

MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

June 28, 2011

Marin County Board of Supervisors
Marin County Planning Commission
3501 Civic Center Drive
San Rafael, California 94903

SUBJECT: Local Coastal Program Amendment and Schedule

Dear Members of the Board and Planning Commission:

RECOMMENDATIONS:

1. Accept report summarizing the Local Coastal Program Amendment public review process and hearing schedule;
2. Accept public comments; and
3. Provide direction to staff on public review process and schedule.

BACKGROUND:

Following a series of public workshops conducted by the Planning Commission during 2009 and 2010 and extensive public input, a Public Review Draft of Amendments to the certified Local Coastal Program has been prepared for further consideration. The Public Review Draft includes:

- Land Use Plan policies with amendments; and
- Development Code Amendments/Implementation Plan measures.

The proposed Local Coastal Program Amendment (LCPA) will be subject to formal public hearings before the Planning Commission and Board of Supervisors. Upon adoption by the Board of Supervisors, the proposed LCPA will be submitted to the California Coastal Commission for certification.

The Local Coastal Program (LCP) is a planning document that identifies the location, type, densities, and other ground rules for development in the coastal zone. The LCP has two main components, both of which are presented in the public review draft: the Land Use Plan and the zoning/implementation measures. In Marin, the latter currently take the form of the Development Code (Title 22, Articles I – VIII of the Marin County Code). The purpose of the LCP is to implement, at the local level, the provisions of the California Coastal Act of 1976.

The original Marin County Local Coastal Program was among the earliest LCPs approved by the Coastal Commission as meeting the requirements of the Coastal Act. The Land Use Plan component of Marin County's LCP was prepared in two segments, known as Unit I and Unit II. Unit I was certified by the Coastal Commission in 1980 and includes the communities of Muir Beach, Stinson Beach, Seadrift, and Bolinas. The Unit II plan was certified in 1981 and includes the communities of Olema,

Point Reyes Station, Inverness Park, Inverness, Dillon Beach, Oceana Marin, Marshall, and Tomales. The Zoning/Implementation Plan portion of the LCP was prepared as one set of provisions for the entire coastal zone, including Chapters 22.56 and 22.57 of the Marin County Code (Interim Code), accompanied by zoning and other maps.

In 2008, some 30 years after the Marin County Local Coastal Program was prepared, the County commenced an effort to amend the LCP by conducting a joint workshop of the Board of Supervisors and Planning Commission. Community meetings followed in Muir Beach, Stinson Beach, Point Reyes Station, Tomales, and other locales, to gather public comments and identify key issues of concern. Subsequently, the Planning Commission held a series of 18 workshops during 2009 and 2010. At each workshop, one or more groups of LCP policies were discussed, public testimony was taken, and direction was provided by the Planning Commission regarding potential changes as well as key provisions to maintain as is. In addition, a number of meetings with community groups were conducted, including agricultural producers, community and environmental representatives, and staff of involved agencies.

The goals of the LCP Amendment process are to:

- Integrate policies into a single land use plan, in order to ease implementation and assure consistent application;
- Maintain in place those LCP policies that have “stood the test of time,” or make only minor changes in order to enhance policy effectiveness;
- Streamline permit requirements where possible and provide for operational efficiencies;
- Amend provisions that support agriculture, a cornerstone of the coastal zone’s economy and open space protection;
- Strengthen measures to protect and enhance natural resources;
- Minimize polluted runoff and protect the quality of coastal waters; and
- Continue to provide a wide array of opportunities for public coastal access and recreation.

THE LCP LAND USE PLAN

The Land Use Plan is presented in three groups of policies, parallel to the structure of the Marin Countywide Plan: Natural Systems and Agriculture, Built Environment, and Socioeconomic Element.

The policies of the current Unit I and Unit II plans are similar to each other in many cases, but in other instances, the text of Unit I policies on a given topic are slightly different from those of Unit II. To form a single set of plan policies out of the existing two plans, as proposed by the LCPA, thus requires a number of changes, even aside from efforts to update and strengthen the policies. Many of the proposed LCP changes are relatively minor, while some are more substantial in nature. A summary of the proposed LCP changes is included in Attachment 1.

THE LCP IMPLEMENTATION PLAN (PROPOSED DEVELOPMENT CODE AMENDMENTS)

The Implementation Plan portion of the Local Coastal Program consists of specific elements of the Marin County Development Code, accompanied by zoning maps and related materials. When the comprehensive, countywide Development Code amendments were adopted in 2003, Article V was set aside for use as the coastal zone provisions. The original Article V was not certified by the Coastal Commission. The revised version now proposed will serve as the main component of the LCP Implementation Plan carrying out the proposed Land Use Plan amendments. Selected additional portions of the Development Code outside of Article V will also serve to implement the LCP, while the remainder of the Development Code will remain separate from the LCP and would not be submitted to the Coastal Commission for review.

Under the Coastal Act, a key element in crafting the Implementation Plan is ensuring a close relationship between the Land Use Plan and the Implementation Plan. To certify the Land Use Plan, the Coastal Commission must find that it conforms with the policies of Chapter 3 of the Coastal Act. To certify the Implementation Plan, the Coastal Commission must find that it conforms with, and is adequate to carry out, the Land Use Plan provisions. Included as Attachment 2 is a summary of the proposed Implementation Plan, which is intended to accomplish the following objectives:

- Follow the overall format of the Development Code, as much as possible;
- Be sufficient to carry out all Land Use Plan policies, while being as concise as possible;
- Incorporate available streamlining measures to save time and reduce costs; and
- Facilitate a high level of public input in coastal permitting decisions.

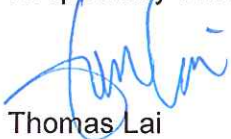
ENVIRONMENTAL REVIEW

Pursuant to Sections 15250 and 15251(f) of the California Environmental Quality Act (CEQA) Guidelines, the preparation, approval, and certification of a Local Coastal Program Amendment is exempt from the requirements for conducting environmental review because it meets CEQA environmental review requirements through the California Coastal Commission's Certified Regulatory Program "functional equivalent" review and approval process. The California Coastal Commission has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA in Sections 21080.5 and 21080.9 of the Public Resources Code.

NEXT STEPS

Staff will be promoting several workshops in the coastal area, as well as the City-Centered corridor, to present the Public Review Draft to interested individuals and groups in order to answer questions and help increase understanding of the proposals in advance of the hearings. Staff is also happy to meet individually with groups to further explain the LCP Amendment. Beginning on August 15, and continuing for 6 meetings as shown on the tentative schedule included as Attachment 3, the Planning Commission will conduct hearings on each section of the proposed LCP Amendment, addressing both the Land Use Plan and implementing Development Code Amendments. The Commission is scheduled to complete its review and to make a recommendation on the LCPA to the Board of Supervisors by the end of October. The Board of Supervisors will then take up the LCPA with hearings in November and December with adoption as early as the end of the year. In 2012, staff will prepare a submittal package to present the LCPA to the Coastal Commission for final certification.

Respectfully submitted,



Thomas Lai
Agency Assistant Director

Reviewed by:



Brian C. Crawford
Agency Director

Attachments:

1. Summary of Land Use Plan Changes
2. Summary of Implementation Plan
3. Tentative Public Hearing Schedule
4. Public Review Draft (PRD), Marin County Local Coastal Program Amendment
 - a. Draft LUP Policy Amendments
 - b. Proposed Development Code Amendments

(Please Note: In the interest of conserving resources, Attachment 4 is included only in the Board of Supervisors and Planning Commission packets. Copies of the Public Review Draft and Appendices are available in both CD and hard-copy form from the Marin County Community Development Agency (email contact information to SSilver@co.marin.ca.us) and on the Marin County Local Coastal Program website: www.MarinLCP.org)

THE MARIN COUNTY LCP LAND USE PLAN: SUMMARY OF PROPOSED CHANGES

The Land Use Plan is presented in three groups of policies, parallel to the structure of the Marin Countywide Plan: Natural Systems and Agriculture, Built Environment, and Socioeconomic Element.

The policies of the current Unit I and Unit II plans are similar to each other in many cases, but in other instances, the text of Unit I policies on a given topic are slightly different from those of Unit II. To form a single set of plan policies out of the existing two plans, as proposed by the LCPA, thus requires a number of changes, even aside from efforts to update and strengthen the policies. Many of the proposed LCP changes are relatively minor, while some are more substantial in nature. A summary of the proposed LCP changes is presented below, with references to selected revised LCP provisions.

Natural Systems and Agriculture

Agriculture (AG). The LCPA would continue to place a high priority on supporting and encouraging coastal agriculture, consistent with local goals and values as well as Coastal Act priorities. Key enhancements to the LCP are proposed with respect to ensuring the viability of agriculture in the future. Many of the changes respond to concerns raised by members of the public, the Planning Commission, and other interested parties. Proposed changes include:

1. Intergenerational housing units. On lands designated C-APZ, one or two additional dwelling units would be allowed without subdivision of the land, in order to support the continued operation of family farms. (Policy C-AG-2 and Program C-AG-2.b)
2. On-site agricultural sales and processing. On lands designated C-APZ or C-ARP, more detailed criteria would be provided to allow small-scale retail sales and processing of agricultural products principally grown on the site or in Marin County, in order to allow diversified operations for farmers. (Policy C-AG-2 and Program C-AG-2.e)
3. Agricultural tourism. A program to encourage farm tours and homestays is proposed. (Program C-AG-2.f)
4. Agricultural worker housing. Programs are proposed to support the establishment of dwellings for agricultural workers on agricultural land, in order to increase the legal and safe housing stock for agricultural workers, and reduce traffic on limited area roadways. (Programs C-AG-2.c and 2.d)
5. Residences on agricultural land. Measures are proposed to ensure that lands designated for agriculture are not converted to residential use, by limiting the scale of single-family dwellings. Where applicable, a single-family residence would be limited to a maximum of 8,400 square feet in

size, including any intergenerational housing units, but not including agricultural worker housing. (Policy C-AG-9)

Biological Resources (BIO). As is true of the existing LCP, the LCPA would strictly limit development within areas defined as environmentally sensitive habitats. Sand dunes, roosting and nesting habitat for birds and butterflies, and upland grasslands that serve as shorebird feeding areas would continue to be afforded protection under the revised LCP. Streams, riparian resources, and wetlands would continue to be protected.

Proposed changes to Biological Resource policies include:

1. Consistent application of policies. Whereas the policies of the Unit I and Unit II Land Use Plans are slightly different with respect to the protection of streams and wetlands, the revised policies would provide a consistent approach to protection of resources regardless of location within the County's coastal zone. Furthermore, clear statements of the overarching goals of protecting environmentally sensitive habitat areas, marine resources, and the biological productivity of coastal waters would be incorporated into the LCP. (Policies C-BIO-1, 13, and 23)
2. Environmentally Sensitive Habitat Areas (ESHAs). The Coastal Act provides specific policy direction regarding Environmentally Sensitive Habitat Areas and the development that might be allowed in or near them. The policies of the Unit I and Unit II plans lack a consistent approach with respect to these significant resources; for instance, the relevant Unit II plan policies fall under the heading of "Natural Resources." The revised policies would provide a clear definition of ESHA and policies regarding their protection.
3. Restoration of degraded resources. Where environmentally sensitive habitat areas have become degraded through past development or other activities, the revised policies would encourage their restoration and enhancement. Where feasible, the removal of non-native invasive plants would be required as part of the approval of new development. (Policy C-BIO-5)
4. Wetland and stream buffers. A more careful policy approach with respect to land uses within the buffer zone adjacent to wetlands and streams is proposed, including (for example) in buffers next to sewage treatment ponds and human-created drainage ditches. At the same time, the goal of protecting wetland and stream resources would be maintained. (Policies C-BIO-20 and 25)
5. Mitigation for diking or filling of wetlands. Where development is permitted by the LCP, such as in the very limited instances when coastal-dependent land uses require such a location, mitigation requirements for wetland impacts, including effective maintenance programs are proposed. (Policy C-BIO-21)

Environmental Hazards (EH). In potentially hazardous areas, the revised LCP would continue to require applicants to demonstrate that proposed developments would be stable and would not create a hazard. Proposed policy changes, however, would incorporate a more realistic expectation of how long such development is likely to be maintained in place, and procedures to take into account potential sea level rise. Proposed changes to LCP provisions include the following:

1. Economic lifespan. The “economic life” of structures (that is, the period during which development can be expected to remain safe without additional protective measures) would be defined as 100 years. The 100-year economic lifespan would represent a more conservative approach, compared to the existing LCP, to the approval of new development in hazardous areas and would recognize the increasing investment value over time of homes and other structures in coastal locations. (Policies C-EH-1, 5, and 9)
2. Shoreline land divisions. The revised LCP would prohibit the creation of new shoreline lots unless the lots can be developed without the need for a shoreline protective device. (Policy C-EH-17)
3. Acceptance of risk. Applicants for development in hazardous areas would be required to acknowledge through a recorded document that shoreline protective devices would not be allowed during the structure’s economic life. (Policy C-EH-3)
4. Blufftop development. Policies that address development on potentially hazardous blufftop parcels would be revised to apply throughout the County’s coastal zone, rather than only in selected areas as in the existing LCP. (Policies C-EH-5 and 7, along with accompanying programs)
5. Accessory structures. On shoreline parcels, residential accessory structures such as patios and gazebos would be allowed only if designed with the expectation of relocation landward, if necessary, and would not be subject to future protection by a revetment or other shoreline protective device. (Policy C-EH-15)
6. “Raising” of existing structures. Minimum floor elevation requirements for the renovation of existing buildings in certain flood hazard zones established by the Federal Emergency Management Agency, such as in parts of Stinson Beach, could be met without the need for a variance to setback requirements, as is the case under the existing LCP. (Policy C-EH-12)
7. Floor elevation at Seadrift. For new development in the special flood hazard zone at the Seadrift subdivision, the maximum allowable building height would take into account the minimum floor elevation requirements

established by the Federal Emergency Management Agency. (Policy C-EH-11)

Mariculture (MAR). The existing Unit II Local Coastal Program contains detailed provisions regarding the location of mariculture allotments in Tomales Bay and the methods to be used in raising shellfish commercially. Because coastal permitting of mariculture operations in state waters is generally the responsibility of the Coastal Commission and not of Marin County, the revised LCP would focus instead on providing only general support for the practice of mariculture, with only limited specific standards for the development of new mariculture operations. Those standards include the protection of eelgrass beds, operator access to mariculture leaseholds, shoreline public access, boating access, provision of appropriate onshore support facilities, and protection of visual impacts. By being incorporated into the amended LCP, such standards would be intended to guide decisions of the Coastal Commission, where applicable, on coastal permits for mariculture projects in state waters, as well as to guide decisions of the County on coastal permits for associated onshore facilities. (Policies C-MAR-1 through 3)

Water Resources (WR). Existing LCP policies that require minimizing soil exposure and wintertime grading would be continued. A number of new policies are proposed in order to broaden protections for coastal water quality from the impacts of polluted runoff:

1. Goal statement. A direct statement of the overarching goal of protecting the quality of coastal waters would be incorporated into the LCP. (Policy C-WR-1)
2. Grading. The revised LCP would address the impacts of all development projects that involve grading, rather than only those that involve 150 or more cubic yards of grading, as under the existing LCP. (Policy C-WR-4)
3. Site design and source control measures. Site design and source control measures to minimize the production, in the first place, of land development-related pollutants would be emphasized, rather than relying only on those measures that seek to control pollutants after they have been generated. (Policy C-WR-2)
4. Best Management Practices. Best Management Practices that involve post-construction facilities, such as infiltration basins, would be required to be sized properly and maintained appropriately. (Policies C-WR-11 and 12)
5. High-impact projects. Those projects that have a high potential for generating pollutants, such as auto repair shops and restaurants, would have to incorporate Best Management Practices to protect water quality, whether or not such projects are subject to the National Pollutant Discharge Elimination System Phase II permit issued by the San Francisco Bay Regional Water Quality Control Board. (Policy C-WR-14)

6. Storm Water Pollution Prevention Plans. Those projects of a scale or type that raises a particular risk of polluted runoff could be required to be accompanied by a Storm Water Pollution Prevention Plan, at the discretion of the Department of Public Works. Such a plan would be required to describe in detail how storm water and polluted runoff would be managed, utilizing source control and treatment control measures and both structural and non-structural measures. (Policy C-WR-13)
7. Public information. The efforts of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) would be supported in the LCP Amendment by providing information to permit applicants and the public regarding ways to minimize polluted runoff and to retrofit existing developments. (Program C-WR-14.a)

Built Environment

Community Design (DES). Existing requirements that are applicable to signs, utility lines, and tree protection would be maintained. New provisions would include:

1. Ridgeline development. A policy and program would be added to the LCP, based on the Countywide Plan provision that applies outside the coastal zone, to protect views of ridgelines by requiring development on or near visually prominent ridgelines to be placed appropriately. (Policy C-DES-3 and Program C-DES-3.a)
2. Building height limits. Height limit requirements for new development would be maintained as they are in the existing Unit I and Unit II Local Coastal Programs, with the exception that at the Seadrift subdivision in Stinson Beach, height limits would take into account Federal Emergency Management Agency requirements. (Policy C-DES-4)
3. Night lighting. A new policy is proposed in order to minimize the off-site impacts of exterior night lighting. (Policy C-DES-7)
4. Fuel modification. A new policy is proposed in order to minimize the impacts of fuel modification associated with new development, while providing for fire safety. (Policy C-DES-11)

Community Development (CD). Maintaining the character of Marin County's coastal zone, with its small villages surrounded by farms and open space, is the focus of the LCP's Community Development policies. A brief look at the amount and pace of development in Marin's coastal communities over the past few decades is useful. The Unit I and Unit II Local Coastal Programs state that there were some 2,771 residential units in the coastal communities at the time of LCP adoption in the early 1980s. As amended subsequently, the LCPs state that an additional 1,992-1,999 units, beyond what existed at that time, could be built under plan policies. Ultimate buildout, then, is stated

by the Unit I and Unit II plans to be approximately 4,763-4,770 units. (It appears that these numbers represent only primary units, not including second units or agricultural worker units, although such dwelling units should be part of total buildout figures.)

Analysis prepared for the 2007 Countywide Plan (CWP) Environmental Impact Report (EIR) states that the number of dwelling units within coastal communities had grown by that year to approximately 3,528 units, accompanied potentially by 373 additional second residential units. Furthermore, the EIR estimates that outside the listed communities there were 246 primary residential units and potentially an additional 219 units. Thus, the EIR concludes that in the coastal zone there were a total of 4,366 residential units of all types. The EIR states also that the potential for development of additional residential units would lead to a total buildout for the coastal zone by 2030 of 5,422 units.

It appears that the pace of development over recent decades has been well within past buildout estimates. The Local Coastal Program Amendments propose no major changes in the location or intensity of new residential and commercial development. As before, most new development would be directed toward the existing villages, with agricultural land and open space land maintained around them. Many of the Community Development policies from the existing Unit I and Unit II LCPs are proposed to be carried over to the amended plan, with modest changes suggested in order to strengthen the protection of community character.

Among key changes proposed to Community Development provisions of the LCP are the following:

1. Land use maps. Although the existing LCP includes zoning maps that indicate the location and intensity of development, the existing LCP lacks land use maps that provide a foundation for that zoning. The amended LCP would contain such land use maps along with definitions of land use categories and appropriate development densities consistent with the certified zoning maps. These zoning provisions are consistent with, and adequate to carry out the land use designations. (Policies C-CD-3, 22, 23, 24, 25, 26, and Maps 17a-m)
2. Village limit boundaries. Village limit boundaries for all coastal villages in the coastal zone would be designated; these boundaries would have the same purpose as the "community expansion boundaries" designated in the existing Unit II LCP (i.e., to concentrate development in existing developed areas), but would carry a more accurate title. Furthermore, the village limit boundaries would be applied to all, rather than only some, of the coastal villages. (Policies C-CD-2, 11, and 12)
3. Community character. Amended policies are intended to protect the residential character of coastal villages, maintain the rural character of roadways, discourage strip development along Highway One, preserve coastal views, and limit night lighting. (Policies C-CD-13, 15, 16, 17, 19, and 20)

4. Conversion to private use of visitor-serving facilities. The conversion of existing visitor-serving enterprises to “clubs” or otherwise restricted availability would be discouraged. (Policy C-CD-14)
5. The amended resource protection policies (for instance, Water Resources policies) contained in other chapters of the plan, taken together, would minimize the impacts of the built environment on the natural resources of the coastal zone.

Community Specific Policies. The existing Unit I and Unit II LCPs contain certain policies that apply only to specific communities or neighborhoods, and these are carried forward in the LCPA. As part of Countywide Plan process, additional detailed community plans were adopted for many coastal communities. However, only two of these have been amended into the existing LCP. The LCPA bridges the gap by proposing Community Specific policies that draw from all of the adopted community plans, and reflect the comments and input of community members. By incorporating these key policies for each community, the LCPA better integrates the particular needs and desires of each community to complement the overall framework for coastal planning. The Community Specific policies supplement and complement the more general LCP policies addressing community character, including those found in the Community Design and Community Development chapters of the LCP.

Community Specific policies address the communities of Muir Beach (Policy C-MB-1), Stinson Beach (Policies C-SB-1-5), Bolinas (Policies C-BOL-1-3), Olema (Policy C-OL-1), Point Reyes Station (Policies C-PRS-1-6), Inverness (Policies C-INV-1-4), Eastshore (Policies C-ES-1-6), Tomales (Policy C-TOM-1), and Dillon Beach (Policy C-DB-1). These policies, already part of community plans, do not represent new policy direction for development in the communities, but rather strengthen measures to maintain community character in ways specific to each community, while supporting visitor-serving and commercial facilities in appropriate locations, such as Point Reyes Station.

Energy (EN). The existing Unit I and Unit II plans address energy development primarily in the context of oil and gas development, thermal powerplants, and other industrial-scale facilities. LCPA policies are proposed to address the more realistic policy concerns, at least in Marin County’s coastal zone, of energy conservation and small-scale, distributed energy production facilities. These LCP policies are drawn from the Marin Countywide Plan and thus do not represent new policy approaches, but rather than extension of existing policies to the Local Coastal Program. (Policies C-EN-1-5)

Housing (HS). While the California Coastal Act does not mandate specific housing policies for inclusion in Local Coastal Programs, the Act states at the same time that it does not exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing and meeting other housing obligations. Furthermore, because housing represents a significant use of land in the coastal zone, with impacts on coastal resources, it is appropriate to include provisions

for affordable housing, second units, and other housing-related goals in the LCP. Proposed LCP provisions related to housing are drawn from existing policies contained in the Unit I and Unit II plans, as well as the Marin County Housing Element and Marin Countywide Plan. (Policies C-HS-1-9)

Public Facilities and Services (PFS). Much of the development in Marin County's coastal zone is dependent on on-site provision of water or sewage treatment, while the community facilities that serve other areas are in some cases limited in capacity. The Unit I and Unit II LCPs require that a determination of adequate services be made prior to approving new development, and LCPA policies would continue that policy approach. Furthermore, the amended LCP would continue to provide that a lack of available services shall be grounds for denial of a project or for a reduction in density. With respect to water supply, the LCPA policies would maintain existing requirements for ensuring that water wells and other water sources are determined to be adequate to support new development. In addition, the LCPA would continue to state that new utility services shall be sized so as to provide only the minimum necessary capacity without encouraging growth that cannot be handled by other public works facilities, such as roads.

New or strengthened policies regarding public facilities and services are proposed in several areas. These include:

1. Special districts. Special districts intended to provide public facilities and services should be formed only where assessment for, and provision of, the service would not induce new development inconsistent with the policies of the LCP. (Policy C-PFS-3)
2. On-site sewage disposal. New or expanded sewage disposal systems shall be designed, constructed, and maintained so as to protect the biological productivity and quality of coastal waters. Furthermore, certain requirements of existing County regulations that are not currently included in the certified Local Coastal Program would be made a part of the LCP. For instance, regulations regarding maintaining the adequacy of on-site sewage disposal systems for existing development would be incorporated into the LCP. (Policies C-PFS-6, 10, and 11)
3. Limited off-site sewage disposal. Where existing on-site systems that serve existing development have failed, a new LCP policy is proposed that would allow construction of an off-site system under only when there is no alternative means to protect coastal water quality and appropriate controls would be in place in order to prevent new or expanded development. (Policy C-PFS-13)

Transportation (TR). Existing policies that address roads in the coastal zone, such as those limiting Highway One and other coastal roads to two lanes in width, would be maintained in the amended LCP. Additional policies, drawn from the Marin Countywide Plan, are proposed to encourage non-vehicular transportation and to support bicycle and

pedestrian facilities. Furthermore, policies are proposed to reduce visitor-related traffic congestion. (Policies C-TR-1–12)

Socioeconomic

Historical and Archaeological Resources (HAR). The Coastal Act requires the protection of archaeological and paleontological resources, but does not specifically mandate the protection of historical resources. The historic architecture and character of coastal communities are fundamental, however, in keeping them attractive for residents and visitors. The LCP Amendment would continue the goals of the existing Unit I and Unit II plans to protect archaeological, paleontological, and historical resources, but with some changes in terminology. “Areas and structures of special character and visitor appeal” would replace the term “historic structures,” in order to more accurately reflect the Coastal Act’s provisions, while the boundaries of those areas and the guidelines to which development would be subject would remain unchanged. (Policies C-HAR-1–8)

Parks, Recreation, and Visitor-Serving Uses (PK). Much of Marin County’s coastal zone is within local, state, or federal parks and is thus available for public recreation and enjoyment. Commercial visitor-serving facilities, mostly of small scale, are located throughout the coastal zone. Amended LCP policies would continue the existing approach of encouraging opportunities for public recreation, including commercial facilities, while addressing the need to maintain the character of coastal communities. In the coastal villages, mixed-use development would continue to incorporate commercial visitor-serving uses of a suitable scale.

Changes proposed as part of the LCPA include:

1. Balancing land uses. Support is proposed to maintain a balance between visitor serving and local serving facilities. (Policy C-PK-4)
2. Small-scale visitor facilities. Preference would be expressed for small-scale, rather than large, tourist facilities within coastal villages. (Policy C-PK-5)
3. Lower-cost facilities. Support would be included for lower cost visitor facilities open to the public. (Policy C-PK-7)
4. State parks. Key provisions for state park properties in the coastal zone would be incorporated in the LCP. (Policy C-PK-11)
5. California Coastal Trail. Policy direction regarding completion of the California Coastal Trail through Marin County would be added. (Policy C-PK-14)

Public Coastal Access (PA). Public access to much of Marin County’s coastline is available through public ownership of coastal parks and accessways. The LCPA would

continue to support and encourage the enhancement of public access opportunities to the coast, consistent with Coastal Act policies.

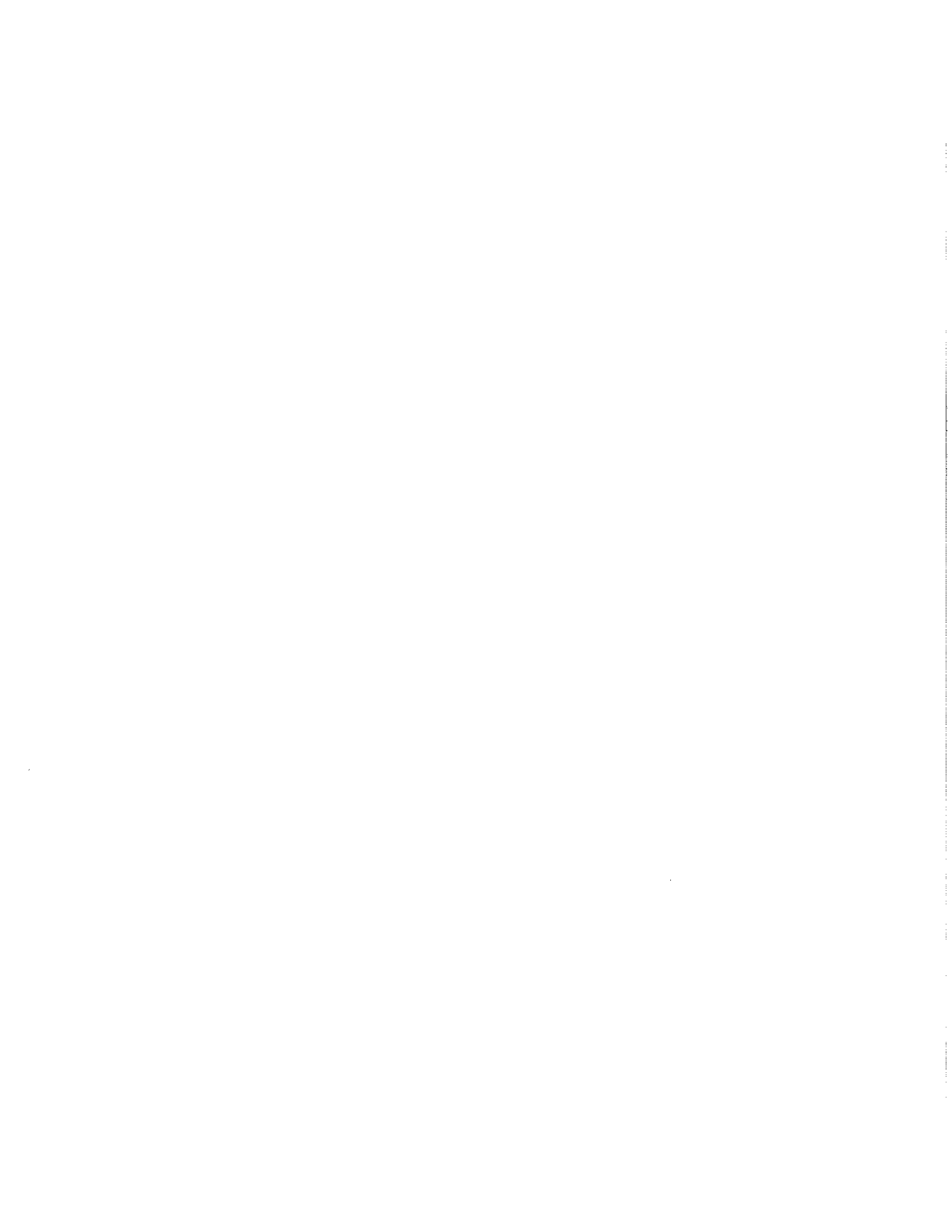
The Coastal Act requires that most shoreline development projects (that is, those defined as "new development"), receive scrutiny for possible inclusion of requirements related to the provision of public access to the coast. Since the time that the Unit I and II LCPs were approved in the early 1980s, court decisions have guided the imposition of public access conditions in connection with coastal permit decisions. For instance, to require public access as a condition of a coastal permit, a nexus between that condition and the impacts of the project upon public access is required. If such a nexus exists, then a public access requirement may be appropriate as part of coastal permit approval. Accordingly, the policies in the LCPA provide that all new development shall be examined to determine if a nexus exists between the impacts of the project and a possible public access condition, and if so, what type of coastal access requirement might be appropriate.

The site-specific coastal access recommendations contained in the existing Unit I and Unit II plans would be carried over to the amended plan, with adjustments to reflect changes subsequent to their adoption. For instance, many of the recommendations for additional coastal accessways have been carried out in the intervening years through public acquisition of parklands or other means. The provisions of the Seadrift settlement agreement, which formalize public access to the Seadrift beach and were adopted subsequent to the Unit I LCP, would be incorporated into the amended LCP. (The lengthy site-specific access policies are proposed to be placed in an appendix to the plan, rather in the plan policies.)

Changes proposed in policies related to shoreline public access include:

1. Direct dedication of accessways. An additional mechanism to provide public coastal access is proposed through direct dedication of accessways, rather than the use only of offers to dedicate accessways. (Policy C-PA-4)
2. Acceptance of offers to dedicate. Procedures for the acceptance of offers to dedicate accessways that may have already been made are proposed to be clarified. (Policy C-PA-5)
3. Multiple methods of acquiring public access. The use of all suitable means to acquire coastal accessways would be encouraged. (Policy C-PA-6)
4. Prescriptive rights of public access. Clarifications are proposed to existing LCP policies that would apply when a question is raised regarding the potential existence of prescriptive rights of public access over private land to the shoreline. (Policy C-PA-7)
5. Appropriate siting and design of accessways. Additional LCP policy changes are proposed in order to provide for the siting and design of new accessways to take into account their potential impacts on the surrounding community and their use by persons with disabilities. (Policies C-PA-10 and 13)

6. Restoration of accessways. Restoration of coastal accessways, where degraded through overuse, would be encouraged. (Policy C-PA-17)
7. Parking restrictions and other impediments. The impact of parking restrictions and physical encroachments on public coastal accessways would be addressed. (Policies C-PA-20 and 22).



THE LCP IMPLEMENTATION PLAN: PROPOSED DEVELOPMENT CODE AMENDMENTS

The local government shall submit to the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions which are required pursuant to this chapter...adequate to carry out the provisions of the certified land use plan...

California Coastal Act, Section 30513

The Implementation Plan portion of the Local Coastal Program consists of specific elements of the Marin County Development Code, accompanied by zoning maps and related materials. When the comprehensive, countywide Development Code amendments were adopted in 2003, Article V was set aside for use as the coastal zone provisions. The original Article V was not certified by the Coastal Commission. The revised version now proposed will serve as the main component of the LCP Implementation Plan carrying out the proposed Land Use Plan amendments. Selected additional portions of the Development Code outside of Article V will also serve to implement the LCP, while the remainder of the Development Code will remain separate from the LCP and would not be submitted to the Coastal Commission for review. The Development Code is applicable throughout the County's jurisdiction area.

Under the Coastal Act, a key element in crafting the Implementation Plan is ensuring a close relationship between the Land Use Plan and the Implementation Plan. To certify the Land Use Plan, the Coastal Commission must find that it conforms with the policies of Chapter 3 of the Coastal Act; to certify the Implementation Plan, the Coastal Commission must find that it conforms with, and is adequate to carry out, the Land Use Plan provisions.

The Public Review Draft of the Implementation Plan is intended to:

- Follow the overall format of the Development Code, as much as possible;
- Be sufficient to carry out all Land Use Plan policies, while being as concise as possible;
- Incorporate available streamlining measures to save time and reduce costs; and
- Facilitate a high level of public input in coastal permitting decisions.

Development Code provisions.

Chapter 22.32 – Standards for Specific Land Uses. While not part of Article V, this Chapter of the Development Code contains standards that apply to development throughout the County. Some standards in Chapter 22.32 will be the same inside or outside of the Coastal Zone. Others are proposed to apply specifically to development in the coastal zone and therefore they are proposed to be revised through the LCP amendment process. Examples include Agricultural Retail Sales and Facilities (Section 22.32.027) and Agricultural Intergenerational Homes (22.32.023), which carry out particular Land Use Plan policies. These section titles are marked “(Coastal)” in Chapter

22.32. Because coastal-specific standards are closely related to standards that apply throughout the County, others sections may rely in part on the general countywide standard, but will include additional standards for the Coastal Zone. In this case the general standard is specified first, and the additional coastal-specific requirements are marked with “(Coastal)” where they commence in the text. Those standards that are necessary to implement LCP Land Use Plan policies will be incorporated into the LCP and submitted to the Coastal Commission for review.

Article V. – Permit Requirements and Development Standards.

Chapter 22.60 – Purpose and Applicability of Coastal Zone Regulations. This brief chapter serves to state the purpose of Article V, which is to carry out the policies of the LCP Land Use Plan.

Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses. This chapter establishes those zoning districts that are used only in the coastal zone, describes the different types of land uses in coastal zoning districts, and establishes that “development,” as defined, requires a coastal permit, unless exempt. Chapter 22.62 presents in Tables 5-1, 5-2, and 5-3 a list of land uses appropriate to coastal zoning districts and indicates generally whether those uses are allowable in different types of districts and subject to which type of permit requirements.

The Coastal Permit is the mechanism that serves to carry out all LCP Land Use Plan provisions and assure that the LCP standards are met. In the past, some confusion has been created by reference to non-LCP processes within Coastal Permit procedures. The proposed draft clarifies and distinguishes between the responsibilities of the Coastal Permit and the non-coastal permits required by the Countywide Plan and other provisions of the Marin County Code. The proposed draft provides for efficiently coordinating these requirements, while assuring that in the rare event of conflict, the provisions of the LCP will take precedence as required by state law. As provided by draft Chapter 22.62, non-coastal permit requirements, such as those regarding master plans, design review, and use permits, are not part of the Local Coastal Program.

Certain land uses are indicated in Tables 5-1, 5-2, and 5-3 as the “Principal Permitted Use” in a given zoning district. Under the Coastal Act, a use other than the principal permit use must be treated as “appealable” to the Coastal Commission. Thus a public hearing is required on the project, and an aggrieved party may take the matter up with the Coastal Commission, if the County approves the project. Principal Permitted Uses, however, are not subject to this kind of appeal unless the project location lies within the geographic appeals area, such as between the first public road and the sea. (Section 22.70.080 of the draft provides additional detail on potential coastal permit appeals.)

In Tables 5-1, 5-2, and 5-3, certain other land uses are indicated as “Permitted Uses.” These are allowed with a coastal permit, and they may or may not be appealable to the Coastal Commission, depending on their geographic location. Uses indicated with a “U” are designated as conditional uses and require a use permit. These uses are subject to appeal to the Coastal Commission, but the use permit itself is separate from the Coastal Permit, and thus the “U” is provided here simply as a matter of information. Finally, uses

not identified in the tables for a given zone are not allowed in the zoning district, although the Development Code does provide for appeal to the County in this situation.

Chapter 22.64 – Coastal Zone Development and Resource Management Standards. This chapter provides site development standards (Table 5-4) applicable to each coastal zoning district. Chapter 22.64 also provides the standards that would apply, regardless of zoning district, to development that potentially affects the enumerated coastal resources. For instance, Sec. 22.64.050 applies to developments that could affect biological resources and lists the various requirements that would be applied through the coastal permitting process to such developments.

Where a Land Use Plan policy regarding the protection of a particular coastal resource provides a concise statement of goals, the proposed text of the Development Code provision refers specifically to that LUP policy. Thus Sec. 22.64.050.B.1, which addresses allowable uses in or near Environmentally Sensitive Habitat Areas, refers directly to Land Use Plan policies C-BIO-1 and 2, which provide a clear statement of potential uses. By referring directly to appropriate Land Use Plan policies, rather than restating the policy in whole, the text of the Development Code is at once made clearer, more concise, and automatically consistent with the LUP.

By contrast, where Land Use Plan policies regarding coastal resource protection require additional explanation or detail in order to be implemented effectively, the proposed text of the Development Code includes that additional explanation. For instance, the Land Use Plan policies that address Environmental Hazards state the goal of ensuring that new development will be safe from hazards, while Section 22.64.060 contains additional specific requirements for submittal of geotechnical reports, the measurement of appropriate blufftop setbacks for new development, and related matters. The draft Development Code provisions incorporate references in parentheses to related Land Use Plan policies, in order to facilitate review.

Chapter 22.65 – Coastal Zone Planning District Development Standards. This chapter provides certain development standards applicable to those zoning districts defined as “planned districts”: C-APZ, C-ARP, C-RSP, C-RSPS, C-RMP, C-CP, C-RMPC, and C-RCR. Outside the coastal zone, the requirement for a master plan is the mechanism applied to implement such standards, but in the coastal zone, the Coastal Permit is proposed to carry out all land use requirements related to the LCP Land Use Plan. A master plan may or may not be required for a particular development, depending on other provisions of the Development Code, but for LCP purposes, within the coastal zone the Coastal Permit is proposed to fully implement all applicable requirements.

Chapter 22.66 – Coastal Zone Community Standards. This chapter implements the community-specific policies of the LCP Land Use Plan. Those standards apply to all proposed development, regardless of zoning district, within the communities of Muir Beach, Stinson Beach, Bolinas, Olema, Point Reyes Station, Inverness, Eastshore, Tomales, and Dillon Beach. The Land Use Plan policies specific to these various communities were drawn from existing Community Plans, which form part of the Marin Countywide Plan but are separate from the Local Coastal Program.

Chapter 22.68 – Coastal Permit Requirements. This chapter explains which types of projects require a coastal permit and which projects are exempt. Coastal permit exemptions are of two types: some projects, such as certain additions to existing single-family residences, are exempt from a coastal permit under the Coastal Act and its accompanying regulations, while other projects are “categorically excluded” from the need to obtain a coastal permit, under what are known as categorical exclusion orders adopted by the Coastal Commission. The categorical exclusion orders apply to certain listed developments, such as single-family homes within specified locations where development raises no issues regarding coastal resource protection. The categorical exclusion orders are adopted by the Coastal Commission separately from the Local Coastal Program, but are intended to remain in force and thus are referred to in the draft Development Code provisions.

A proposed “streamlining” measure not previously a part of the County’s LCP is the “de minimis waiver” proposed in Section 22.68.070. A de minimis waiver is a simplified process, authorized by the Coastal Act, for County review of certain minor developments. The review process incorporates an opportunity for public review and comment.

Draft Chapter 22.68 also includes a provision not previously available for a “consolidated” coastal permit review, where a proposed project located on a shoreline site straddles the line between County and Coastal Commission coastal permitting jurisdiction. Under consolidated permit review, if the applicant and reviewing agencies agree, a unified coastal permit could be processed by the Coastal Commission, thus relieving the applicant of the necessity to obtain two separate permits from the two agencies.

Chapter 22.70 – Coastal Permit Administration. This chapter provides applicable procedures for the County’s processing of coastal permit applications, including filing, provision of public notice, decision, and appeals. Section 22.70.070 describes the findings that must be made in order to approve a coastal permit, with reference to applicable resource protection provisions of the LCP Land Use Plan.

A proposed streamlining measure, not included in the existing Local Coastal Program, is the “public hearing waiver” proposed in Section 22.70.030.C.4. As authorized by the Coastal Act, certain developments defined as “minor” that would otherwise require a public hearing can receive a waiver of that hearing, if interested parties do not request a hearing. Depending on location, some developments, even minor ones, currently require a public hearing, even if no one intends to appear or to comment; the public hearing waiver would represent a savings of time and costs in instances where proposed development is non-controversial.

The draft includes a provision in Section 22.70.140 for Emergency Coastal Permits, which are not a part of the existing LCP. Such provisions allow for appropriate response to calamities, while ensuring that a follow-up coastal permit must be secured. The draft includes also a provision in Section 22.70.150 for Coastal Permit Variances, in order to address those situations where the particular circumstances of a parcel create an unwarranted hardship for a permit applicant. Coastal Permit Variances, which are not addressed in the existing LCP, would be available only for relief from standards relating

to height, floor area ratio, and setbacks and not for standards related to coastal resource protection contained in the LCP Land Use Plan.

Maps. The Public Review Draft of the LCP incorporates applicable maps. These include:

- Zoning maps that indicate the zoning district applicable to all areas in the coastal zone
- Coastal permit jurisdiction map, also called the “post-certification” map. This map, provided in new digital form by the Coastal Commission, indicates the coastal zone boundary and, within the coastal zone, those areas subject to County jurisdiction, Coastal Commission jurisdiction, and the geographic “appealable” areas within which a County coastal permit decision may be appealed to the Coastal Commission.
- Categorical exclusion order maps, showing areas where categorical exclusion orders adopted by the Coastal Commission are applicable.

Additional Materials. In addition to the Land Use Plan, the Implementation Plan, and the applicable maps as described above, the Public Review Draft includes additional materials, some of which are provided for information purposes and others which will form part of the LCP package that is submitted to the Coastal Commission. For instance, the LCP is intended to include the “Design Guidelines for Construction in Areas of Special Character and Visitor Appeal and for pre-1930s Structures” and the “Coastal Village Community Character Review Checklist.” Other materials, such as Coastal Act policies and the strike-out/underline version of existing Unit I and Unit II Land Use Plan policies, are provided simply for assistance during the public review process and will not form part of the updated Local Coastal Program.



**Tentative Planning Commission Hearing Schedule
Local Coastal Program Update
2011**

Date	LCP Amendment Chapters
August 15, 2011 (Special Meeting)	Agriculture
August 22, 2011	Biological Resources and Other Natural Systems
September 19, 2011 (Special Meeting)	Built Environment
September 26, 2011	Socio-Economic
October 10, 2011	Contingent Meeting (If unresolved issues remain from previous hearings)
October 24, 2011	Final PC Hearing and Adoption
Nov. – Dec. 2011	Board of Supervisors Hearings and Adoption