



## Land Use Policy C-PK-3 and the Proposed Village Commercial Core Area Frequently Asked Questions

April 15, 2016

There have been a number of questions concerning the implementation of Land Use Policy C-PK-3 in the proposed Local Coastal Program Amendment (LCPA) to the Marin County Local Coastal Program (LCP). The following is intended to provide additional information on the proposed measure.

### **1. What is the Local Coastal Program Amendment?**

Marin County's Local Coastal Program was certified by the Coastal Commission in the early 1980's and consists of the Land Use Plan and Implementation Program. The process to amend the LCP began in 2008 and has included more than 50 public meetings, 26 public workshops and hearings before the Planning Commission, and over six Board of Supervisor hearings. On July 30, 2013, the Board approved Amendments to the certified Marin County Local Coastal Program, including the Land Use Plan and Implementation Program, and authorized submittal of the proposed amendments to the California Coastal Commission. On May 15, 2014, the Coastal Commission approved the LUP with a variety of significant modifications. On August 25, 2015, the Board approved the LCPA (excepting the Environmental Hazards Chapter) and IPA provisions related to Agriculture. The purpose of the April 19, 2016 Board hearing is described further in items 7 and 8 below.

### **2. What is Land Use Policy C-PK-3?**

This policy addresses mixed uses in the Coastal Village Commercial Residential (C-VCR) zoning district. The policy currently under consideration by the Board of Supervisors is shown below. The California Coastal Commission staff Suggested Modifications to the policy are shown in ~~strike-out~~ and underline, as follows:

**C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone.** Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Principal permitted use of the C-VCR zone shall include commercial ~~and residential~~ uses. ~~Require a Use Permit for~~ In the village commercial core area, residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a use permit where a finding can be made that the development maintains and/or enhances the established character of village commercial areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained. ~~proposed on the ground floor of a new or existing structure on the road-facing side of the property. Replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.~~

The Coastal Commission modifications have the effect of giving priority to commercial uses in the village commercial areas by requiring a Use Permit for ground floor residences facing the street, a feature not provided by the existing certified LCP. This provision provides an expedited path for commercial visitor-establishments over residences, consistent with Coastal Act Section 30222, which places a high priority on visitor-serving uses and states that ““lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.”

This policy only applies to those properties zoned C-VCR in the proposed village commercial core area. It does not apply to those C-VCR properties located outside the proposed village commercial core area. The general purpose of the C-VCR zone is to maintain the historic character of village commercial areas. A variety of uses are allowed in the zone, including resident serving and non-resident serving commercial businesses and residences.

The village commercial core area is proposed in the commercial areas of Stinson Beach, Bolinas, Olema, Point Reyes Station, Marshall/East Shore, and Tomales. As noted above, the policy as modified by Coastal Commission staff limits the provisions of the policy to C-VCR properties within the commercial core areas, rather than all properties within the C-VCR zoning district. Draft maps illustrating the boundaries of the proposed village commercial core area are available online here:

[http://www.marincounty.org/~media/files/departments/cd/planning/local-coastal/lcp-amendment/cpk3\\_allmaps.pdf?la=en](http://www.marincounty.org/~media/files/departments/cd/planning/local-coastal/lcp-amendment/cpk3_allmaps.pdf?la=en)

### **3. History of Policy C-PK-3**

The proposed C-PK-3 derives from the Local Coastal Program Unit I, Recreational and Visitor Serving Uses, Policy 14 since the LCP was originally certified in 1980. No similar policy exists in Unit II. The relevant portion of Policy 14 reads as follows:

...The principal permitted use of the VCR zone in the two village centers shall include commercial and residential uses. Exclusive residential uses shall be a permitted use subject to coastal permit review; however, in no case shall such use be permitted on more than 25 percent of the lots that are vacant as of the certification date of LCP I (4-1-80). Replacement of any existing residential use destroyed by natural disaster shall be exempt from the above provision and shall be permitted...

Note that there is no restriction on residential uses on the ground floor street-facing side of the property. Also note that there is no language exempting existing legally established residential uses (except in the case of destruction by natural disaster).

The policy was first considered by the Planning Commission at a workshop on Oct. 26, 2009 (at which time it was identified as Policy C-PK-1.3). The Planning Commission considered the following language, with strikeout and underscore indicating the changes made at that time by the Commission:

Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district in order to maintain the established character of the village commercial areas. The principal permitted use of the C-VCR zone shall include commercial and residential uses, ~~provided that new residential uses shall be permitted only if they are incidental to the commercial use and are not located on the ground floor of the structure.~~

Replacement of any legal existing residential use destroyed by natural disaster shall be exempt from the above provision and shall be permitted.

At this workshop the Planning Commission rejected the “ground floor” restriction proposed by staff.

At a public hearing on September 19, 2011, the Planning Commission discussed policies within the Parks, Recreation, and Visitor-Serving Uses policies and related Development Code amendments. Coastal Commission staff submitted preliminary comments suggesting that a mechanism was needed for prioritizing uses in the mixed use village areas.

On July 30, 2013, the Marin County Board of Supervisors adopted the Land Use Plan Amendments, including policy C-PK-3 as follows:

Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district in order to maintain the established character of the village commercial areas. Principal permitted use of the C-VCR zone shall include commercial and residential uses. Require a Use Permit for residential uses proposed on the ground floor of a new or existing structure on the road-facing side of the property. Replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

This language was modified to include the restriction on residential uses on the ground floor of the street-facing side to address Coastal Commission’s concerns regarding priority uses. In addition, an exemption was provided for “replacement, maintenance and repair” of existing legal residential use. As written this policy also applies throughout the C-VCR zoning district and is not limited to the village core commercial area.

On May 15, 2014 the California Coastal Commission certified policy C-PK-3 with the following suggested modifications:

**C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone.** Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas. Principal permitted use of the C-VCR zone shall include commercial and residential uses. ~~Require a Use Permit for~~ In the village commercial core area, residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a use permit where a finding can be made that the development maintains and/or enhances the established character of village commercial areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained. ~~proposed on the ground floor of a new or existing structure on the road-facing side of the property. Replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.~~

Although the Board of Supervisors approved this policy on August 25, 2015 for the purpose of submitting to the Coastal Commission, it has not yet gone into effect. The policy provides the basis for the Board’s discussion on the policy’s implementation at the April 19, 2016 public hearing. The Board also has the authority to amend language previously submitted to the Coastal Commission. The Board’s final decision on the policy and the implementing zoning will

not occur until the Coastal Commission takes action on the County's complete LCP amendments.

**4. I Live In or Own A Residence in the Proposed Commercial Core. What Does This Mean To Me?**

This provision does not prohibit new or existing residential uses. Existing legal residences are allowed to continue in these areas without any further requirements. Going forward, the policy would allow residential uses located on the upper floors, or on the ground floor of a new or existing structure not fronting the street in the commercial area, as a permitted use (i.e., no special use permit required). However, if a new residential use is proposed on the ground floor of a road-facing property, a Use Permit will be required. The purpose of the Use Permit is to ensure that the residential use maintains and/or enhances the established character of village commercial areas.

**5. How does this impact affordable housing?**

The County recognizes that housing is constrained in the coastal zone and continues to support measures to promote affordable housing. As mentioned above, affordable housing continues to be a permitted use in the C-VCR zoning district, as well as within the proposed village commercial core area. Residential continues to remain an allowable use.

**6. Why did I Receive a Notice?**

Property owners located within the proposed village commercial core areas were sent a letter (dated March 29, 2016) informing them of this proposal. Although as noted above, the policy has been under consideration for several years, the recent notice was intended to ensure that affected property owners were made aware of the implementing zoning and particularly the proposal to narrow the policy's applicability to areas delineated as the "village core" rather than the entire C-VCR zone. The same letter was sent to adjacent property owners even though the provision may not directly apply to their property in order to inform neighboring residents of the proposal. Future notices on this matter will clearly identify those affected by the provision.

Please refer to the maps showing the proposed commercial core areas online here:

[http://www.marincounty.org/~media/files/departments/cd/planning/local-coastal/lcp-amendment/cpk3\\_allmaps.pdf?la=en](http://www.marincounty.org/~media/files/departments/cd/planning/local-coastal/lcp-amendment/cpk3_allmaps.pdf?la=en)

**7. What Is the April 19, 2016 Hearing About?**

The April 19, 2016 public hearing focuses on the resubmittal of the Local Coastal Program – Land Use Plan Amendments and Implementation Program Amendments to the California Coastal Commission. The LUP Amendments establish local coastal policies consistent with the State Coastal Act, which are implemented through more specific zoning standards in the IP Amendments. As part of this proposal, the Board will consider the implementation of Land Use Policy C-PK-3. Additional information on Local Coastal Program can be found at [www.MarinLCP.org](http://www.MarinLCP.org).

Should you have comments or concerns on this particular issue, you should write a letter or attend the Board hearing on April 19<sup>th</sup> to provide your feedback. Please note that there will be further opportunities to provide input at public hearings before the Coastal Commission, Planning Commission, and Board of Supervisors, in addition to community meetings as discussed in the "What are the Next Steps" item below.

**8. What are the Next Steps?**

The Board of Supervisors will consider this proposal at the public hearing on April 19, 2016 starting at 1:30 p.m. as discussed below. This hearing is just one step in the process to evaluate

this proposal. Additional steps include bringing this provision forward with the rest of the Local Coastal Program Amendments to the California Coastal Commission for certification, which may take place in August 2016. After the Coastal Commission takes action to certify the LCP amendments, the amendments will come back to the Board of Supervisors for one or more public hearings for the County's decision regarding whether the LCP, with any modifications from the Coastal Commission, should be adopted by the County.

The implementation of this provision will require an amendment to the LCP's Implementation Program to rezone the C-VCR zoning district to create a C-VCR zoning overlay for the properties identified within the proposed village commercial core area. The zoning overlay allows special standards for properties, in addition to those established in the underlying base zone. This rezoning process will include public workshops/meetings with each affected community to provide information, obtain feedback, and evaluate the proposed boundaries of the commercial core areas. Public hearings before the Planning Commission and Board of Supervisors will also occur.

**Additional Information**

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