

Title 22I

ZONING (INTERIM)*

* The following version of Title 22 applies in the Coastal Zone areas and certain non-coastal zoning districts, including R-3G, R-3A, C-2, C-2H, M-1, M-2, and M-3 districts, on an interim basis until the chapters listed below are repealed and replaced with updated regulations. Additional zoning and subdivision regulations are contained in the Marin County Development Code.

Chapters:

22.02I Definitions

~~-22.04I Zoning – Plan Adoption~~

22.06I Enforcement and Penalties

~~-22.08I Districts Established~~

~~-22.26I R-3 Districts – Multiple Residence Districts~~

~~-22.30I G Districts~~

~~-22.34I C-2 Districts – General Commercial Districts~~

~~-22.36I M-1 Districts – Light Industrial Districts~~

~~-22.38I M-2 Districts – Heavy Industrial Districts~~

~~-22.42I H Districts~~

~~-22.45I P-D Districts – Planned Districts~~

~~-22.47I Specific Regulations for the Various Planned Districts~~

22.56I C Districts

~~-22.57I Specific Regulations for Various Coastal Regions~~

~~-22.66I Interpretations and Exceptions Generally~~

~~-22.68I Use Regulations~~

~~-22.69I Signs~~

~~-22.70I Height Regulations~~

~~-22.71I Wind Energy Conversion Systems~~

~~-22.72I Yard Regulations~~

- ~~22.73I Lot Slope Requirements~~
- ~~-22.74I Parking and Loading Requirements~~
- ~~-22.77I Tidelands~~
- ~~-22.78I Nonconforming Uses~~
- ~~-22.80I Building Permits and Plats~~
- ~~-22.82I Design Review~~
- ~~-22.84I Certificates of Occupancy~~
- ~~-22.86I Adjustments and Variances~~
- ~~-22.88I Use Permits~~
- ~~-22.89I Appeals~~
- ~~-22.90I Amendments~~
- ~~-22.96I Residential Development Review~~

22.56.130I Development requirements, standards and conditions.

H. Dune Protection.

1. No development, including grading, erection of fences, signs or other primary or accessory structures shall be permitted seaward of that undeveloped right-of-way known as Mira Vista Street in Stinson Beach.
2. Except for those shoreline protective works otherwise permitted by this chapter, development, including signs, fences and grading activities shall not be permitted seaward of the established building setback lines established by zoning districts for shoreline parcels.
3. Development of shorefront lots within the Stinson Beach and Seadrift area shall assure preservation of the existing sand dune formations in order to protect environmentally sensitive dune habitat, vegetation and to maintain the natural protection from wave runup which such natural dunes provide. Where no dunes are evident, new development shall, to the maximum extent feasible, be set back behind the first line of terrestrial vegetation. Development approvals for new projects located along such shorefront parcels shall be accompanied by findings, including mitigation conditions,

establishing the project's design and location, minimizing the need for shoreline protective works, protecting sandy beach habitat, providing a buffer area between public and private use areas, protecting the scenic and recreational character of the beach and maintaining the public rights of access to and use of beach dry sand areas. Permits authorizing repair and maintenance to existing shoreline structures shall to the extent feasible, provide for the above standards and objectives.

4. Project proposals for the subdivision of beach front lots shall be permitted only upon explicit findings that the increased development density and/or location is consistent with the standards and objectives established in subdivision 3 of this subsection.
5. No development shall be permitted in the sensitive coastal dune habitats in order to preserve dune formations, vegetation and wildlife habitats. Overuse in dune areas shall be prevented by such mechanisms as restricting parking, directing pedestrian traffic to areas capable of sustaining increased use, and fencing. No motor vehicles shall be permitted in beach or dune areas except for emergency purposes.

K. Shoreline Protection.

1. Bluff Top Setbacks. New structures shall be set back from coastal bluff areas a sufficient distance to ensure with reasonable certainty that they are not threatened from cliff retreat within their economic life expectancies. Adequate setback distances will be determined from information contained in required geologic reports and the setback formula established below. These setbacks will be of sufficient distance to eliminate the need for shoreline protective works. The following formula will be used to determine setbacks from the bluff for new structures:

Setback (meters) = structure life (years, normally at least 40 years)
X retreat rate (meters/year). In areas where vigorous sliding is taking place, an additional 15 meters should be added as a safety factor.

The retreat rate shall be determined by a geotechnical investigation conducted by a professional engineer or registered geologist which explicitly examines the site's geotechnical capability to adequately support the proposed development. The report shall include the historic and projected rate(s) of bluff retreat attributable to wave and/or surface runoff erosion. The geotechnical report shall be required in either of the following:

- a. The building or proposed development site is within one hundred fifty feet of a blufftop.

- b. The building site is located within stability zones 3 or 4 as indicated on the slope stability maps for the Bolinas and Tomales areas, which maps accompany Wagner's 1977 report, "Geology for Planning, Western Marin County." This report and accompanying maps are incorporated by reference as part of this chapter.
2. Standards and requirements for shoreline protective works. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline process shall be permitted only when:
- a. Required to serve coastal-dependent uses or to protect existing structures (constructed before adoption of the LCP).
 - b. No other nonstructural alternative is practical or preferable.
 - c. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.
 - d. The structure will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.
 - e. There will be no reduction in public access, use and enjoyment of the natural shoreline environment, and construction of a structure will preserve or provide access to related public recreational lands or facilities.
 - f. The structure will not restrict navigation, mariculture or other coastal use and will not create a hazard in the area in which it is built.

In the absence of an overall wave hazard/shoreline erosion study, any permit application for seawalls, riprap or other protective structures on beaches, shall be accompanied by engineering reports stating the nature and extent of wave erosion hazard along the beach area and an explanation of how the proposed protective works will mitigate the hazard, both on and off the project site. This requirement shall not apply to emergency permit applications applied for prior to January 1, 1983. Emergency permit applications after that date shall be subject to report requirement or shall specifically establish why the need for such protective devices was not foreseen and previously addressed through nonemergency permit applications.

Applications for placement of protective structures on beaches shall be accompanied by an engineer's report unless an overall wave hazard/shoreline erosion report exists. Said engineers report shall include:

- a. A statement of the nature and extent of wave erosion hazard;
- b. An analysis of how the proposed protective works will mitigate the hazard both on and off the site;
- c. An assessment of any adverse impacts to adjacent properties or resources that might reasonably be expected to result from construction of the protective structure.

Design standards for all shoreline structures. The design and construction of any shoreline structure shall:

- a. Make it as visually unobtrusive as possible;
- b. Respect natural landforms to the greatest degree possible;
- c. Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;
- d. Minimize the impairment and movement of sand supply and the circulation of coastal waters;
- e. Address the geologic hazards presented by construction in or near Alquist-Priola earthquake hazard zones;
- f. Provide for the reestablishment of the former dune contour and appearance.

L. Geologic Hazardous Areas.

1. Prior to the issuance of a coastal development permit for projects located in areas depicted by the Unit I LCP geologic hazards maps, the owner (applicant) shall:
 - a. Execute and record a waiver of public liability holding the county, other governmental agencies and the public harmless because of loss experienced by geologic activities. The waiver of liability shall be in a form approved by county counsel and run with the property; and
 - b. Submit along with the permit application, a report from a registered civil or structural engineer briefly describing the extent of potential geologic hazards and those construction, siting and

other recommended techniques to mitigate those possible geologic hazards.

The planning commission, following consultation with the director of public works, may modify said requirement in subdivision 1 above for selected areas or types of projects where the commission finds that:

- i. The project area is of the same general geologic nature and sufficient data has been developed (such as by a "Master Engineering Report") to adequately judge the risk and resulting standards necessary for such areas; or
 - ii. The type of project is a minor structure, not for human habitation, which presents little risk on or off site, by possible geologic hazards.
2. Floodplain Development. Coastal project permit applications adjacent to streams which periodically flood shall include a site plan that identifies the one hundred-year floodplain (as described by the Army Corps of Engineers). Development of permanent structures and other significant improvements shall not be permitted within the limits of the one hundred-year floodplain.