



ESTABLISHED 1971

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Via electronic mail: marinlcp@marincounty.org & KKilgariff@marincounty.org

Re. Marin County Local Coastal Program Technical Edits

Dear Ms. Kilgariff,

Since 2008, EAC has been actively involved in Marin County's Local Coastal Program (LCP) amendment process, participating in both County and California Coastal Commission public hearings. Our mission is to protect and sustain the unique lands, waters, and biodiversity of West Marin. Thank you for this opportunity to provide comments on the LCP technical edits. We present the following comments, questions, and editorial points in order of the Implementation Plan (IP).

1. We noticed the language is changing from Development Code to Coastal Zoning Code. Are you segmenting the code sections? Also, regarding this, see page (p.) 5 of the IP, Section 20.01.010 – Purpose of Title 20 "Chapters 20.60 through 20.70 inclusive, along with portions of Chapters 20.32 (Standards for Specific Land Uses) and 20.130 (Coastal Zoning Code Definitions) that apply in the coastal zone together constitute the LCP's Implementation Plan (Coastal Zoning Code)." As a clarifying point, this title implies that the entire Title 20 is the LCP IP. However, why does the Purpose Section 20.01.010 suggest that there are sections, perhaps numbered 20.02.xxx - 20.32.yyy, etc. in Title 20, that do not apply to property in the Coastal Zone?
2. As a potentially related question, we noticed the proposed change from Interim Code Title 22i to Title 20. It appears that this creates some conflicts with an existing code section that deals with subdivisions. This could be confusing, as some of the numbering is the same. For instance, a technical edit to the IP changes the numbering of Section 22.32.020 Accessory Retail Uses to 20.32.020 Accessory Retail Uses. However, there is already a Section 20.32.020 Recommendations (for Action on Tentative Map Where Final Map Required). Similarly, there is already a Section 20.32.040, but one of the renumbered sections of the IP has the same number.
3. On p. 23, regarding 20.32.095.B. – Homeless Shelters "... if it complies with the standards of Section 22.32.095.C, below." This should be 20.32.095.

4. On p. 26, regarding 20.32.115 – Determination of Non-Agricultural. Both references to “Chapter 22.62” should be “Chapter 20.62.”
5. On p. 27, regarding 20.32.130 – Residential Accessory Uses and Structures, “Chapter 22.62” should be “Chapter 20.62.”
6. Also related to this section, under Detached structures: Height: Section 20.32.130 A.3.a: “...A residential accessory structure shall not exceed a height of 15 feet.... Further, where floor area is developed beneath a detached parking structure in conformance with Section 220.32.130.A.3.b below, the maximum height of the detached structure shall be 30 feet.” Pertaining to this excerpt, our question is - Was this drafted for a variance-type decision for an application outside the Coastal Zone where setbacks limit development of parking structures? It does not seem like this should apply in the Coastal Zone.
7. On pp. 111-112, under Section 20.65.040 – C-APZ Zoning District Standards, 20.65.040.C.1.e "...meet the standards, specified in Section 22.32.024." This should be 20.32.024.
8. There is a reference to "redevelopment" on p. 129 of the IP, but there is no definition. Presumptively, this will be handled with the environmental hazards update.
9. Also, regarding Definitions, “Farm tract (coastal)” is redundant following “Farm tract.”
10. Regarding Coastal Zone variances, we suggest some revisions to these sections:
 - A Variance is a Discretionary Permit (20.130).
 - A Variance must be Publicly Noticed (20.70.150.A.4), but the Public Notice section preamble does not mention variances (20.70.050).
 - The Determination of the processing category for an application does not discuss a variance (20.70.030).
 - Our question is, when can a variance decision be administrative? That is not specified. Granting a variance requires determining that other property owners in the vicinity and zoning district enjoy privileges that would be denied to the applicant by application of the Coastal Zoning code. This argues for a public hearing for (nearly) every variance application.
11. As a very minor edit on p. 129, check the spacing on 20.68.070C. It appears that “to” may have an extra space.

Thank you for your work on this and for the consideration of our comments. We also look forward to continued engagement on the incomplete environmental hazards’ sections.

Sincerely,



Ashley Eagle-Gibbs, Esq.
Legal and Policy Director
Environmental Action Committee of West Marin

cc: Honora Montano, Coastal Planner, California Coastal Commission