

Marin County Planning Commission
SPECIAL MEETING
Monday, November 7, 2011

ROLL CALL The meeting was called to order by Chair Peter Theran at 10:00 a.m.

Present at Roll Call: Peter Theran; Katherine Crecelius; Don Dickenson; Randy Greenberg; Wade Holland.

Absent at Roll Call: Mark Ginalski; Joan Lubamersky.

[Agenda](#)

1. INITIAL TRANSACTIONS

a. Incorporate Staff Reports into Minutes

M/s Wade Holland - Don Dickenson to incorporate the staff reports into the minutes.

Vote: Motion carried 5-0

AYES: Peter Theran; Katherine Crecelius; Don Dickenson; Randy Greenberg; Wade Holland.

ABSENT: Mark Ginalski; Joan Lubamersky.

b. Minutes

The October 24, 2011, draft minutes were continued to the next meeting.

c. Communications

None.

2. DIRECTOR'S REPORT

Commissioner Lubamersky present at 10:03 a.m.

a. Preliminary Agenda Discussion Items, Field Trips

Assistant Director Tom Lai briefed the Commission on site visits for several upcoming agenda items and requested that the Commission approve the addition of a special meeting for a publicly-noticed site visit to Golden Gate Baptist Theological Seminary on December 14, 2011, from 10:00 a.m. to 12:00 noon. The purpose of the site visit is to view the revised siting of the building envelopes in advance of the public workshop on the Master Plan Amendment and Land Division on December 19, 2011.

M/s Don Dickenson - Katherine Crecelius to approve a special meeting on Wednesday, December 14, 2011, for the purpose of a publicly-noticed site visit to Golden Gate Baptist Theological Seminary.

Vote: Motion carried 6-0

AYES: Peter Theran; Katherine Crecelius; Don Dickenson; Randy Greenberg; Wade Holland; Joan Lubamersky.
ABSENT: Mark Ginalski.

3. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER)

Chair Theran opened and closed public open time with no speakers coming forward.

4. LOCAL COASTAL PROGRAM UPDATE HEARING

[Staff Report & Supplemental Staff Recommendation](#)

Chair Theran opened the public hearing.

CDA staff present were: Assistant Director Tom Lai, Principal Planner Jack Liebster, Senior Planners Kristin Drumm and Christine Gimmler, and Assistant Planner Alisa Stevenson. Planning Consultant Steve Scholl was also in attendance.

Mr. Scholl reviewed several changes and corrections in the Development Code Structure and Process involving discussion items that are being continued to the December 1, 2011, hearing.

The following members of the public spoke regarding energy conservation, WECS and meteorological towers, non-uniformity in zoning districts; exempt and non-exempt projects; De Minimis waivers of Coastal Permits; public notice and public hearing waivers; protection of visual resources; jurisdiction over federal lands; Marin Energy Authority efforts to procure renewable energy locally; and protection of future energy resources:

Beverly McIntosh and Helen Kozoriz, West Marin/Sonoma Coastal Advocates; Bridger Mitchell, Inverness Association; Richard Kohn; Nona Dennis, Marin Conservation League; Amy Trainer, Environmental Action Committee of West Marin; Dawn Weisz, Marin Energy Authority; Rachel Ginis, Citizens Climate Lobby; and Cela O'Connor.

Staff responded to questions from the Commission concerning proposed allowable WECS on legal parcels in the Coastal Zone.

The Commission reviewed and discussed carryover issues that were previously discussed at the August 31, 2011, hearing on Development Code Structure and Process and the September 19, 2011, hearing on the Built Environment and Socioeconomic Elements. The Commission also discussed proposed Development Code changes on Built Environment and Socioeconomic Element and Development Standards that were not covered at the September 19, 2011, hearing.

The Commission conducted straw votes on alternatives specifying the size and type of WECS that would be allowed in the Coastal Zone. Commissioner Crecelius favored the least-restrictive Alternative 1. A majority of the Commission, 5-1 (Crecelius), favored a proposal by Commissioner Holland to adopt the County's existing WECS ordinance with necessary changes

for the Coastal Zone, but would limit WECS maximum height to 100 feet in the Coastal Zone, except for west of Highway 1, where the maximum height would be 40 feet.

The comments and direction provided by the Commission to staff will be reflected in an updated Tentative Decision Table.

The Commission recessed for lunch between 12:00 and 1:00 p.m.

Commissioner Lubamersky absent at 3:50 p.m.

M/s Katherine Crecelius - Randy Greenberg to continue the public hearing on the Local Coastal Program to Thursday, December 1, 2011.

Vote: Motion carried 5-0

AYES: Peter Theran; Katherine Crecelius; Don Dickenson; Randy Greenberg; Wade Holland.

ABSENT: Mark Ginalski; Joan Lubamersky.

M/s Randy Greenberg - Katherine Crecelius to adjourn.

Vote: Motion carried 5-0

AYES: Peter Theran; Katherine Crecelius; Don Dickenson; Randy Greenberg; Wade Holland.

ABSENT: Mark Ginalski; Joan Lubamersky.

Chair Theran adjourned the meeting at 4:13 p.m.

The next meeting of the Planning Commission is scheduled for Monday, November 14, 2011.

Timestamps

00:10 - Public Testimony

00:55 - Questions

01:00 - Attachment #1 Carryover Items pps. 1-4

01:30 - pps. 5-12

02:00 - pps. 12-22

02:30 - Attachment #2 Energy

03:00 - WECS

03:30 - Attachment #5 Supplemental Staff Recommendations

04:00 - Dev Code Chapter 22.64

04:30 - Dev Code Chapter 22.62

**Planning Commission Final Decision Table
November 7, 2011
LCP Hearing on Carryover Issues from the 8/31/11 and 9/19/11 Hearings**

(Approved by the PC on November 28, 2011)

The Planning Commission (PC) reviewed carryover items from the 8/31/11 and 9/19/11 hearings on November 7, 2011. This table reflects the PC's actions taken at the November 7 hearing, including changes to policy and development code language, as well as other direction given to staff on items requiring further research. Changes to policy and development code language requested by the PC are shown in tracked changes format with **highlight**, **strike-out** and **underline**.

I. DEVELOPMENT CODE STRUCTURE AND PROCESS

CHAPTER 22.68 – Coastal Permit Requirements
<p><u>Section 22.68.040- Categorically Excluded Projects</u> Staff will bring back this item back for discussion at the hearing on January 9, 2012.</p> <p>The Commission requested staff modify the language so that the summary includes both a list of projects and a summary, with information on each project.</p> <p>B. The Director shall maintain and regularly transmit to the Coastal Commission a list and summary of projects determined to be categorically excluded from the requirements of this Chapter for a Coastal Permit. The list and summary shall be available for public inspection and shall include the applicant's name, project description and location, and the date of the Director's determination..</p>
<p><u>Section 22.68.050.A.2 – Exempt Projects</u> Staff will bring back this item back for discussion at the hearing on January 9, 2012.</p> <p><u>Section 22.68.050.A.2 – Exempt Projects</u></p> <p>2. Structures on a residential lot normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses, or self-contained residential units, or 1,000 or more square feet of impermeable paving; and</p> <p>In addition, for clarity Staff recommends the Commission consider enumerating certain other structures as exempt :</p> <ol style="list-style-type: none">1. Small roof-mounted WECS no more than 10 feet above the roofline.2. Roof Mounted solar energy systems not exceeding 2 feet above applicable building height standards.3. Rainwater collection tanks within the roofline or that meet applicable setback and height standards.
<p><u>Section 22.68.050.C.2 – Exempt Projects</u> The Planning Commission accepted staff's recommendation to modify 22.68.050.C.2 as follows:</p> <p><u>Section 22.68.050.C.2 – Exempt Projects</u></p>

2. Be for the same legal use as the destroyed structure, whether that use is legal conforming or legal non-conforming;

Section 22.68.060 – Non-Exempt Projects

The Planning Commission requested staff bring back Section 22.68.060 for further discussion at the hearing on January 9, 2012.

Section 22.68.060 – Non-Exempt Projects

Notwithstanding the provisions of Section 22.68.050 – Exempt Projects, a Coastal Permit shall be required for all of the following projects unless the development is categorically excluded or qualifies for a De Minimis Waiver:

...

J. Repair and maintenance activities. Repair and maintenance activities as follows:

1. Any method of repair or maintenance of a seawall revetment (other than ordinary maintenance of the Seadrift Revetment as provided by Section 22.68.050.B), bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

(b) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

(c) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind: or

(d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

2. Any method of routine maintenance dredging that involves:

(a) The dredging of 100,000 cubic yards or more within a twelve (12) month period;

(b) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or

(c) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that includes:

(a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or

other beach materials or any other forms of solid materials; or

(b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

Section 22.68.070.A

The Planning Commission accepted staff's recommendation to add a new definition to Chapter 22.130 for "Cumulatively" and modified **Section 22.68.070.A** as follows:

Cumulatively. The incremental effects of an individual project reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Section 22.68.070.A – De Minimis Waiver of Coastal Permit

The Director may waive the requirement for a Coastal Permit in compliance with this Section upon a written determination that the project meets all of the following criteria in A. through E. below:

A. Involves no potential for adverse effects, either individually or cumulatively on coastal resources,

B. Is consistent with the certified Local Coastal Program,

C. Is not of a type or in a location where the project, if subject to a Coastal Permit, would be appealable to the Coastal Commission or would be subject to a Coastal Permit issued by the Coastal Commission, and

D. Consists of one of the following or a project substantially similar to the following:

1. Construction of retaining walls less than four (4) feet in height,

2. Demolition of structures other than those built prior to 1930,

3. "One for one" replacement of or abandonment of minor utilities,

4. Repair and replacement work associated with underground and above-ground storage tanks,

5. Installation of borings for test purposes, monitoring wells, vadose wells, temporary well points, and vapor points, or

6. Merger of property, and.

D, E. Public notice of the proposed De Minimis Waiver of Coastal Permit and opportunities for public comment has have been provided in the same manner as required by Section 22.70.050.

F. The Director shall not issue a waiver until the public comment period for the waiver has expired and no written requests for a coastal development permit have been submitted to the Department. If any member of the public requests that a waiver not be issued, the applicant shall be advised that a Coastal Development Permit is required if the applicant wishes to proceed with the development.

G. Within seven (7) calendar days of issuance of a De Minimis Waiver of Coastal Permit, the Director shall notify the Coastal Commission and any persons who specifically requested notice

of such action by mailing, via first class mail, a Notice of Final Action describing the issuance and effectiveness of the De Minimis Waiver.

Section 22.68.090 – Consolidated Coastal Permit

The Planning Commission requested staff modify **Section 22.68.090** to clarify who may initiate a request for a consolidated coastal permit and that all parties must consent to pursuing it. The Coastal Act is silent on who may initiate a request. However, in the document titled “Updating Implementation Plan (IP) Procedures” (2011), Coastal Commission staff has advised that the IP could also designate who from your local government (e.g., the Planning Director) will make the decision to ask the Commission to act and under what criteria. This is what was originally recommended, and staff suggests returning to that original language, as shown here.

Consolidated County–Coastal Commission Coastal Permit. If a proposed development requires a two separate Coastal Permits, one from both the County and one from the Coastal Commission, a consolidated Coastal Permit application may be considered by the Coastal Commission according to the following procedure:

- A. The Director, with agreement by the applicant, may request the Coastal Commission through its executive director to process a consolidated Coastal Permit. The standard of review for a consolidated Coastal Permit application shall follow Chapter 3 of the Coastal Act (commencing with Public Resources Code Section 30200), with the Local Coastal Program used as guidance. The application fee for a consolidated Coastal Permit shall be determined by reference to the Coastal Commission's permit fee schedule.
- B. Prior to making a request for a consolidated Coastal Permit, the Director shall first determine that public participation would not be substantially impaired by that review process. The Director may require public notice that is reasonably determined necessary to allow public review and comment on the proposed consolidated Coastal Permit.

CHAPTER 22.70 – Coastal Permit Administration

Section 22.70.030.A

The Planning Commission accepted staff's recommendations for **Section 22.70.030.A**, as follows:

A. Application and filing. Coastal Permit application submittals shall include all information and other materials required by the Coastal Permit application forms, provided by the Agency. The application and accompanying materials shall be filed with the Agency before or concurrent with an application for any land use permit required by this Article. The Coastal Permit application shall include:

1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program;
2. Documentation of the applicant's legal interest in all the property upon which work is proposed to be performed;
3. -A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the

applicant's representative and to bind the applicant in all matters concerning the application; and

4. Any additional information deemed by the Director to be required for specific categories of development or for development proposed for specific geographic areas.

Section 22.70.030.B.5 – Coastal Permit Filing, Initial Processing

The Planning Commission accepted staff's recommendation for **Section 22.70.030.B.5** and **Section 22.70.050.A** as shown below. In addition, the Commission directed staff to clarify the procedure for posting notices on the website.

Section 22.70.030.B.5 – Coastal Permit Filing, Initial Processing

...

5. **Public hearing waiver.** A public hearing that would otherwise be required for a minor development shall be waived if both the following occur:

a. Notice as required by Section 22.70.050 – Public Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice, and

b. No written request for a public hearing is received within 15 working days from the date of sending the notice.

In addition to the requirements of Section 22.70.050, the notice shall include a statement that the hearing will be cancelled if no person submits a written request for a public hearing as provided above, and a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County of Marin on the coastal permit application.

For purposes of this Section, "minor development" means a development that the County Director determines satisfies all of the following requirements:

~~a.~~(1) Is consistent with the certified Local Coastal Program,

~~b.~~(2) Requires no discretionary approvals other than a Coastal Permit, and

(3) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

~~e.~~Notwithstanding the waiver of a public hearing, any written comments submitted regarding a coastal permit application shall be made part of the permit application record.

Section 22.70.050.A – Public Notice – Form of notice.

A. Form of notice. Permit applications shall be noticed at least 10 days prior to a hearing or action on the proposed project by posting notice in at least one location on or adjacent to the property which is the subject of the permit and by mailing notice to:

1. Each applicant – The owner(s) or owner's agent of the property being considered, and the applicant;

2. Each local agency expected to provide essential facilities or services to the project, whose

ability to provide the facilities and services may be significantly affected by the proposed project:

3. All persons who have requested to be on the mailing list for that development project or for coastal decisions within the County. Any person who has filed a written request for notice with the Director and has paid the fee set by the most current County Fee Ordinance for the notice;
4. All property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed owners of real property within three hundred feet of the property on which the development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of less than twenty thousand square feet or a maximum density higher than two units per acre, or all owners of real property within six hundred feet of the property on which development is proposed, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of twenty thousand square feet or greater, or a maximum density of two units per acre or lower; and
5. The Coastal Commission.

These types of Notice listed in 1. through 5. above shall be provided regardless of whether or not a hearing is required on the permit. If a hearing is required, notice shall also be published at least once in a local newspaper of general circulation in the County.

Section 22.70.080 – Appeal of Coastal Permit Decision

The Planning Commission approved staff's recommendation to Section 22.70.080 as follows:

Section 22.70.080 – Appeal of Coastal Permit Decision

B. 2. Filing. Appeals must be filed in the office of the Coastal Commission prior to the close of business on the 10th working day after the receipt by the Coastal Commission of the notice of final County action on the Coastal Permit that is the subject of the appeal. . . .

II. BUILT ENVIRONMENT AND SOCIOECONOMIC ELEMENTS

COMMUNITY DESIGN (DES)

C-DES-2 Protection of Visual Resources

The Planning Commission approved of staff's recommendation for C-DES-2 and asked staff to insert the word "and" after "vista points" to clarify the intent of the sentence.

C-DES-2 Protection of Visual Resources. Ensure the appropriate siting and design of structures to ~~protect visual resources and~~ prevent the obstruction of significant views, including views both to and along the coast as seen from public viewing ~~areas spaces such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes~~ and from Highway One, Panoramic Highway, and Sir Francis Drake Boulevard. ~~The intent of this policy is the protection of significant public views rather than coastal views from private residences where no public vistas are involved.~~ Require development to be screened with appropriate landscaping provided that when mature, such landscaping shall not interfere with public views to and along the coast. The use of drought tolerant, native coastal plant species is encouraged. Continue to keep road and driveway construction, grading, and utility extensions to a minimum, except that longer road and driveway extensions may be necessary in highly visible areas in order to avoid or minimize other impacts.

COMMUNITY DEVELOPMENT (CD)

C-CD-1 Coastal Dependent Development

The Planning Commission approved of staff's recommendation to delete C-CD-1.

~~**C-CD-1 Coastal Dependent Development.** Prioritize coastal dependents development over other developments on or near the shoreline. When appropriate, accommodate coastal related developments within reasonable proximity to the coastal dependent use they support.
(PC app 10/26/09)
[Adapted from Coastal Act Section 30255]~~

C-CD-5 Non-Conforming Structures and Uses

The Planning Commission approved staff's recommended changes to C-CD-5 as follows:

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

C-CD-24 Commercial/Mixed-Use Land Use Categories and Intensities.

The Planning Commission approved staff's recommended changes to C-CD-24 as follows:

C-CD-24 Commercial/Mixed-Use Land Use Categories and Intensities. Establish commercial/mixed-use land use categories to provide for a mix of retail, office, and industrial uses, as well as mixed-use residential development, in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of urban design. Mixed-use developments are intended to incorporate residential units on commercial properties, including on-site housing for employees, thereby contributing to affordable housing and reduced commutes. ~~For projects consisting of low and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may be exceeded in areas with acceptable levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.~~ The following criteria shall apply to any mixed-use development:

1. For parcels larger than 2 acres in size, no more than 50% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.

For parcels 2 acres and less in size, no more than 75% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.
2. Projected peak-hour traffic impacts of the proposed mixed-use development are no greater than that for the maximum commercial development permissible on the site under the specific land use category.
3. Priority shall be given to the retention of existing neighborhood serving commercial uses.
4. The site design fits with the surrounding neighborhood and incorporates design elements such as podium parking, usable common/open space areas, and vertical mix of uses, where appropriate. In most instances, residential uses should be considered above the ground floor or located in a manner to provide continuity of store frontages, while maintaining visual interest and a pedestrian orientation.
5. For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.

Renovations not resulting in additional square footage will be exempt from the above requirements if consistent with the requirements of the Marin County Jobs-Housing Linkage Ordinance, Chapter 22.22 of the Development Code.

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

The Planning Commission approved staff's recommended changes to C-CD-26 as follows:

C-CD-26 Multi-family Residential Development in Multi-family Zones. Require multi-family development in ~~certain multi-family zoning districts consistent with the C-MF2, C-MF3 and C-NC land use designations multi-family zones,~~ including ~~the~~ C-R2, C-RMP and C-RMPC ~~zoning districts,~~ if parcel size and density permit. Prohibit development of single-family dwellings in multi-family zones unless the Director finds that multi-family development is infeasible or impractical based on physical site constraints, environmental constraints, or significant incompatibility with neighborhood character.

(PC app. 07/29/10)

[New policy, not in Unit I or II - November 2009 Draft Housing Element Program 1.f p. V-3]

C-CD-27 Density Bonuses.

The Planning Commission approved staff's recommendation to move Policy C-CD-27 to the Housing Chapter (renamed C-HS-9) and modify the text as shown.

C-CD-27 HS-9 Density Bonuses. Provide density bonuses for affordable housing in the Coastal Zone consistent with Government Code Section 65915 and Coastal Act Section 30604(f), and the County's density bonus provisions in Chapter 22.24 (Affordable Housing Incentives) to the extent that such increases in density ~~do not adversely impact coastal resource~~, are consistent with the provisions of the LCP.

Local Coastal Program Introduction

The Planning Commission approved staff's recommendation to revise the Introduction section of the Land Use Plan to include the definition of "Development."

The Local Coastal Program (LCP)

The Local Coastal Program, or LCP, is the primary document that governs land development in the Marin County Coastal Zone. The LCP guides both public and private activities that constitute "development" of the land or in the water. In general, constructing a dwelling, a commercial building, a road, a boat dock or other improvements constitutes a "development" that requires a coastal permit, with specific exceptions. Furthermore, "development" includes changes in the use of land or water, even where construction is not involved. Within the Coastal Zone, the definition of "development" in its entirety, is as follows:

Development (coastal). On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973(commencing with Section 4511 of the Public Resources Code). As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. "Development" does not mean a "change of organization", as defined in California Code Section 56021 or a "reorganization", as defined in California Code Section 56073.

Land Use Maps

The Planning Commission approved staff's recommendations to the Village Limit Boundaries on Land Use Maps 18a, 18b, 18e, and 18d as follows: *[The maps are not provided at this time.]*

- **Map 18a Muir Beach Land Use Policy Map:** Staff confirmed that the sliver of C-AG1 land along Highway One is indeed a parcel (199-160-16). No action needed.
- **Map 18b Stinson Beach Land Use Policy Map:** The Village Limit Boundary will be revised to remove parcel 195-194-01 since it designated as Open Space. It is the downtown park/basketball court and is owned by the County of Marin. Property is zoned C-VCR.

- Map 18d Olema Land Use Policy Map: Revise as necessary to remove the reference to the Golden Gate National Recreation Area in the eastern portion of the map. No revision to the Village Limit Boundary itself is needed.
- Map 18e: Point Reyes Station Land Use Policy Map: Revise as necessary to remove the C-OS areas within the Point Reyes National Seashore on the southern portion of the map from within the Village Limit Boundary. The Village Limit Boundary will be revised to remove a number of parcels that are now federally owned.

COMMUNITY SPECIFIC POLICIES

C-MB-1 Community Character of Muir Beach

The Planning Commission approved staff's recommendations to C-MB-1 as follows:

C-MB-1 Community Character of Muir Beach. Maintain the small-scale character of Muir Beach as a primarily residential community with ~~limited agriculture and very limited commercial use~~ **recreational, small scale visitor serving, and limited agricultural use.**

C-SB-3 Density and Location of Development in Seadrift

Staff will bring back C-SB-3 for Commission review once staff has consulted with Seadrift representatives and Coastal Commission staff.

C-BOL-3 New Development on the Bolinas Gridded Mesa

At the hearing on November 7, 2011, staff recommended the Planning Commission add a new policy to refer to the Bolinas Gridded Mesa Plan, which has been certified by the California Coastal Commission. After further review, staff recommends modifying C-BOL-3 as follows:

C-BOL-3 New Development on the Bolinas Gridded Mesa. Permit new construction and the redevelopment and rehabilitation of existing structures on the Bolinas Mesa in accordance with the adopted policies of the Bolinas Gridded Mesa Plan, **which has been certified by the California Coastal Commission.**

C-SB-4 Easkoot Creek

The Planning Commission approved staff's recommendation for C-SB-4 and directed staff to further modify the language so that improvements may do more than improve hydraulic action.

C-SB-4 Easkoot Creek. Restore **the original channel of Easkoot Creek, as feasible, to flow into the lagoon in the vicinity of the old causeway between Calle del Arroyo and Highway One** to improve **the hydraulic action habitat of the Bolinas Lagoon and support natural processes.**

C-INV-3 Paradise Ranch Estates Design Guidelines

The Planning Commission approved staff's recommendation to not modify C-INV-3 until further research is conducted to determine the status of the Paradise Ranch Estates Restoration Plan.

C-INV-4 Alternative Transportation

The Planning Commission approved staff's recommendations to modify C-INV-4. In addition, the Inverness Association submitted a letter dated November 12, 2011 to request that item 8 be further modified to either delete or reword the sentence to eliminate the transfer of maintenance to a local district. These changes are shown as follows:

C-INV-4 ~~Alternative Transportation Road and Path Maintenance in Inverness.~~ Maintain the present roadway system in its present capacity and configuration while providing an alternative means of circulation within the Planning Area to complement the roadway system. Consider the following projects:

1. **Consider a shoreline riding and hiking trail extending from the National Park visitor reception facilities in Bear Valley and to downtown Point Reyes Station.**

2. Support continuation and expansion of Marin Transit's Stagecoach service to West Marin. [moved to Transportation C-TR-10a]
3. Seek the installation of transit waiting shelters along Sir Francis Drake Boulevard, as appropriate. [moved to Transportation C-TR-10a]
4. Post transit schedules at transit stops and distribute schedules to residents. [moved to Transportation C-TR-10a]
5. Continue to utilize the principle of "flag stops" to receive or discharge transit patrons along the transit route as a further inducement to transit patronage [moved to Transportation C-TR-10a]
6. Maintain existing residential streets at current improvement standards. Unimproved residential roadways should be improved to minimal all-weather travel standards such as crushed rock by owners of land whose frontages abut such roadways.
7. Design new streets to be in keeping with the existing streets (i.e. two-lane roadways with soft shoulders).
8. Continue to maintain existing paths and encourage new pathways. Transfer the maintenance of existing pathways, which are maintained by local volunteers, to a local district as feasible.
9. Explore with the Community all feasible means of discouraging unsafe traffic uses and practices in the 1st and 2nd Valleys.

Uniformity

The Planning Commission approved staff's recommendations to not include new policy C-ES-7 to address specific standards for retail sales facilities in the East Shore of Tomales Bay.

C-DB-1 Community Character of Dillon Beach

The Planning Commission approved staff's recommendations to modify C-DB-1 as follows:

C-DB-1 Community Character of Dillon Beach. Maintain the existing character of residential and small-scale commercial development in Dillon Beach and Oceana Marin. Dillon Beach Resort, including all properties zoned C-RCR and C-RMPC between Dillon Beach Road and Dillon Creek, would be an appropriate site for new development of a modest scale, including a small motel, cafe, delicatessen, or restaurant, and day-use facilities. Due to its the proximity of the site of the former Pacific Marine Station site to the shoreline, ~~it this~~ the former Pacific Marine Station is an especially suitable area for facilities where many people can enjoy its prime location. The site offers opportunities, for example, for community services, a conference center, and youth hostel. Limited residential development would be appropriate at the Dillon Beach Resort, provided it is developed as a secondary use in conjunction with visitor-serving uses. All development shall demonstrate adequate water supply and sewage disposal, and shall be sited out of sand dunes and other environmentally-sensitive areas. Building heights shall be limited to that which is compatible with the scale and character of the area. Existing C-RCR and C-RMPC zoning shall be maintained. Maintain existing C-RCR and C-APZ-60 zoning at Lawson's Landing.

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

C-DB-3 Oceana Marin

The Planning Commission approved staff's recommendations to add new policy C-DB-3 as follows:

NEW POLICY C-DB-3 Oceana Marin. The zoning designations for the C-RMP parcels in Oceana Marin represent the low end of the residential density ranges specified in the Dillon Beach Community Plan for the respective parcels. Development at higher density ranges may be approved if subsequent studies demonstrate that additional development can be accommodated in accordance with Policies CD-4.6 and CD-10.6 through CD-10.16 of the Dillon Beach Community Plan.

[Adapted from Unit II Recreation and Visitor Serving Facilities Policy 3.g(1) & (2), p. 51 – 52 and

New Development and Land Use Policy 8(h)(7), p. 218 (as amended)]

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

22.66.110 Dillon Beach Community Standards

...

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 Policy C-DB-4.

(New) C-DB-2 Lawson's Landing.

The Planning Commission approved staff's recommendation for new policy C-DB-2 to address Lawson's Landing, as shown below. The Commission also directed staff to clarify if Sand Haul Road is for "primary" vehicular access.

(New) C-DB-2 Lawson's Landing. Retain Lawson's Landing as an important source of lower cost visitor serving access and recreational opportunities, including coastal-dependent water-oriented activities such as boating and fishing. Pursuant to the Dillon Beach Community Plan and project approvals, support provision of a second road connecting Dillon Beach Road to Lawson's Landing along Sand Haul Road in order require Sand Haul Road to be evaluated as a means to provide primary vehicular access to Lawson's Landing and to provide relief from traffic congestion in Dillon Beach Village, subject to full environmental review.

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

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

22.66.110 Dillon Beach Community Standards

...

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

(New) C-DB-4 Dillon Beach Community Plan

At the hearing on November 7, 2011, staff recommended the Planning Commission add a new policy to refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, as follows:

(New) C-DB-4 Dillon Beach Community Plan. Refer to the Dillon Beach Community Plan, which has been certified by the California Coastal Commission, when reviewing Coastal Permits in the Dillon Beach area.

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

22.66.110 Dillon Beach Community Standards

...

E. 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 Policy C-DB-4.

ENERGY (EN)

Energy Chapter Introduction (Land Use Plan)

The PC approved staff's recommendation to revise the LUP Energy chapter introduction as proposed in the 11/7/11 staff report, and asked that it be further expanded to include additional changes suggested by the Marin Conservation League. Staff will revise and bring back to PC at future hearing for review.

Program C-EN-4.a

The PC approved staff's recommendation to modify Program C-EN-4.a as proposed in the 11/7/11 staff report and shown below:

Program C-EN-4.a ~~Collaborate with Other Agencies~~ **Study Renewable Energy Resource Potential.** Work with other agencies to study the potential for renewable energy generation in the Coastal Zone, and identify sites and areas with the most capacity for renewable resources such as wind and solar power. Within areas identified, specify sites suitable for locating renewable energy facilities with the least possible impact, and evaluate mechanisms for protecting such areas sites for compatible appropriate renewable energy facilities.

Policy C-EN-5

The PC approved Policy C-EN-5 with the following modifications (highlighted):

C-EN-5 Energy Production Facility Impacts. Ensure through siting, "stealth" design, scale, and other measures that all energy production facilities are designed and constructed to avoid where possible, and minimize where avoidance is not possible, impacts on public health, safety and welfare, public views, community character, natural resources, agricultural resources, and wildlife, including threatened or endangered species, bat populations, or and migratory birds.

Policy C-EN-6

The PC requested that staff bring back Policy C-EN-6 with Development Code language requiring that proposed solar and wind facilities are appropriately scaled and sited. See notes for proposed Development Code Sections 22.32.161, 22.32.190, and 22.32.200 below. Policy C-EN-6 was proposed in the 11/7/11 staff report as follows:

7. C-EN-6 Energy and Industrial Development. The Unit II Coastal Zone contains unique natural resources and recreational opportunities of nationwide significance. Because of these priceless resources and the very significant adverse impacts which would result if major energy or industrial development were to occur, such development, both on and offshore, is not appropriate and shall not be permitted. The development of alternative energy sources such as solar or wind energy shall be exempted from this policy.

[Continued from LCP Unit II New Development and Land Use Policy 7, p. 209]

Section 22.32.161 – Solar Energy Systems (coastal)

The PC requested that staff revise proposed Development Code Section 22.32.161 for Solar Energy Systems (coastal) to require design review for projects exceeding height and setback requirements, and to include a standard for area coverage of Free-Standing systems that equates to the needs of the individual home. Staff will revise and bring back to PC at future hearing for review. *[Note: see also changes made to Section 22.68.050 (Exempt Projects) and Section 22.130.030 (Definitions) regarding solar energy systems].*

Section 22.32.190 – Wind Energy Conversion Systems (WECS) (coastal)

The PC voted 5-1 in favor of “Alternative 4” proposed by Commissioner Holland as follows:

Implement the countywide WECS Ordinance (No. 3548) in the Coastal Zone, with modifications to restrict total WECS height to 40 ft in areas west of Hwy 1, and to 100 ft in areas east of Hwy 1.

Staff will consult with County Counsel regarding the legality and feasibility of this alternative. If found to be viable, staff will draft a proposed new section (22.32.190) for Chapter 22.32 of the Development Code to implement this Alternative. Staff will bring back to PC at future hearing for review.

Section 22.32.200 – Wind Testing Facilities (coastal)

The PC approved proposed new Development Code Section 22.32.200 to Chapter 22.32 to regulate “Wind Testing Facilities (coastal)” in the Coastal Zone, as proposed in the 11/7/11 staff report and shown below:

22.32.200 - Wind Testing Facilities (coastal).

Facilities or structures (for example: Meteorological Towers) may be allowed as a Conditional Use on a temporary basis, if necessary to perform a wind measurement study. Installations of wind testing facilities shall be considered through the Temporary Use Permit process pursuant to Chapter 22.50 (Temporary Use Permits) as well as the Coastal Permit process pursuant to Chapters 22.68 and 22.70. Any proposed wind testing facilities shall comply with the development standards and requirements of WECS (coastal), contained in Section 22.32.190.

Section 22.130.030 – Definitions

The PC approved the energy-related definitions proposed in the 11/7/11 staff report definitions with the following modifications (highlighted). Staff will bring back the definition for Solar Energy System (coastal) to the PC at a future hearing for review.

Energy Production Facility (coastal).

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

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

Solar Energy System (coastal).

A solar energy system that consists of a photovoltaic solar collector or other photovoltaic solar energy device that has a primary purpose of providing for the collection and distribution of solar energy for the generation of alternating current rated peak electricity or for the heating of a solar hot water tank.

[Adapted from Marin County Building Code Section 19.04.100]

Wind Energy Conversion System (WECS) (coastal).

Definition under revision. Staff will revise definition for consistency with WECS Alternative 4, as discussed above, and bring back to PC at future hearing for review.

HOUSING (HS)

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

The Planning Commission approved staff's recommendation to modify Program C-HS-8.a as follows:

Program C-HS-8.a Administrative Ministerial Review for Agricultural Worker Housing Units. Establish an administrative Coastal Permit ministerial review process for of applications for agricultural worker units in order to expedite the permitting process and facilitate the development of legal agricultural worker units.

PUBLIC FACILITIES AND SERVICES (PFS)

C-PFS-1 Adequate Services

The Planning Commission approved staff's recommendation to modify C-PFS-1 as follows:

C-PFS-1 Adequate Public Services.

Ensure that adequate public services (e.g. 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) are available prior to approving new development, including land divisions. Lack of available public services shall be grounds for denial of the project or for a reduction in the density otherwise indicated in the land use plan.

C-PFS-2 Expansion of Public Services

The Planning Commission approved staff's recommendation to modify C-PFS-2 as follows:

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

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

The Planning Commission approved staff's recommendation to modify C-PFS-4 as follows:

C-PFS-4 High-Priority Visitor-Serving Land Uses. In acting on any coastal project permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate treatment capacity is available and reserved in the system to serve VCR- and RCR-zoned property and other visitor-serving uses.

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

The Planning Commission approved staff's recommendation to modify C-PFS-12 as follows:

C-PFS-12 Limited Use of Off-Site Septic Systems. Allow construction of an off-site individual or community septic system (that is, on a site other than as allowed by LCP Policy C-PFS-9) only

where the system would:

1. Provide for correction of one or more failing sewage disposal system(s) that serve(s) existing development where the County Health Officer has determined that no other reasonable corrective action exists, or
2. Serve one of the following land uses that cannot be constructed feasibly in any other way: coastal-dependent land use, shoreline public access facility, or affordable housing within a community expansion village limit boundary for Very Low or Low Income residents.

C-PFS-18 Limited Use of Off-Site Septic Systems

The Planning Commission approved staff's recommendation to modify C-PFS-18 as follows:

C-PFS-18 Desalination Facilities. Due to the Coastal Zone's unique natural resources and recreational opportunities of nationwide significance, prohibit the development of desalination facilities. This policy applies to the desalination of ocean water and is not intended to prohibit the treatment of existing surface or ground water supplies for purposes of maintaining water quality.

TRANSPORTATION (TR)

C-TR-5 Bicycle and Pedestrian Network

The Planning Commission approved staff's recommendation to modify C-TR-5 as follows:

C-TR-5 Bicycle and Pedestrian Network. Ensure that the Coastal Zone has adequate bicycle and pedestrian links, both internally and to other parts of the county, and that streetscape improvements and standards are safe and pedestrian and bicycle friendly. Consistent with LCP natural resource policies, avoid incursions into environmentally sensitive areas unless such incursions are dependent on the resource and the environmentally sensitive area is protected from significant disruption of habitat values. In addition, minimize impacts to active agricultural lands or operations. (See also [Policy C-PK-14 Appropriate Alignment of the California Coastal Trail](#)).

C-TR-10.a Encourage Additional Transit Service

The Planning Commission approved staff's recommendation to modify C-TR-5 as follows:

Program C-TR-10.a Encourage Additional Transit Service. Encourage the development of new transit service routes and associated loading and turning areas, consistent with the goal of utilizing public transit to meet current and [future](#) increased use of coastal access and recreational areas. [Consider the following projects:](#)

1. [Support continuation and expansion of Marin Transit's Stagecoach service to West Marin;](#)
2. [Seek installation of transit waiting shelters, as appropriate;](#)
3. [Post transit schedules at transit stops; and](#)
4. [Consider utilizing the principle of "flag stops" to receive or discharge transit patrons along the transit route as a further inducement to transit patronage.](#)

HISTORICAL AND ARCHAEOLOGICAL RESOURCES

C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources

The Planning Commission approved staff's recommendation to modify C-HAR-2 as follows:

C-HAR-2 Potential Impacts of Development on Archaeological and Paleontological Resources.

Prior to the approval of a coastal project permit for any development proposed within an area of known or likely archaeological or paleontological significance, including sites identified in the file described in Policy C-HAR-1, require 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 at the applicant's expense to determine the extent of archaeological or paleontological resources on the site. Where development would adversely impact identified resources, require **reasonable** mitigation measures, **as appropriate**, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey.

Section 22.64.160 – Historical and Archaeological Resources

...

B. Historical and Archaeological Resource standards.

1. Implementation of mitigation measures. Implement as appropriate mitigation measures, including avoidance and permanent protection as open space, if feasible, as recommended in the field survey prepared per Land Use Policy C-HAR-2.

~~1- 2.~~ **Monitoring of construction activities on archaeological sites.** New development on sites identified as archaeologically sensitive shall be monitored per Land Use Policy C-HAR- 3.

~~2- 3.~~ **Structures of special character and visitor appeal.** Preserve and restore structures with special character and visitor appeal in coastal communities. (Land Use Policy C-HAR-4).

~~3- 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 Policy C-HAR-5.

~~4- 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 Policy C-HAR-6.

~~5- 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 Policy C-HAR-7.

~~6- 7.~~ **Villages with special character and visitor appeal.** New construction in identified (mapped?) areas having special character and visitor appeal, including historic areas shall comply with Land Use Policy C-HAR-8.

PARKS, RECREATION, & VISITOR-SERVING USES (PK)

C-PK-11 State Parks.

The Planning Commission approved staff's recommendation to modify C-PK-11 as follows:

C-PK-11 State Parks.

...

Marconi Cove Area

1. Provide day-use picnicking and boating facilities, including a boat launch ramp, at this former marina/campground site.
2. Provide approximately eight walk-in environmental campsites which could accommodate, but would not be limited to, the camping needs of bicyclists, boaters, and future hikers of the California Coastal Trail.
3. Consider adaptation of the bathhouse (potentially historic) along Highway 1. One to use as staff or campground host housing or for another park use. The old gas station is less than 50 years old, does not have the potential for historic significance, and can be demolished.
4. Provide parking facilities, park entrance, restrooms, landscaping, interpretive signage, pathways, fencing, lighting, and campground amenities such as fire rings, tables, and food lockers.
- 4 5. Retain natural values, especially where the property is narrowest, on the south end.
- 5 6. Ensure that development and operation of recreational facilities at Marconi Cove consider potential impacts to freshwater and baywater quality, wildlife, and to existing state water bottom leases utilized for commercial shellfish aquaculture.

...

(Note: rest of policy remains unchanged)

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

The Planning Commission approved staff's recommendation to modify C-PK-14 as follows:

C-PK-14 Appropriate Alignment of the California Coastal Trail. Support completion of the California Coastal Trail through Marin County as shown generally on Map 24, working with willing sellers or donors and other entities. To the extent that an interim inland bypass is necessary for the route from Tomales north to the County line, the that route should tentatively follow Dillon Beach Road and Valley Ford-Franklin School Road, as and if appropriate. This is as a preferable alternative to using Highway One as the interim route.

Acquisition, siting, and design of the California Coastal Trail should reflect the following standards:

1. Seek needed trail segments from willing sellers at fair market value, or by donation, or through the regulatory process pursuant to Policy C-PA-2;
2. Locate the trail along or as close to the shoreline as feasible;
3. Incorporate a "braided trail" concept, if necessary, in which there are separate routes for different non-motorized users;
4. Make the trail continuous and link it to other public trail systems;
5. Where not feasible to locate the trail along the shoreline due to natural landforms, sensitive natural resources, or agricultural operations, locate inland bypass segments as close to the shoreline as possible;
6. Consider use of interim trail segments an inland bypass trail, including braided trail segments where opportunities exist to create them, that assures a continuous coastal trail in the short-term, while providing for potential realignment to better locations as conditions change in the future. and sSeek opportunities over time to move such segments closer to the coastline where willing landowners agree;

7. Wherever possible, avoid locating the trail along roads with motorized vehicle traffic. If it is necessary to site the trail along roads, provide for separation of the trail from traffic.

PUBLIC COASTAL ACCESS

C-PA-2 Public Coastal Access in New Development.

The Planning Commission approved staff's recommendation to modify C-PA-2 as follows:

C-PA-2 Public Coastal Access in New Development. Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast. Where a nexus exists between the impacts of the proposed development and the provision of public access, require the dedication of a lateral and/or vertical accessway, **including segment(s) of the California Coastal Trail as provided by Policy C-PK-14,** as a condition of development, unless Policy C-PA-3 provides an exemption. Impacts on public access include, but are not limited to, the intensification of land use resulting in overuse of existing public accessways, the creation of physical obstructions or perceived deterrence to public access, and the creation of conflicts between private land uses and public access.

C-PA-8 Bolinas Mesa

The Planning Commission approved staff's recommendation to modify C-PA-8 as follows:

C-PA-8 Bolinas Mesa. **Historic p**ublic use of the two access trails across Bolinas Mesa to the RCA beach and of the beach area itself shall be protected **in accordance with the access program approved by the North Central Coast Regional Commission in its action on Permit No. 31-78 (Commonweal).** **As provided by the conditions of the Commonweal permit approval, use of the access trails and beach areas and** shall be limited to the level and character of the historic use of the property (including but not limited to use for beach access, hiking, swimming, and horseback riding) in order to protect the natural resources of Duxbury Reef. Limited signing shall be provided to identify the access trails and caution trail users of the fragile coastal resources of the area.

CHAPTER 22.65 - COASTAL ZONE PLANNED DISTRICT DEVELOPMENT STANDARDS

Staff requested the Planning Commission clarify the issue to discuss with County Counsel. After further discussion the Commission agreed this was no longer necessary.

4. In some cases, the County may require reasonable public access across those lands remaining in private ownership. Pedestrian and/or equestrian access shall be provided where consistent with adopted County and coastal plans, where consistent with Federal and State law, where not in conflict with agricultural uses, and where liability issues have been resolved. Public access for pedestrian and/or equestrian purposes may only be required as a condition of plan approval.

CHAPTER 22.62 - COASTAL ZONING DISTRICTS AND DEVELOPMENT STANDARDS

Table 5-2-a – Allowed Uses and Permit Requirements for Coastal Residential Districts

The Planning Commission approved staff's recommended changes to **Table 5-2-a** as shown in *PC Enclosure 1: Revised Staff Recommendation* (p. 27). In addition, the Commission approved staff's recommendation to delete footnote (3) since the table does not reference Master Plans and to make Mariculture/aquaculture a Conditional Use for the C-RA zoning district.

Table 5-2-b – Allowed Uses and Permit Requirements for Coastal Residential Districts

The Planning Commission approved staff's recommended changes to **Table 5-2-b** as shown in *PC Enclosure 1: Revised Staff Recommendation* (p. 28). In addition, the Commission approved staff's recommendation to delete footnote (3).

Table 5-2-c – Allowed Uses and Permit Requirements for Coastal Residential Districts

The Planning Commission approved staff's recommended changes to **Table 5-2-c** as shown in *PC Enclosure 1: Revised Staff Recommendation* (p. 29). In addition, the Commission approved staff's recommendation to delete footnote (3) and make Multi-family dwellings a Principal Permitted use for the C-RMP zoning district. .

Table 5-2-d – Allowed Uses and Permit Requirements for Coastal Residential Districts

The Planning Commission approved staff's recommended changes to **Table 5-2-d** as shown in *PC Enclosure 1: Revised Staff Recommendation* (p. 30). In addition, the following changes were made:

- Delete footnote (3) since the table does not reference Master Plans.
- Modify "Bed and Breakfast, 3 or fewer guest room" land use to "P" for C-RSPS, C-RSP, and R-RMP zoning districts
- Modify "Child day-care, small" to "P" for C-RSPS, C-RSP, and R-RMP zoning districts

Section 22.62.080 – Coastal Commercial and Mixed-Use Districts

The Planning Commission approved staff's modifications as follows:

- Modify 22.62.080.B(1). to change "Residential Commercial" to "Neighborhood Commercial"
- Modify 22.62.080.B(2), B(3), and B(4) to change "General Commercial" to "General Commercial/Mixed-Use"
- Modify 22.62.080(D) to change the title to "Development Standards for Commercial/Mixed-Use"

Table 5-3-a – Allowed Uses and Permit Requirements for Coastal Commercial/Mixed-Use Districts

The Planning Commission approved staff's recommended changes to **Table 5-3-a** as shown in *PC Enclosure 1: Revised Staff Recommendation* (p. 31). In addition, the following changes were made.

- Delete footnote (3) since the table does not reference Master Plans.
- Update permit requirement standards for "Wind Energy Conversion Systems, non-commercial"

Table 5-3-b – Allowed Uses and Permit Requirements for Coastal Commercial/Mixed-Use Districts

The Planning Commission approved staff's recommended changes to **Table 5-3-b** as shown in *PC Enclosure 1: Revised Staff Recommendation* (p. 32). In addition, the Commission approved staff's

recommendation to delete footnote (3).

Table 5-3-c – Allowed Uses and Permit Requirements for Coastal Commercial/Mixed-Use Districts

The Planning Commission approved staff's recommended changes to **Table 5-3-c** as shown in *PC Enclosure 1: Revised Staff Recommendation* (p.33). In addition, the Commission approved staff's recommendation to delete footnote (3).

Table 5-3-d – Allowed Uses and Permit Requirements for Coastal Commercial/Mixed-Use Districts

The Planning Commission approved staff's recommended changes to **Table 5-3-d** as shown in *PC Enclosure 1: Revised Staff Recommendation* (p. 34). In addition, the Commission approved staff's recommendation to delete footnote (3).

Table 5-3-e – Allowed Uses and Permit Requirements for Coastal Commercial/Mixed-Use Districts

The Planning Commission approved staff's recommended changes to **Table 5-3-e** as shown in *PC Enclosure 1: Revised Staff Recommendation* (p. 35-36). In addition, the Commission approved staff's recommendation to delete footnote (3).

Staff noted the need to update the references in 22.32.050 to allow Child day0care, large family day-care homes as a Conditional Use.

Table 5-3-f – Allowed Uses and Permit Requirements for Coastal Commercial/Mixed-Use Districts

The Planning Commission approved staff's recommended changes to **Table 5-3-f** as shown in *PC Enclosure 1: Revised Staff Recommendation* (p.37). In addition, the Commission approved staff's recommendation to delete footnote (3).

CHAPTER 22.64 - COASTAL ZONE DEVELOPMENT AND RESOURCE MANAGEMENT STANDARDS

The Planning Commission approved the following sections without any changes:

- 22.64.010 – Purpose of Chapter
- 22.64.020 – Applicability
- 22.64.030 – General Site Development Standards

Table 5-4-a Coastal Development Standards

The Planning Commission approved staff's recommended changes to **Table 5-4-a Coastal Development Standards** as shown in *PC Enclosure 1: Revised Staff Recommendation* as follows:

- Approved staff's recommendation to modify the C-H1 zoning district per PC Enclosure 1: Revised Staff Recommendation (p. 38)
- Modify footnote (1)a. to correct the reference to Section 22.64.040
- Modify footnote (3) to correct the reference to Section 22.20.090, and delete the last sentence: "~~In C-H1 districts, setbacks are determined through the Coastal Permit.~~"
- Modify footnote (5) to delete the first sentence and add a new sentence referencing Chapter 22.42 (Design Review).
- Add new footnote (6) regarding maximum residential density for proposed subdivisions within Environmentally Sensitive Habitat Areas and buffers. Staff recommended the Planning Commission discuss this issue at the Natural Systems hearing in order to determine what the buffer is and how the buffers for ESHAs relate to WCA and SCA.
- Add new footnote (7) regarding maximum residential and non-agricultural floor area for properties within Environmentally Sensitive Habitat Areas and buffers.

Table 5-4-b Coastal Development Standards

The Planning Commission approved staff's recommended changes to **Table 5-4-b Coastal Development Standards** as shown in *PC Enclosure 1: Revised Staff Recommendation* as follows:

- Modify footnote (2d) to correct the reference to Policy C-AG-6
- Add new footnote (6) regarding maximum residential density for proposed subdivisions within Environmentally Sensitive Habitat Areas and buffers
- Add new footnote (7) regarding maximum residential and non-agricultural floor area for properties within Environmentally Sensitive Habitat Areas and buffers.

Section 22.64.040 – Coastal Minimum Lot Size (-B) Combining District

The Planning Commission approved staff's recommended changes to **Section 22.64.040** as shown in *PC Enclosure 1: Revised Staff Recommendation* (p.42-43), and modified footnote (2) to correct the reference to Section 22.20.090.

The Planning Commission directed staff to provide updated language for Sections 22.64.100 through 22.64.180 and bring back for review and discussion at the hearing on January 9, 2012.

CHAPTER 22.66 - COASTAL ZONE COMMUNITY STANDARDS

The Planning Commission directed staff to provide updated language for this section and bring back for review and discussion at the hearing on January 9, 2012.