/or bluff top accessway shall be required per Land Use Plan Policy C-PA-9, unless Land Use Plan Policy C-PA-3 provides an exemption. A finding that an accessway can be located ten feet or more from an existing single-family residence or be separated by a landscape buffer or fencing if necessary shall be considered to provide adequately for the privacy of existing homes. All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the procedures specified in Section 13574 of the Coastal Commission's Administrative Regulations.

2. **Direct dedication of public coastal access.** If feasible, direct dedication of an easement or fee title interest for a required coastal accessway is preferred per Land Use Plan Policy C-PA-4.
3. **Acquisition of new public coastal accessways.** The acquisition of additional public coastal accessways shall be pursued through available means per Land Use Plan Policy CPA-6.
4. **Protection of prescriptive rights.** New development shall be evaluated to ensure that it does not interfere with the public's right of access to the sea where acquired through historic use per Land Use Plan Policy C-PA-7.
5. **Bolinas Mesa.** Public use of the two access trails across Bolinas Mesa to the RCA beach and of the RCA beach area itself shall be protected per Land Use Plan Policy C-PA-8.
6. **Impacts of public coastal accessways on their surroundings.** Coastal accessways and their support facilities shall be sited and designed to avoid impacts to environmental resources, agriculture, and surrounding neighbors per Land Use Plan Policy C-PA-10 and C-PA-11.
7. **Public coastal accessway maintenance and liability agreements.** Maintenance and liability responsibilities for coastal accessways shall conform to Land Use Plan Policy CPA-12.
8. **Accessibility of public coastal accessways.** New public coastal accessways shall comply with California Title 24 and be accessible to persons with disabilities to the maximum extent feasible (Land Use Plan Policy C-PA-13).
9. **Impacts of new development on public coastal accessways.** New development shall be sited and designed to avoid impacts to users of coastal access and recreation areas per Land Use Plan Policy C-PA-15.
10. **Parking, signage, and support facilities at public coastal accessways.** Where appropriate and feasible, parking, signage, and support facilities shall be provided in conjunction with public coastal accessways per Land Use Policy C-

PA-18 and C-PA-19. Proposals to restrict public parking near beach access points or parklands shall be evaluated per Land Use Plan Policy C-PA-20.

- 11. Shoreline protection structures near public coastal accessways.** The construction of shoreline protection structures shall maintain existing shoreline access per Land Use Plan Policy C-PA-21.

Chapter 22.65 – Coastal Zone Planned District Development Standards

Sections:

- 22.65.010 – Purpose of Chapter
- 22.65.020 – Applicability of Planned District Standards
- 22.65.030 – Planned District General Development Standards
- 22.65.040 – C-APZ Zoning District Standards
- 22.65.050 – C-ARP Zoning District Standards
- 22.65.060 – C-RSP Zoning District Standards
- 22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)

22.65.010 – Purpose of Chapter

- A. This Chapter provides detailed site planning, development, and land use standards for the planned zoning districts within the Coastal Zone. These districts include C-APZ, C-ARP, CRSP, C-RSPS, C-RMP, C-CP, C-RMPC, and C-RCR.
- B. These standards are intended to ensure that proposed development is designed and constructed in a manner compatible with, and sensitive to, the important environmental characteristics and visual features of lands designated within coastal planned zoning districts.

22.65.020 – Applicability of Planned District Standards

- A. **Compliance with standards required.** Proposed development, as defined in Article VIII, shall be designed and constructed in conformity with:
 - 1. All standards and requirements established through the approval of a Coastal Permit;
 - 2. Any provisions of this Chapter applicable to a specific planned coastal zoning district;
 - 3. The provisions of Chapter 22.64 (Coastal Zone Development and Resource Management Standards); and
 - 4. All provisions of Sections 22.62.060 (Coastal Agricultural and Resource Related Districts), 22.62.070 (Coastal Residential Districts), or 22.62.080 (Coastal Commercial and Mixed-Use Districts).
 - 5. All applicable provisions of the Implementation Plan, as defined in 22.60.010 and Article VIII.

22.65.030 – Planned District General Development Standards

A. Access:

1. **Roads.** Road designs shall minimize road length and maximize the amount of undivided agricultural land, except that longer road extensions may be necessary in highly visible areas in order to avoid or minimize other impacts. Roads shall be designed with not more than 18 feet pavement width, except when safety requirements require otherwise. If otherwise LCP consistent, a minimum of 16 feet may be permitted in certain very low use areas, as provided in the improvement standards established in compliance with Sections 24.04.020 et seq. of the County Code (Roads).
2. **Driveways.** Driveways shall be designed in compliance with Sections 24.04.240 et seq. of the County Code (Driveways), in addition to and independent of Coastal Permit requirements. Driveway length shall be minimized, consistent with the clustering requirements of Subsection D.1 below (Building Location - Clustering Requirement). Applicants are encouraged, to the extent permitted by applicable laws, to utilize pervious surface materials (e.g., turfblock, pavers, porous asphalt and gravel) for new or modified driveways to reduce the area of impervious surface and the extent of storm water runoff.

- B. Fire protection.** In areas without water systems, on-site water storage capacity may be required for each single-family dwelling, subject to the requirements of the County Fire Department or local Fire Protection District, as applicable. Where feasible, the design of planned or cluster developments should include provisions for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan prepared by the applicant and approved by the County Fire Department or local Fire Protection District, as applicable.

C. Building design:

1. Height limits for structures:

- (a) The height limit is 25 feet for primary structures and 15 feet for accessory structures. (See also height limit provisions for the Seadrift Subdivision in Section 22.65.070.D and the shoreline of Tomales Bay in Sections 22.66.080.D and 22.66.090.B).
- (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.
- (d) The Director may adjust these requirements based on site characteristics, consistent with the intent of LUP policies.

2. **Materials and colors.** Building materials and colors should incorporate earth tones ~~and natural materials~~, and be chosen to blend into the natural and built environment unobtrusively, to the greatest extent possible. Traditional colors for agricultural structures (natural wood, red, whitewash, etc.) are appropriate for these structures in agricultural zoning districts.

Comment [SFS88]: "Natural materials" is too limiting; it would require houses to be made only of wood and stone.

D. Building location:

1. **Clustering requirement.** Structures shall be clustered in a geologically stable, accessible location on the site where their visual prominence is minimized, consistent with the maximum protection of agricultural lands and other coastal resources. Clustering is especially important on open grassy hillsides; however, a greater scattering of buildings on wooded hillsides may be approved, if consistent with all other applicable provisions of the LCP. Construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography.

Comment [SFS89]: The suggested mod to this sentence does not quite make sense... "Construction shall be minimized"? Perhaps the intent is to minimize the impacts of construction?

Proposed development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, significant vegetation, significant scenic resources, or natural topography of the site. Proposed development shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.

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 public viewing areas.
3. **Energy conservation.** Solar access shall be considered in the location, design, height and setbacks of all structures. Generally, structures should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.
4. **Noise mitigation.** Noise impacts on residents in nearby areas shall be minimized through the placement of buildings, recreation areas, roads and landscaping.

- E. **Land Division of Agricultural Lands.** Permissible ~~land~~ divisions of land affecting agricultural lands shall be designed consistent with the requirements of this Article and the LUP LCP. In considering divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by both the Development Code and the LUP LCP, based on site characteristics such as

Comment [SFS90]: Reference here and in the following sentence should be to the LUP, not the LCP since this Article is part of the LCP.

topography, soil, water availability, environmental constraints and the capacity to sustain viable agricultural operations, and coastal resource protection.

- F. Landscaping.** Introduced landscaping shall be designed to minimally disturb natural areas, and shall be compatible with the native plant setting. Landscaping plans shall be prepared with consideration for fire protection, water quality protection, solar access, the use of native and drought tolerant species, and minimal water use. Planting should not block public views or scenic views from adjacent properties or disturb wildlife trails.

G. Open space areas:

- 1. Dedication required.** Land to be preserved as open space may be dedicated by fee title to the County or an agency or organization designated by the County before issuance of any construction permit or may remain in private ownership with appropriate scenic and/or open space easements or other encumbrances acceptable to the County, and the County may require reasonable public access across lands remaining in private ownership, consistent with federal and state law.
- 2. Maintenance.** The County or other designated agency or organization shall maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Where open space lands remain in private ownership with scenic easements, these lands shall be maintained in compliance with the adopted policies of the Marin County Open Space District and may require the creation of a homeowners' association or other organization to maintain private open space lands where appropriate.
- 3. Open space uses.** Uses in open space areas shall be in compliance with policies of the Marin County Open Space District, in addition to complying with the LCP, and shall have no significant impact on the natural environment and coastal resources. Pedestrian and equestrian access shall be provided where possible and reasonable and LCP consistent.

H. Site preparation:

- 1. Grading.** Grading is permitted in compliance with Chapter 22.64.080(C) and shall be minimized. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, and watercourses. Where grading is required, it shall not create flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.
- 2. Drainage.** The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall ensure drainage into the natural watershed in a manner that will avoid significant erosion or damage to creeks and adjacent properties. Impervious surfaces shall be minimized. At creek crossings, bridges shall be utilized instead of culverts consistent with 22.64.050.B.11.

3. **Trees and vegetation.** Every effort shall be made to avoid tree removal, and changes or construction that would cause the death of existing trees, rare plant communities, and wildlife habitats.
 4. **Fire hazards.** Development shall be permitted in areas subject to wildfire threat only where the review authority determines there are good access roads, and adequate water supply, and vegetation management plans are required and adopted.
 5. **Geologic hazards.** Construction shall not be permitted on identified seismic or geologic hazards, including slides, natural springs, identified fault zones, or on bay mud, without approval from the Department of Public Works, based on acceptable soils and geologic reports. Development subject to coastal hazards shall be sited and designed to avoid such hazards consistent with 22.64.060.
 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.
- I. **Utilities.** In ridge land areas, street lights shall be of low level intensity and low in profile. In all areas, power and telephone lines shall be underground where feasible. Any determination that undergrounding of utilities is not feasible shall be made in writing.

22.65.040 – C-APZ Zoning District Standards

>>>

22.65.050 – C-ARP Zoning District Standards

>>>

22.65.060 – C-RSP Zoning District Standards

- A. **Purpose.** This Section provides development standards for the C-RSP zoning district that are intended to allow for site planning with careful consideration to sensitive site characteristics.
- B. **Applicability.** Proposed development, as defined in Article VIII, shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards), and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).
- C. **C-RSP zoning district height limit - Tomales Bay.** New residential construction on the shoreline of Tomales Bay shall be limited in height to 15 feet. Additional height may be permitted where the Director determines, based on topography, vegetation or character of existing development, that a higher structure would not create additional interference with coastal views either to, along, or from the water.

22.65.070 – C-RSPS Zoning District Standards (Seadrift Subdivision)

- A. **Purpose.** This Section provides development standards for the C-RSPS zoning district (Seadrift Subdivision) that provide for site planning with careful consideration of sensitive site characteristics.
- B. **Applicability.** Proposed development, as defined in Article VIII, shall comply with the provisions of Section 22.65.030 (Planned District General Development Standards) and Chapter 22.64 (Coastal Zone Development and Resource Management Standards).
- C. **Ocean setbacks.** On those lots fronting the ocean and south of Seadrift Road, no development shall be located seaward of the building setback line as shown on the map of Seadrift Subdivision Number One, RM, Bk. 6, Pg. 92 and Seadrift Subdivision Number Two, RM, Bk. 9, Pg. 62, and as described in the Subdivision's covenants, conditions and restrictions in effect as of June 19, 1981 (Ordinance 2637).
- D. **Height limit.** Development on all lots in Seadrift shall be limited to a maximum height as follows:
1. In Seadrift Subdivision One (with the exception of lots 01 through 03) and Two, and lots 01 and 02 of Parcel 1 in the Lands of Sidney J. Hendrick, finished floor elevations shall not exceed 19.14 feet above NAVD (North American Vertical Datum), except on those portions of lots or parcels where the Federal Emergency Management Agency (FEMA) requires minimum finished floor elevations to be set at a higher level. In the areas of lots or parcels where FEMA requires minimum finished floor elevations to be set at levels higher than 19.14 feet above NAVD, minimum floor elevations shall comply with FEMA requirements. The height of any structure shall not exceed 34.14 feet above NAVD, provided that in those portions of lots and parcels where FEMA requires minimum finished floor elevations to be set at a level higher than 19.14 feet above NAVD, the height of any structure shall not be greater than 15 feet above the level of the minimum finished floor elevation required by FEMA. Maximum allowable heights identified above may be modified by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8. ~~shall be reduced and/or limited as necessary to protect community character and scenic resources.~~
 2. In Seadrift Lagoon Subdivisions One and Two, Seadrift Subdivision Three, Norman's Seadrift Subdivisions, and Lots 01 through 03 in Seadrift Subdivision One, finished floor elevation shall not exceed 14.14 feet above NAVD. Total height of a structure shall not exceed 29.14 feet above NAVD. Maximum allowable heights identified above may be modified by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8. ~~shall be reduced and/or limited as necessary to protect community character and scenic resources.~~

Comment [CDA91]: Modified for consistency with Environmental Hazard policies. See Staff Recommendation for April 19, 2016 BOS Hearing

Comment [CDA92]: Modified for consistency with Environmental Hazard policies. See Staff Recommendation for April 19, 2016 BOS Hearing

- E. Public access requirements.** Public access within the Seadrift Subdivision and on the ocean beach adjacent to Seadrift shall comply with the provisions of the March 16, 1994 Settlement Agreement between the Seadrift Association and the County of Marin, et al., in Kelley et al. v. California Coastal Commission, Marin County Superior Court Case No. 152998, and as set forth in that certain Deed of Open Space and Limited Pedestrian Easement and Declaration of Restrictions dated November 1, 1985, and recorded March 26, 1986, Marin County Recorder's Office.

Chapter 22.66 – Coastal Zone Community Standards

Sections:

- 22.66.010 – Purpose of Chapter
- 22.66.020 – Applicability
- 22.66.030 – Muir Beach Community Standards
- 22.66.040 – Stinson Beach Community Standards
- 22.66.050 – Bolinas Community Standards
- 22.66.060 – Olema Community Standards
- 22.66.070 – Point Reyes Station Community Standards
- 22.66.080 – Inverness Community Standards
- 22.66.090 – East Shore Community Standards
- 22.66.100 – Tomales Community Standards
- 22.66.110 – Dillon Beach Community Standards

22.66.010 – Purpose of Chapter

This Chapter provides development standards for Coastal Permits in specific communities within the Coastal Zone ~~designed for where the~~ preservation of unique community character requires standards for development that differ from the general coastal zoning district requirements of this Article.

Comment [SFS93]: The purpose of this Chapter is to provide community-specific direction about the character of allowable development, and therefore the County's original language should be restored here.

22.66.020 – Applicability

The provisions of this Chapter apply to Coastal Permits for proposed development, as defined in Article VIII, in addition to the general site planning standards for the coastal zoning districts in Chapter 22.64 (Coastal Zone Development and Resource Management Standards) and all other applicable provisions of this Development Code and LCP. In the event of any perceived conflict between the requirements of this Chapter and any other provisions of this Development Code, this Chapter shall control.

Comment [SFS94]: The County's original language should be restored, in order to make clear how requirements found in different parts of the IP are to be reconciled.

22.66.030 – Muir Beach Community Standards

- A. **Community character.** Maintain the small-scale character of Muir Beach as a primarily residential community with recreational, small-scale visitor-serving and limited agricultural use (Land Use Policy C-MB-1).

22.66.040 – Stinson Beach Community Standards

- A. **Community character.** Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach (Land Use Policy C-SB-1).
- B. **Limited access in Seadrift.** Allow only limited public access across the open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift

Subdivision to protect wildlife habitat, subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195090-44; 195-320-62 and 78; and 195-340-71, 72, and 73 (Land Use Plan Policy C-SB-2).

- C. Density and location of development in Seadrift.** Development within the Seadrift Subdivision shall be subject to the standards contained in Land Use Plan Policy C-SB-3.
- D. Easkoot Creek.** Easkoot Creek shall be restored, as feasible, to improve habitat and support natural processes (Land Use Plan Policy C-SB-4).
- ~~**E. Height limit in Highlands Subdivision.** In the Highlands Subdivision of Stinson Beach, the maximum height shall be no more than seventeen (17) feet per Land Use Plan Policy C-DES4.~~
- ~~**F. Height measurement in Seadrift Subdivision.** In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation per Land Use Plan Policies C-DES 4 and C-EH 11.~~
- G E. Stinson Beach dune and beach areas.** Development of shorefront lots within the Stinson Beach and Seadrift areas shall be limited per Land Use Plan Policy C-BIO-9.
- ~~**H F. R-2 zoning.**~~ Existing R-2 zoning in Stinson Beach shall be maintained per Land Use Plan Policy C-SB-6.
- ~~**I G. Repair or Replacement of Structures.**~~ The repair or replacement of existing duplex residential structures shall be permitted per Land Use Plan Policy C-SB-7.

Comment [SFS95]: Height limits are addressed elsewhere and should not be repeated here, in order to avoid potential conflicts or misunderstandings. See Tables 5-4-a and 5-4-b

22.66.050 – Bolinas Community Standards

- A. Community character.** Maintain the existing character of small-scale residential, commercial, and agricultural uses in Bolinas (Land Use Plan Policy C-BOL-1).
- B. New development on the Bolinas Gridded Mesa.** New construction and the redevelopment and rehabilitation of existing structures on the Bolinas Mesa shall be permitted in accordance with the policies of the Bolinas Gridded Mesa Plan which has been certified by the California Coastal Commission (Land Use Plan Policy C-BOL-3).

22.66.060 – Olema Community Standards

- A. Community character.** Maintain Olema's existing mix of residential, commercial, and open space land uses and the small-scale, historic community character. The impacts of future development on the hillside area of Olema shall be minimized through application of the design standards contained in Land Use Plan Policy C-OL-1.

22.66.070 – Point Reyes Station Community Standards

- A. Community character.** Maintain the existing mix of residential and small-scale commercial development and the small-scale, historic community character in Point Reyes Station (Land Use Plan Policy C-PRS-1).
- B. Commercial infill.** Commercial infill development should be promoted within and adjacent to existing commercial uses per Land Use Plan Policy C-PRS-2.
- C. Visitor-serving and commercial facilities.** The development of additional visitor-serving and commercial facilities, especially overnight accommodations, shall be encouraged per Land Use Plan Policy C-PRS-3.
- D. Junction of Highway One and Point Reyes Petaluma Road (APN 119-240-55).** The development of APN 119-240-55 shall comply with standards contained in Land Use Plan Policy C-PRS-4.
- E. New residential development in Point Reyes station.** New residential development in Point Reyes Station shall comply with the building height, building size, and landscaping criteria specified in Land Use Plan Policy C-PRS-5.
- F. Lighting.** Exterior lighting shall comply with Land Use Plan Policy C-PRS-6.
- 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 119240-02 through -13 (formerly 119-240-46, 57 and 58) shall conform to the provisions of Land Use Plan Policy C-PRS-7.

22.66.080 – Inverness Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in the Inverness Ridge communities (Land Use Plan Policy C-INV1).
- B. Paradise Ranch Estates design guidelines.** Development in Paradise Ranch Estates should maintain the existing exclusively residential nature of the community and should consider the community's unique factors such as substandard roads and the need to protect public views from adjacent parklands and other public areas. The guidelines contained in Land Use Plan Policy C-INV-3 regarding protection of visual resources, public services, and tree protection shall apply to development within Paradise Ranch Estates.
- C. Tomales Bay shoreline development standards.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Plan Policy C-CD-6.

- D. Road and Path Maintenance.** Existing residential streets and pathways shall be maintained consistent with Land Use Plan Policy C-INV-4.

22.66.090 – East Shore Community Standards

- A. Community character.** Maintain the existing character of low-density residential, agriculture, mariculture and fishing or boating-related uses. The expansion or modification of visitor-serving or commercial development on previously developed lots along the east shore of Tomales Bay should be allowed consistent with Land Use Plan Policy C-ES-1.
- B. Tomales Bay shoreline development standards.** New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Plan Policy C-CD-6.
- C. Protection of trees.** Significant stands of trees should be identified and protected (Land Use Plan Policy C-ES-2).
- D. Prioritization of water-related uses.** Mariculture, boat repair, fishing, water-related public recreation and scenic resources shall have priority over other uses along the shoreline (Land Use Plan Policy C-ES-3).
- E. Commercial land use.** The development of commercial and public facilities should be limited to existing activity centers, such as Nick's Cove, historic Marshall or near the Post Office/Marshall Boatworks and Marconi area (Land Use Plan Policy C-ES-4).
- F. Local serving facilities.** Local serving facilities should be incorporated in new development, where appropriate (Land Use Plan Policy C-ES-5).
- G. New marina development.** New marina developments shall make provisions for the use of the facilities by local commercial and recreational boats (Land Use Plan Policy C-ES-6).

22.66.100 – Tomales Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in the community of Tomales consistent with the provisions of Land Use Plan Policy C-TOM-1.

22.66.110 – Dillon Beach Community Standards

- A. Community character.** Maintain the existing character of residential and small-scale commercial development in Dillon Beach and Oceana Marin consistent with the provisions of Land Use Plan Policy C-DB-1 and C-DB-3.

- B. C-R-1:B-D Zoning standards.** The following standards shall apply in those areas of Dillon Beach governed by the C-R-1:B-D zoning district.
- 1. Minimum lot size.** Parcels proposed in new land divisions shall have a minimum area of 1,750 square feet for each single-family dwelling.
 - 2. Setback requirements.** Structures shall be located in compliance with the following minimum setbacks (See Section 22.64.045(4), Setback Requirements and Exceptions):
 - (a) Front.** The minimum front yard setback shall be 10 feet.
 - (b) Sides.** The minimum side yard setbacks shall be 5 feet; 10 feet for a street side setback on a corner lot.
 - (c) Rear.** The minimum rear yard setback shall be 10 feet.
 - 3. Height limits.** Structures shall not exceed a maximum height of 20 feet (See Section 22.64.045(3) Height Limits and Exceptions)
 - 4. Floor area ratio (FAR).** Parcels in this district are exempt from this limitation.
- C. Lawson's Landing.** Lawson's Landing shall be retained as an important lower cost visitor serving facility per Land Use Plan Policy C-DB-2.
- D. Dillon Beach Community Plan.** Refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, when reviewing Coastal Permits per Land Use Plan Policy C-DB-4.

CHAPTER 22.68 – COASTAL PERMIT REQUIREMENTS

Comment [Resp-96]: See Attachment 6, made a separate document for ease of discussion and editing.

CHAPTER 22.70 – COASTAL PERMIT ADMINISTRATION

Comment [Resp-97]: See Attachment 6, made a separate document for ease of discussion and editing.

Chapter 22.130 – Definitions

Sections:

- 22.130.010 – Purpose of Chapter
- 22.130.020 – Applicability
- 22.130.030 – Definitions of Specialized Terms and Phrases

22.130.010 – Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

22.130.020 – Applicability

If any of the definitions in this Chapter conflict with definitions in other chapters of the Marin County Code, except for Article V, Chapters 22.60 – 22.70 in which case which any definition contained therein shall prevail, these definitions shall prevail for the purposes of this Development Code. If a word used in this Development Code is not defined in this Chapter, or other Titles of the County Code, the most common dictionary definition is presumed to be correct.

Chapter 22.130 – Definitions

Sections:

- 22.130.010 – Purpose of Chapter
- 22.130.020 – Applicability
- 22.130.030 – Definitions of Specialized Terms and Phrases

22.130.010 – Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

22.130.020 – Applicability

If any of the definitions in this Chapter conflict with definitions in other chapters of the Marin County Code, except for Article V, Chapters 22.60 – 22.70 in which case which any definition contained therein shall prevail, these definitions shall prevail for the purposes of this Development Code. If a word used in this Development Code is not defined in this Chapter, or other Titles of the County Code, the most common dictionary definition is presumed to be correct.

22.130.030 – Definitions of Specialized Terms and Phrases

Definitions are listed in alphabetical order.

Appealable Area. The areas described by Public Resources Code 30603 a.1 and a.2, within which a County decision to approve a Coastal Permit for development may be appealed to the California Coastal Commission.

Appealable Development (coastal): ~~Any local action on~~ Approval by the County of a Coastal Permit application for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; and/or (3) on tidelands, submerged lands, ~~and or~~ public trust lands. In addition, ~~any local action a County decision~~ on a CDP Coastal Permit application for the following types of development ~~are is~~ also appealable: (1) approval of a Coastal Permits for any ~~type of~~ development that is not designated as the principal permitted use under the zoning ordinance; and (2) approval or denial of ~~any a~~ Coastal Permits for any development which constitutes a major public works project ~~(including a publicly financed recreational facility)~~ or a major energy facility.

Appeals Area Maps: For geographically-based appeals. The official Coastal Commission certified maps on file with the Community Development Agency which identify areas within the Coastal Zone where County decisions on Coastal Permit applications may be appealed to the Coastal Commission. Maps are illustrative but not determinative and Title 14 CCR Section 13577 is also utilized to determine the boundaries of appeal areas.

Armoring Project (Coastal). See “Shoreline Protective Device.”

Base Density. This definition applies only to projects that seek a density bonus. The base density is either 1) the number of units/lots that are calculated using the minimum lot area or maximum density associated with the zoning district ~~after taking into consideration all building constraints (e.g. including LCP requirements for steep slopes, buffers for wetlands and sensitive habitats, and setbacks for geologic hazards); or, outside the coastal zone.~~ 2) the maximum density allowed by the Built Environment Element of the Countywide Plan 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 outside the coastal zone under the zoning ordinance is inconsistent with the density allowed under the Built Environment Element, the Built Environment Element density shall prevail.

Bluff (coastal). ~~Those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and those bluffs the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (2).~~ A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water. A bluff may consist of a steep cliff face below and a more sloping upper bluff above.

Blufftop (coastal). The upper surface of a bluff extending 150 feet inland from the bluff edge.

Blufftop Parcel (coastal). A parcel located wholly or partially on a blufftop.

Comment [CDA98]:

PLEASE NOTE: the following list of Definitions does NOT include those definitions related to agriculture where were previously approved by your Board, or definitions where all Coastal Commission modifications have been accepted.

Comment [SFS99]:

: The reference to 30603.a.1 and a.2 is restored here, as originally proposed. Those two sections address the “geographic” appeals area, which is the subject of this definition. While appeals are also possible for non-principal permitted uses (if approved) and major public works/energy facility (if approved or denied), those categories apply countywide and thus are not geographic in nature and thus are not addressed by this definition.

Comment [SFS100]:

Changes are proposed here to reflect that not all “actions” are appealable (e.g., most denials are not appealable; continuances are not appealable; etc.)

Comment [SFS101]:

Change proposed to reflect that appeals area maps show only the geographically based appeals area

Comment [SFS102]:

Other changes to this definition as suggested by CCC staff are accepted.

Comment [BC.103]:

Reinstates County’s original proposal]. Don’t qualify base density under zoning as being potentially lowered after taking into consideration LCP policies. The low end of the density range policy in CWP and the similar standard established in the Coastal Zone Development Standards table (e.g., footnote (6) and (7) in Table 5-4-b) address how maximum residential density can be set at low end range due to constraints. The base density definition applies only to density bonus situations and State density bonus law doesn’t allow local jurisdictions to lower base densities before the density bonus is considered.

Comment [SFS104]:

The definition of the suggested modification is circular, basing the definition of “bluff” on the term “bluff”. The County’s original text is restored.

Buffer Zone. An area which separates ~~one land use from another, or~~ development from some identified constraint and/or resource ~~(e.g. coastal hazard buffers, ESHA buffers, etc.)~~ for purposes of safety, environmental protection or compatibility.

Comment [SFS105]: Hazard policies don't really depend on the concept of "buffers" so this phrase is proposed for deletion.

Building Envelope. An area of real property identified for the construction of buildings ~~and related development.~~

Comment [SFS106]: CCC staff suggestion is not appropriate, because some development (such as a driveway) will necessarily occur outside the building envelope.

Building Site. ~~That portion of a~~ lot or parcel that is recognized by the Community Development Agency as having been created in compliance with the governing zoning and development standards ~~that includes an area where LCP consistent development can occur.~~

Comment [SFS107]: The County's original proposal is restored; "building site" is not the same as "building envelope".

Certificate of Compliance. A Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that the subject parcel, which was typically created prior to current subdivision map requirements, is considered by the County to be a legal lot of record pursuant to the Subdivision Map Act. A Conditional Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that a parcel was not legally divided pursuant to the Subdivision Map Act. Procedures for Certificates of Compliance may be found in Chapter 22.96 (Certificates of Compliance) of this Development Code. ~~In the coastal zone, approval of a certificate of compliance does not alter the need for any required coastal permit. (See definitions of illegal lot and land division.).~~

Comment [SFS108]: Standards, such as that suggested here, do not belong in the Definitions chapter.

Coastal Resources (coastal): Include, but are not limited to:: public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks ~~etc.~~) and their related corridors, waterbodies (e.g., wetlands, estuaries, lakes ~~etc.~~) and their related uplands, groundwater resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

Comment [SFS109]: CCC staff suggestion accepted in large part. However, here, and in other definitions, "etc." is proposed for deletion. A definition should provide the parameters of meaning of a term, and therefore "etc." is not appropriate.

Co-Located. A telecommunications facility site where ~~the facility accommodates more than one provider, such as~~ a structure contains antennas for more than one telecommunications service or service providers.

Comment [SFS110]: The County's original definition is restored here.

Conditions, Covenants, and Restrictions (CC&Rs). A declaration recorded with the title to a parcel that may establish private provisions governing how a property shall be held, conveyed, encumbered, leased, rented, used, occupied, and/or improved. Private CC&Rs are not administered or enforced by the County, ~~but CC&Rs emanating from permitting terms and conditions may be.~~

Comment [SFS111]: The word "private" needs to be restored here.

Cumulative Effects (coastal). The incremental effects of an individual project reviewed when considered in tandem in connection with the effects of past projects, the effects of other current projects, and the effects of planned or probable future projects.

Comment [SFS112]: The County's original text is restored, consistent with PRC Sec. 30105.5

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, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, 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.

~~Any activity meeting the definition of development within the Coastal Zone requires a Coastal Permit, consistent with Chapter 22.68, unless exempt, categorically excluded, or qualifies for a de minimis waiver.~~

Comment [SFS113]: Deleted; permit requirements are contained elsewhere, rather than in the Definitions chapter.

Disaster (coastal). Any situation in which the force or forces which destroy a structure were beyond the control of its owner. (Adapted from Public Resources Code Section 30610(g)(2)(A)).

Comment [SFS114]: Restored, per PRC 30610

Discretionary Project. A development project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular ~~activity project~~, as distinguished from situations where the public agency or body merely determines 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).

Comment [SFS115]: "Activity" is restored, per state code

Division of Land (coastal). Creation of one or more lots including subdivision (through parcel map, tract map, grant deed), lot line adjustments, redivisions, mergers and certificates of compliance.

Comment [SFS116]: "Division of land" (rather than "land division") is proposed here and in other parts of the Code, in order to be more broadly encompassing.

Domestic Water Use (coastal). Domestic water use is approved, potable water used for indoor and outdoor household and other ~~non-residential~~ purposes including drinking, cooking, personal hygiene, irrigation and the general operation of plumbing fixtures.

Comment [SFS117]: "Non-residential" is re-added, to be consistent with Environmental Health provisions

Existing (coastal). Extant at the time that a particular Coastal Permit application is accepted for filing.

Comment [SFS118]: CCC staff suggested deleting this definition entirely, but it seems appropriate to include it.

Existing Residential Second Unit. A ~~legally constructed and established~~ 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.

Comment [SFS119]: The County's original text is proposed to be restored here.

Existing Structure (coastal). A structure that is legal or legal non-conforming. For the purpose of implementing LCP policies regarding shoreline protective devices, a structure in existence since May 13, 1982.

Comment [SFS120]: "Existing structure" is used in 22.64.060 – Environmental Hazards. So it seems appropriate to include a definition, in particular because the County's goal is to avoid shoreline protective works for projects that were built, say, in the past few years.

Grade. The ground elevation used as the basis for measurement of allowed structure height. Grade 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 using a topographic map prepared by a licensed Civil Engineer or Land Surveyor. Retaining walls cannot be used to raise the "Grade" and increase the allowable height of a structure.~~

Comment [SFS121]: The County's original text should be restored here.

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 the residential occupancy code. To be a guest house, the structure cannot contain food preparation facilities ~~and shall not be rented or otherwise used as a separate dwelling.~~

Comment [SFS122]: Deleted; standards are not appropriate in the Definitions chapter.

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

Comment [SFS123]: The County's definition should be restored here rather than deleted.

Home Occupation (land use). This land use consists of the conduct of a business within a dwelling, or, ~~where allowable,~~ within an accessory building located on the same site as the dwelling, employing the occupant of the dwelling, with the business activity being subordinate to the residential use of the property. See Section 22.32.100 (Home Occupations).

Comment [SFS124]: Deleted; standards are not appropriate in the Definitions chapter.

~~**Illegal Lot, Use or Structure (Coastal).** A lot, use or structure that did not receive a required coastal permit or did not lawfully exist on the effective date of the Coastal Act.~~

Comment [CDA125]: Delete the suggested definition

Immediate Family ~~(coastal).~~ A person's spouse, registered domestic partner, child, stepchild, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse, child, stepchild or guardian of any of those persons.

Comment [SFS126]: Deleted; inappropriate

Land Division (coastal). ~~See "Division of Land (coastal)". A type of development requiring a coastal permit and including subdivision (through parcel map, tract map, grant deed), lot line adjustments, redivisions, mergers and certificates of compliance.~~

Comment [SFS127]: See "Division of Land (coastal)"

Legal Lot (coastal). ~~A lot that was lawfully created under both the Subdivision Map Act and the Coastal Act and has received the necessary Map Act approval and a Coastal Permit. (See "Legal Lot of Record")~~

Legal Lot of Record. A parcel is considered to be a legal lot of record ~~under the Subdivision Map Act~~ 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~~ shall not be deemed to have created lots. A lot ~~depicted~~ created on a subdivision Final map or Parcel map recorded before January 1, 1930 may be considered a legal lot ~~only~~ if it has been reconveyed subsequently ~~to January 1, 1930~~ 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 ~~conveyance into separate ownership and was~~ 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.

Comment [SFS128]: The County's original text is restored.

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.

Lot. A legal lot of record. Types of lots include the following. See Figure 8-3 (Lot Types).

Comment [SFS129]: The County's original text is restored here.

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.

Major Public Works ~~Project~~ **(coastal).** (1) Publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities; and (2) Public Works facilities (see definition of "Public Works (coastal)") that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611 or 30624.

Comment [SFS130]: CCC staff suggestions are accepted, but the word "Project" could be deleted in order to be strictly consistent with CCC regs at 13012

Major Vegetation (coastal). Any vegetation that is ~~a sensitive species, or is~~ located in an ESHA, on a beach or sand dune, within fifty feet of the edge of a coastal bluff, in an environmentally sensitive habitat area (ESHA) or its buffer, or heritage trees or vegetation that is visually prominent and/or a

significant part of the public viewshed. Agricultural crops, and nonnative ornamental vegetation ~~not meeting the above criteria~~, are not considered to be major vegetation.

Mineral Resource Extraction (land use). This land use consists of the extraction from the ground of hydrocarbons, gravel, or sand resources, or other commercial surface mining or underground mining and processing activity. Oil and gas well drilling, geothermal wells, production operations and related facilities are not permitted.

Comment [SFS131]: CCC staff-suggested deletion of "hydrocarbons" would eliminate any regulations of hydrocarbons if such were proposed.

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

Comment [SFS132]: The County's original text is restored here.

Native Tree. Any tree in the list "Trees Native to Marin County," maintained and provided by the Marin County Community Development Agency, ~~or any other tree native to the State of California and the Marin County area~~.

Comment [SFS133]: The County's original text is restored here.

Native Tree Removal (~~non-coastal~~). Generally means the destruction of any protected tree or the alteration of any protected tree which may adversely affect the health and survival of the tree. Includes "removal of a tree." Routine trimming and pruning is not considered tree removal for the purpose of this Chapter.

Comment [CDA134]: Adding "non-coastal" here as suggested would eliminate the definition from CZ

Natural Disaster. Any situation in which the natural force or forces which destroyed a structure were beyond the control of the owner, including fire, flood, storm, explosion, landslide, earthquake, or other similar conditions.

Comment [CDA135]: The County's original text is restored here; as used in IP text

Parcel (coastal). ~~See "Legal Lot (coastal)."~~ A unit of real property.

Comment [CDA136]: For consistency with non-coastal definition.

Permitted Use (coastal). As used in the Land Use Tables, a land use allowed by Article V (Zoning Districts and Allowable Land Uses) subject to compliance with all applicable provisions of the LCP, and subject to first obtaining any building permit or any other permit required by the County Code. County actions on Coastal Permits allowing such uses are appealable to the California Coastal Commission. [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions]

Comment [SFS137]: This phrase should be added, in order to clarify

~~**Person.** Any natural person, partnership, cooperative association, private corporation, public corporation, personal representative, receiver, trustee, assignee, or any other legal entity.~~

Comment [Accepted138]: Delete because it is duplicative

Person (~~coastal~~). Any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof..

Principal Permitted Use (coastal). The principal land use allowed by Article V (Zoning Districts and Allowable Land Uses) and as used in the Land Use Tables, including activities which are functionally related to one another so as to be viewed as effectively one use type or group. Such uses are subject to compliance with all applicable provisions of this Development Code, and subject to first obtaining any building permit or any other permit required by the County Code. ~~Any use that requires a Coastal Zone Variance shall not be considered a principal permitted use.~~ [See Section 22.70.080.B.1 for Appeal of Coastal Permit Decisions]

Comment [SFS139]: The County's original text should be restored here, for consistency with Ag provisions

Comment [SFS140]: Standards are not appropriate in the Definitions chapter.

Public Access Offer to Dedicate (OTD) (coastal). A legal document that offers an easement across private land for a future public accessway. In order to effectuate the OTD and open the accessway or stairway for public use, it must be accepted for management by a responsible agency and then

~~improved, if necessary, and opened. No offer of dedication shall be used or construed to allow anyone, prior to acceptance of the Offer, to interfere with any rights of public access acquired through use that may exist on the Property or use the property in a manner that would prevent effectuation of the Offer to Dedicate.~~

Comment [SFS141]: Appropriate management arrangements are part of an effective OTD.

Comment [SFS142]: Standards are not appropriate in the Definitions chapter.

~~**Redevelopment (coastal).** Development that is located outside of blufftop or shoreline areas that meet criteria A or B below:~~

Comment [SFS143]: The concept of “redevelopment” is addressed elsewhere, such as in provisions for improvements to existing structures, and thus is deleted here

~~A. Development that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:~~

~~(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.~~

~~(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.~~

~~B. Development that consists of any alteration of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction, as per National Flood Insurance Program (NFIP) requirements administered by the Federal Emergency Management Agency (FEMA).~~

~~For the purposes of this definition:~~

~~An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:~~

~~(a) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.~~

~~(b) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).~~

~~A floor or roof structure is considered to be altered 50% or more when any of the following occur:~~

~~(a) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.~~

~~(b) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition~~

~~of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).~~

~~A foundation is considered to be altered 50% or more when any work is done on any of the following:~~

~~(a) 50% or more of the horizontal surface area of a slab foundation.~~

~~(b) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.~~

~~(c) 50% or more of a perimeter foundation.~~

~~Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non-structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements.~~

~~**Redevelopment, Coastal (coastal).** Development that is located on bluffs or at or near the ocean-sand interface and/or at very low lying elevations along the shoreline that meet criteria A or B below:~~

~~A. Development that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff home or other principal structure, or portions thereof, which results in:~~

~~(1) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.~~

~~(2) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.~~

~~B. Development that consists of any alteration of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction, as per National Flood Insurance Program (NFIP) requirements administered by the Federal Emergency Management Agency (FEMA).~~

~~For the purposes of this definition:~~

~~An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:~~

~~(a) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.~~

~~(b) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).~~

~~A floor or roof structure is considered to be altered 50% or more when any of the following occur:~~

~~(a) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.~~

~~(b) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).~~

~~A foundation is considered to be altered 50% or more when any work is done on any of the following:~~

~~(a) 50% or more of the horizontal surface area of a slab foundation.~~

~~(b) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.~~

~~(c) 50% or more of a perimeter foundation.~~

~~Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements.~~

Repair and Maintenance (coastal). Development which does not result in an addition to, enlargement or expansion of the object of the repair and maintenance. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance but instead constitutes a replacement structure ~~(see also "Redevelopment (coastal)" and "Redevelopment, Coastal (coastal)").~~

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
- gazebos
- greenhouses

- spas and hot tubs
- ~~roof-mounted WECS~~
- solar collectors
- rainwater cisterns and collectors
- storage sheds
- studios
- swimming pools
- workshops

Comment [SFS144]: The County's proposed text should be restored

Also includes community gardens and the indoor storage of owner or occupant owned 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."

Shoreline Protective Device (coastal). A device (such as a seawall, revetment, riprap, bulkhead, ~~deep piers/caissons, or bluff retention device, etc.~~) built for the purpose of serving a coastal-dependent use, or protecting an existing structure or public beach in danger from erosion.

Comment [SFS145]: piers and caissons are not primarily shoreline protective devices; Less preferably, in conformity with revised EH policies "deep piers/caissons not primarily used as architectural foundations"

Species of Special Concern. As determined by the California Department of Fish and Wildlife, a Species of Special Concern (SSC) is a species, subspecies, or distinct population of fish, amphibian, reptile, bird, or mammal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria: ~~as determined by the California Department of Fish and Wildlife~~

Comment [SFS146]: Deleted; redundant

- is extirpated from the state or, in the case of birds, in its primary seasonal or breeding role;
- is listed as federally-, but not state-, threatened or endangered;
- meets the state definitions of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (nonscyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for state threatened or endangered status;
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for state threatened or endangered status.

Stream Bank (coastal). The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernible bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. In areas where a stream has no discernible bank or riparian vegetation, the stream boundary shall be considered the stream's ~~thalweg ordinary high water mark~~.

Comment [SFS147]: The County's original text should be restored. "Ordinary high water mark" does not apply to a stream of the type described here, i.e., one with no obvious bank and no vegetation along it. "Thalweg" is a recognized term of art used in relation to streams; it means the centerline, more or less, and it's defined in this Dev Code.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Marin County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 1351.f of the Civil Code, and a community apartment project, as defined in Section 1351.d of the Civil Code. ~~(In the coastal zone, See definition of land division, (coastal).)~~

Comment [CDA148]: This is Map Act def- applies in CZ as well

Visually Prominent Ridgeline (coastal). A line connecting the topographic highpoints along a ridge that separates watersheds and is visible from public viewpoints ~~(e.g., from open space areas, parks, trailheads, highways, arterial roads, the bay and other water bodies).~~

Comment [SFS149]: Definition as suggested by CCC staff accepted, without the open-ended "e.g." phrase.

Wetland (coastal). Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. "Wetland" shall be defined as:

- A. Land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:
1. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
 2. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
 3. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.
- B. The term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs or by drainage ditches where:
1. The pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and
 2. There is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands; or
 3. The drainage ditch is a narrow (usually less than 5-feet wide), constructed nontidal ditch excavated from dry land, which is not a replacement for a natural drainage feature

Comment [SFS150]: Phrase restored here, as it comes from footnote in CCC's interpretive guidelines