January 10, 2014

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Subject: **Marin County Local Coastal Program Update (LCP-2-MAR-13-0224-1)**

Dear Kevin,

Once again our staff here sends you our congratulations on your promotion, and wishes you, Dan, Madeline and all your colleagues all the best of the New Year. We hope it will be a productive one.

Our compliments on your obviously painstaking and detailed review of the LCP Amendment package; and we hope our similarly thorough responses resolve the questions you have raised. In particular you identified several instances where we agree clarifications and corrections are warranted (see item # 7, the two parts of item #27regarding "agricultural product sales" and Table 5-4-b, and item #29). We are ready to process the indicated changes by the most expeditious method, in order to assure that the Commission can act on the LCPA at its Marin County meeting this May.

We hope now that you the key other Commission staff will be able to re-engage with us in the effort to resolve issues that we had been working on with you through June of last year, and that together we develop a firm schedule for completing that process consistent with the May Commission meeting date.

For your convenience we provide both your comment and our response below, with additional attachments appended at the end. The extra copies of various materials you requested are being sent under separate cover.

1. ***"Proposed Amendment.*** *Please clarify whether the proposed amendment is intended be a complete of the existing certified LCP, or whether it is intended to modify the existing LCP."*

   Our submittal is predominantly a re-organization, restatement and refinement of the certified LCP provisions. Much of the rewording was necessitated in order to combine similar Unit 1 and 2 policies into a single set of consistent land use policies for the entire Marin County Coastal Zone. Pursuant to the County's Resolution Approving the

Submittal (#2013-58, July 30, 2013), the Amendments are grouped in six sections as shown on page 4 of the Resolution. All of the policies of the certified LCP are accounted for in these amendments, as shown in Section H of the submittal, which includes the comparisons of Unit 1 and 2 policies to the LCPA policies.

The Implementation Program (Amendment subsection 1.6) has also been re-organized in order to provide greater specificity per Administrative Regulation sec.13554(d)(3), and to reflect the organization of the Development Code for the County overall.

We also would like to clarify that section 22.56.140I "Violations and Enforcement" was not amended, although it will be renumbered. Additionally, the two Community Plans previously certified by the Commission (Bolinas Gridded Mesa and Dillon Beach) are not being amended, and are submitted for background information only.

Where substantive changes are proposed to certified policies, such revised policies in all cases have been crafted in order to conform with the requirements of Chapter 3 of the Coastal Act. Chapter 3, rather than the certified LCP, is of course the standard of review for any Amendment, under PRC Sec. 30512.2:

> **Section 30512.2 Land use plan; criteria for decision to certify or refuse certification**
>
> The following provisions shall apply to the commission's decision to certify or refuse certification of a land use plan pursuant to Section 30512:
>
> (a) The commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200)…

Moreover, subsections (a) and (b) of 30512.2 specifically provide that the CCC:

(a) "…is not authorized … to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan" and,
(b) …shall require conformance with the policies and requirements of Chapter 3 … only to the extent necessary to achieve the basic state goals specified in Section 30001.5."

The proposed amendments are consistent with these requirements.

2. ***"Proposed Amendment Documents**. We will need multiple copies of the proposed amendment documents for our review, for public review, and for Commission hearing purposes. Per item number 1 above, if the amendment is intended to be a complete replacement of the existing LCP, please submit four complete hard copies of: a) the existing LCP; b) materials clearly describing the manner in which existing LCP provisions are reflected in the new LCP; and c) the proposed new LCP. If instead the amendment is*

intended to make changes to the existing LCP but not replace it entirely, please submit four hard copies of: a) materials clearly describing the manner in which existing LCP provisions are reflected in the modified LCP; b) the proposed LCP in strike-through underline format that is color-coded (or equivalent) to identify provisions that are deleted, modified, stay the same, or are entirely new, where relevant provisions are shown in strikeout if deleted and underlined if added; and 3) a clean copy of the proposed LCP as it would appear if approved as proposed. In either case, the materials that describe the manner in which existing LCP provisions are reflected in the proposed LCP can be based on Section H (Comparisons) that you submitted, or another format that captures the information requested. In all cases, please submit pdf versions of each hard copy submittal, and a word version of the proposed LCP."

As noted in #1 above, the LCPA re-organizes, re-states and clarifies existing LCP policies, and adapts others to address new conditions consistent with the Coastal Act, including sea level rise, changing law, and threats to the viability of agriculture, among others. As we have discussed with your staff, the Crosswalks from Unit I and Unit II to the LUPA policies, and the Road Map from the existing to the proposed sections of the Development Code Implementation Plan contained in Section H (Comparisons) clearly describe the manner in which existing LCP provisions are reflected in the new LCP in that they relate each and every LCP policy and Code change to the corresponding section of the Amendment. This is the approach we specifically confirmed with your staff in August of 2013. We consequently prepared the comparisons inthis fashion and included them with our original submittal on September 20 of last year. On December 19, 2013, we phoned and corresponded again, reiterating the direction we were given, and emphasizing the considerable time it would take to re-do the comparisons in a different fashion (please see Attachment 1). Per the second item "(a)" of your request above, we are providing four additional hard copies of those comparisons under separate cover. Similarly, per item "3)" above, four clean hard copies of the LCP as proposed, along with PDF and Word versions, are being sent.

As discussed in #1 above, under the Coastal Act the standard of review for an LCP Amendment are the Chapter 3 policies of the Act itself, not the current LCP. Time and effort focusing on differences from prior LCP language rather than the consistency of the proposed amendments with the Act itself, takes away from that goal.

3. ***Community Plans.*** *It appears that the County does not intend to submit the various County Community Plans as part of the proposed LCP. It is our understanding that the Community Plans provide significant additional detail that would appear important for guiding coastal development permit (CDP) decisions. Please explain the rationale for submitting only the Bolinas Gridded Mesa and the Dillon Beach Plans and not the others. In addition, please explain how the County intends to utilize the Community Plans that are not proposed to be incorporated into the LCP in relation to proposed development.*

As the County has made clear from the very beginning, and throughout the LCPA process, Community Plans, except for the two historical anomalies (Bolinas Gridded Mesa and Dillon Beach) are part of the Countywide Plan (CWP), and like the CWP, are

separate and distinct from the LCP. Amending the Community Plans was explicitly not part of the LCPA process. Instead, Community Specific Policies were developed explicitly for the LCP (beginning at page 73 of the LCPA Land Use Plan).

In the Coastal Zone, the LCP, including the Community Specific Policies, take precedence over the CWP and its Community Plans. The LCPA provides two policies under the Interpretation of the Land Use Plan section to make this relationship clear:

> **C-INT-2 Precedence of LCP.** The LCP supersedes and takes precedence over other local plans, policies and regulations, including any conflicting provisions of the Countywide Plan, Community Plans and relevant sections of the Marin County Code. Provisions that are not addressed by the Coastal Act and the LCP (e.g. policies that address education, diversity, public health, etc.) that apply throughout the County, also apply within the Coastal Zone. Where conflicts occur between one or more provisions of the LCP such conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources. Broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.
>
> **C-INT-3 Community Plans.** Community plans are part of the Marin Countywide Plan (CWP), and are implemented through measures such as Design Review and Use Permits. The existing Dillon Beach and Bolinas Gridded Mesa community plans have been certified by the Coastal Commission and made part of the LCP; all other community plans have not. However, the public LCP process identified many community plan policies that have been directly incorporated into, and will be implemented through, the LCP. Although separate from the LCP, community plans remain as important and relevant policy guides for development in their respective communities.

These policies assure that any development which may also be subject to other County rules, including the CWP and its Community Plans, will nevertheless conform to the LCP and the Coastal Act.

While the Bolinas Gridded Mesa and Dillon Beach community plans were submitted to and certified by the Commission in prior years, and will therefore continue to be part of the certified LCP, none of the other several community plans in the Coastal Zone before or since were treated in this way. Thus the County is not submitting additional community plans as part of this LCPA.

4. ***Agricultural Worker Housing.*** *The proposed LCP's standards for agricultural worker housing are unclear, as are the ways in which the LCP currently governs agricultural worker housing and the current extent of agricultural worker housing in the County's coastal zone. Please submit an explanation that identifies: the standards that currently apply to agricultural worker housing; the standards that would apply under the proposed amendment; the number of agricultural worker housing units currently in the coastal zone; the expected number of units under the proposed policies and standards; the maximum number of units that could be allowed under the proposed policies and standards; and the way in which agricultural worker housing density is proposed to be calculated and applied*

under the proposed LCP. On the latter, the proposed LCP is particularly unclear, including where Section 22.32.028(B) indicates that proposals for agricultural worker housing that exceeds the maximum density for a specific site may need appropriate review from individuals with expertise with agriculture, and then Section 22.32.028(A) says that such housing is not included as part of density calculations.

Certified LCP: Under the certified LCP provisions, agricultural worker housing is currently allowed as a Principal Permitted Use in the C-ARP zoning district and a Conditional Use in the C-APZ district. Both require a Coastal Permit for approval, with the additional requirement of a Use Permit in C-APZ. Agricultural worker housing is subject to the general development standards for the Coastal Zone (Sec. 22.56.130I) as well as those for the agricultural district in which it is an allowed use (Sec. 22.57.024I and 22.57.035I). Mobile homes used as agricultural worker housing are allowed as a Conditional Use in both districts.

LCP Amendment: As proposed by the LCP Amendment, agricultural worker housing would be allowed as a Principal Permitted Use in the C-ARP, C-APZ and C-RA zoning districts, and as a Conditional Use in the C-OA district. An application for agricultural worker housing would be subject to the Specific Land Use Standards in LCPA Development Code Section 22.32.028, the development standards for the applicable zoning district (Sec. 22.64.030, 22.65.030, 22.65.040, 22.65.050), and all other applicable provisions in Chapters 22.62, 22.64, 22.66 and 22.68.

Existing and Expected Units: Agricultural worker housing is difficult to measure in regard to both the existing supply and anticipated future demand. Most of the existing units predate the Coastal Act. There is no existing accurate count of the number of agricultural worker housing units that are in the Coastal Zone. Staff has consulted with those familiar with the local agricultural community, reviewed permit records, and collected available statistics for agricultural workers in the County to produce a rough estimate. Based on this preliminary research, staff estimates that there could be somewhere between 50 and 75 existing agricultural worker units in the Coastal Zone, including both permanent structures and temporary mobile homes.

Distinct from other agricultural areas in California, many agricultural operations in Marin are dairies, which typically require a year-round, permanent, on-site team of agricultural workers. There are approximately 27 dairies in Marin, 7 of which are in the Coastal Zone. Each dairy operation usually requires 3-6 employees, including at least one "herdsman" and two "milkers" working full-time to oversee milking, feeding, pasturing, and other needs that arise. These employees often work 16+ hour days and unusual hours, making it difficult to live anywhere but on-site. Employees of other types of agricultural operations (i.e. grazing, row crops, processing/sales) do not always have the same requirement to live on-site, but often have difficulty finding affordable living accommodations within reasonable commuting distance.

The future demand for agricultural worker housing units is unknown, and will depend on the needs of the individual agricultural operations and any changes to the local agricultural economy. It is not expected the number of agricultural operations in the

Coastal Zone will grow in the near future. However, if existing operations find the need to hire more employees due to an expansion of production capacity and/or diversification of their operations, then additional housing may be necessary. While all development must be consistent with the Coastal Act, it is important to note that "…it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local need…" (California Employee Housing Act, Health & Safety Code Sec. 17021.6(e).) This is one of the reasons that Section 22.32.28 regulates agricultural worker housing on the basis of demonstrated need (consistent with all other LCP requirements) rather than density, as further discussed below.

Maximum Units Allowed and Density Calculations: Consistent with the California Employee Housing Act (Health & Safety Code Sec. 17000 et seq.)(CEHA), proposed LCPA Development Code Section 22.32.028 would establish that any agricultural worker housing up to the threshold of 36 beds in group living quarters or 12 units/spaces shall be considered an agricultural land use. CEHA states that this type of housing "shall not be deemed a use that implies that the employee housing is an activity that differs in any way from an agricultural use." [1] Consistent with this requirement, existing County Code provides that "for the purposes of determining compliance with the density requirements for agricultural worker housing", agricultural worker housing within the thresholds established by the Health and Safety Code cited above shall not be counted in computing residential density. Section 22.32.028 continues this provision. Rather than relying on density for regulating the number of agricultural worker units, the first paragraph of Section 22.32.028 specifies a performance standard: that such units be "commensurate with local need."

Any proposed agricultural worker housing that would exceed the threshold established by Sec. 22.32.028 would be subject to the density limitations of the applicable zoning district. This would include any group living quarters with more than 36 beds, or any units/spaces designed for use by a single family or household that exceed the 12 unit threshold. There are presently no known occurrences of agricultural worker housing that come close to reaching this threshold in Marin County's Coastal Zone. As stated above, the nature of agriculture in Marin does not necessitate large numbers of agricultural workers living on-site, which is more commonly found in large-scale agricultural areas such as the Central Valley.

In the unlikely instance that an agricultural landowner in Marin were close to exceeding the proposed density threshold, it is improbable that they would develop any agricultural worker housing beyond the established limit if it would detract from their overall development potential. In January 2013, County staff conducted an analysis of the development potential on C-APZ zoned land, which comprises the majority of agricultural land in the Coastal Zone. The analysis, which was reviewed by CCC staff, demonstrated very limited potential for the development new farmhouses and

[1] Health & Safety Code Sec. 17021.6(b): http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=17001-18000&file=17020-17024

intergenerational homes under proposed LCPA provisions. Any agricultural landowners that developed agricultural worker housing beyond the proposed threshold (36 bed/12 units) would risk diminishing the overall development potential of their land.

"Referrals" Provision: LCPA Section 22.32.028.B.1 regarding "referrals" does not contradict part 'A' of the same section. This provision would only be applicable to any proposed agricultural worker housing that would exceed the 36 bed/12 unit threshold discussed above. These proposed additional units would then have to exceed the maximum density allowed by zoning for the subject property to trigger this requirement.

5. ***Agricultural Processing Uses.*** *The proposed LCP establishes 5,000 square feet as the threshold for determining whether an agricultural processing use is principally permitted or conditional. Please submit clarification on how this figure was derived (e.g., What is the median size of existing processing facilities within the coastal zone and how did the County establish 5,000 square feet as the threshold for whether a processing use is Principally Permitted or not? What is the typical range? Would most such uses be classified as principally permitted?).*

The principal concern of the LCPA agricultural policies is "to assure the protection of the areas' agricultural economy" per PRC § 30241, and make it feasible to continue or renew agricultural use per PRC § 30242.

In our public involvement process we heard from many producers, as well as the Agricultural Commissioner and the University of California Cooperative Extension (UCCE) County Director, that providing for diversification in agricultural uses and products, and encouraging processing and distribution of locally produced foods to support food security and strengthen the viability of local agriculture are key strategies in protecting agricultural land. Agricultural experts and operators specifically cited the need to allow limited agricultural processing facilities – up to 5,000 square feet, rather than 2,500 square feet– as principally permitted uses to avoid expensive permitting costs. David J. Lewis of the UCCE summed up these concerns in his September 30, 2011 letter to the Marin County Planning Commission, which stated in part that setting 2,500 square feet as a conditional use would:

> "…add to the already high permit expenses that farmers face for this type of agricultural diversification, creating a financial disincentive for entry. Additionally, these farmstead and artisan endeavors can be limited by the barrier to their economic viability because of the of 2,500 ft.^{2} threshold. Instilling the character and uniqueness of local, farmstead, and artisan agricultural products requires a scale of operation to be a successful family business enterprise."

The UCCE currently estimates that of the eight existing or developing farmstead and artisan cheese operations in Marin only two are less than 2,500 ft^2. Like other agricultural product processing, these cheese operations require both a "make" facility and storage and aging space that in combination, when designed to be financially viable, surpass the 2,500 ft^2 threshold.

As indicated by Mr. Lewis' response, the range of most such processing facilities exceeds 2,500 ft.^{2}. Table 5-1-a of the LCPA Development Code shows that only "agricultural processing uses" $\leq$5,000 ft.^{2} in the C-APZ zone are classified as a principally permitted use.

6. ***Grazing/Agricultural Activities in Wetlands.*** *Proposed Policy C-BIO-14 continues the existing LCP's allowance for allowing continuing agricultural uses in wetlands if they have been used for such activities prior to April 1, 1981. Please explain how the County determines whether agricultural uses have been in place since that date, and provide copies of any maps or other information the County may have to make such a determination.*

Current LCP Policy Language	*Proposed LCP Policy Language*
No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities.	. . . Prohibit grazing or other agricultural uses in a wetland, except in those areas used for such activities prior to April 1, 1981, the date on which Marin's LCP was first certified. . . .

Policy C-BIO-14 carries forward the existing policy of the certified LCP to allow grazing in wetlands "presently used" for such activities. However, the proposed policy clarifies that the word "presently," which is ambiguous in the current policy, refers to the date the original policy was certified, April 1, 1981.

General ongoing agricultural activities, including grazing, do not constitute "development" and are not subject to coastal permit review. Over the 30+ years that the current policy has been in place, the County has not faced any difficulty in applying the policy. However, if the County were in the position of making such a determination it would be done on the basis of fact. Such facts may include an examination of chain of ownership, known historic operations, a sworn affidavit from the landowner or other relevant individual, best available aerial photographs in combination with topographic information, etc.

There are multiple imagery resources available online at http://earthexplorer.usgs.gov. These include aerial imagery from multiple federal agencies (including USGS) dating back to at least the 1930's, with relevant imagery available from the 1970's and 80's. In 1973 and 1976, the County contracted for private aerial imagery at a scale of about 1:20,000 to 1:24,000. These images are presently stored on 9"x 9" contact film sheets and have not been digitized. While it would be impractical to copy all of these for the Coastal Zone beforehand, we can provide the relevant copies if such a case ever arose.

7. ***Developed Area.*** *Policy C-BIO-8 reads: "In a developed area where most lots are developed and where there are relatively few vacant lots…". Are there any standards to help define these terms? Are there additional standards that define what constitutes a developed area*

and an area with relatively few vacant lots? If not, how does the County intend to determine whether a specific site is "in a developed area", and what constitutes "relatively few vacant lots"?

This policy is intended to address vacant lots flanked by developed structures. The policy is an attempt to incorporate the structural "stringline" boundary that the Coastal Commission has implemented in such cases for many years. It would fill a gap in the current certified LCP, which has no such provision. County staff suggests the following change, and moving the policy to the Design section, to clear up any confusion.

~~C-BIO-8~~ C-DES-X Stringline Method of Preventing Beach Encroachment. ~~In a developed area where most lots are developed and where there are relatively few vacant lots,~~ On a vacant lot between adjacent structures no part of a proposed new development (other than a shoreline protective device), including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjacent structures. Enclosed living space in a new unit or addition shall not extend farther seaward than a second line drawn between the most seaward portions of the enclosed living space of the adjacent structures.
[BOS app. 10/2/2012]
[New policy, not in Unit I or II]

8. ***Management of Major Vegetation.*** *Proposed Policies C-BIO-4 and C-EH-25 both allow for the "management" of major vegetation. As we have discussed, such "management" is not defined in the proposed LCP, and it is unclear whether the County is proposing that a CDP is required for the management of major vegetation, since Policy C-BIO-4 clearly states that a CDP is required only for the removal or harvesting of major vegetation. What types of activities would be interpreted to be "management", and is it the County's intent to have these activities be exempt from CDPs?*

The proposed definition of "Major Vegetation" is *"Any vegetation on a beach or sand dune, within fifty feet of the edge of a coastal bluff, in an environmentally sensitive habitat area (ESHA) or its buffer, or heritage trees and vegetation that is visually prominent and a significant part of the viewshed. Agricultural croplands and pastures and nonnative ornamental vegetation are not considered to be major vegetation. The removal of vegetation for defensible space, including the pruning and maintenance of understory vegetation within 100 feet of a building or structure, the maintenance of trees and removal of trees less than 6 inches in DBH (diameter breast height) within 100 feet of a building or structure, and the removal of vegetation within 100 feet of a power pole and/or transmission line by a public agency or their representative do not constitute removal or harvesting of major vegetation."*

The activities listed in the definition do not constitute harvesting or removal of major vegetation (Coastal Permit not required):

- removal of vegetation for defensible space including the pruning and maintenance of understory vegetation with 100 feet of a building or structure;

- maintenance of trees and removal of trees less than 6 inches DBH within 100 feet of a building or structure; and
- removal of vegetation within 100 feet of a power pole and/or transmission line by a public agency or its representative.

These activities are consistent with the provisions of Policy C-EH-25 (Vegetation Management in Environmentally Sensitive Habitat Area).

Policy C-BIO-4 also alludes to management of major vegetation, with a Coastal Permit, to…"promote the health and survival of surrounding vegetation native to the locale." This is appropriate to support the following requirements:

- Policy C-BIO-5 (Ecological Restoration) which encourages restoration and enhancement of degraded ESHAs and creation of new ESHAs. This policy is implemented by Section 22.64.050.B.3 (Ecological Restoration) of the Implementation Plan.
- Policy C-BIO-6 (Invasive Plants) which requires removal of non-native plant species and revegetation with native plant species as specified in Coastal Permit approvals. This policy is implemented by Section 22.64.050.B.5 of the Implementation Plan.
- Section 22.64.050.A.3 (Restoration and Monitoring Plan) of the Implementation Plan, which requires weed eradication and control to support establishment of native vegetation, as well as planting, maintenance and monitoring.

Requirements governing Coastal Permit applications for management or removal of major vegetation not otherwise addressed in Policies C-EH-25 or C-BIO-4 are provided in Section 22.64.060.B.10 (Major Vegetation Management) of the Implementation Plan.

9. ***Seadrift Heights.*** *Please explain what the maximum height of development at Seadrift would be under Policy C-EH-11's allowance of building heights to be calculated from the Base Flood Elevation (BFE). What is the BFE at this location and how many undeveloped parcels remain? Also, please provide an analysis to identify what the cumulative impacts such a policy over time will have on visual resources for both new and redevelopment in Seadrift.*

Policy C-EH-11 allows the 15 foot maximum building height (above finished floor) for structures located in those portions of the Seadrift Subdivision within special flood hazard zones to be measured from the minimum floor elevation required by a FEMA.

Applicability

Based on current FEMA maps, Policy C-EH-11 would only apply to properties on the south (seaward) side of Seadrift Road (other portions of the Seadrift Subdivision are located outside special flood hazard zones). There are 124 lots along Seadrift Road which would be subject to this policy. However, 117 of these are already developed with existing single family residences. In addition, all but 2 of the 7 remaining undeveloped lots are under the same ownership as an adjacent developed property.

Base Flood Elevations in Seadrift

The Base Flood Elevations (BFE) established by the latest FEMA FIRM maps (May 2009) for special flood hazard zones within the Seadrift Subdivision vary from 18 feet NAVD to 23 feet NAVD depending on location along the shoreline. It should be noted that the boundaries of these hazard zones do not follow property lines. Instead, they typically bisect parcels such that only the seaward portions of the properties fall inside the zone (and are subject to FEMA requirements).

Maximum Building Heights

The intent of Policy C-EH-11 is to maintain the overall height limit within the Seadrift Subdivision of 15 feet above finished floor (established in the existing LCP and associated zoning standards) but to allow the relative position of this 15 foot "envelope" (between finished floor and top of roof) to be adjusted upwards slightly so that the structure can be built in compliance with FEMA requirements without the need for Variance approval. As described further below, this policy is not expected to result in homes that exceed a height of 25 feet above grade under current FEMA regulations. It is also important to note that the 15 foot height (above finished floor) is a maximum, not an entitlement, and applications for development would still be subject to Coastal Permit and Design Review approval to allow consideration of proposed building design and height with respect to community character and impacts on adjoining neighbors.

FEMA requires that new structures located entirely or substantially within a special flood hazard zone must be designed such that the elevation of the bottom of the lowest horizontal structural member meets the designated BFE. As noted previously, BFE's in Seadrift vary from 18 to 23 feet NAVD depending on location. However, NAVD elevations are not an indication of height above existing grade. Elevations of properties on the south side of Seadrift Road vary from approximately 10-12 feet NAVD at the road edge (outside of special flood hazard zones) up to 15-17 feet NAVD at the rear (seaward) edge of the designated building envelopes (within special flood hazard zones). Therefore, the maximum 23 foot NAVD BFE would not exceed a height of 8 feet above existing grade in most cases (i.e. a maximum BFE of 23 feet NAVD in an area with an existing grade elevation of 15 feet NAVD represents an 8 foot height difference.) Under "worst case" conditions (within the 23 foot NAVE BFE zone), a building with a height of 15 feet from finished floor to top of roof (plus an allowance of 18 inches for the depth of the floor structure itself - from bottom of lowest horizontal member to top of finished floor) would translate into a total height of approximately 24.5 feet above actual grade.

For example, review of a recent application for construction of a new residence at 174 Seadrift located in an area with a BFE of 22 feet NAVD proposes a finished floor elevation of 23.25 feet NAVD and a maximum height of 36.48 feet NAVD (or 13.23 feet above finished floor) where existing grade is 16.25 feet NAVD. This represents a total height of 20.23 feet above existing grade. In other words, even if the full height of 15 feet above finished floor was proposed or approved for this residence, the structure would still attain a height of less than 25 feet above existing grade.

Impacts on Visual Resources

The principal public views in this area are the views from Highway 1 of Bolinas Lagoon and its environs, including the hills and canyons east of the Highway, and to the north the Bolinas Bluffs and Mesa and the Olema Valley. No ocean views across the Seadrift spit are afforded due to the elevation of the Spit and the almost continuous extent of a mix of existing vegetation and homes.

As described above, under proposed Policy C-EH-11 and current FEMA requirements, structures would continue to meet a height of 25 feet above grade in most if not all cases. The flexibility provided by Policy C-EH-11 would simply eliminate the need for a Variance process (in addition to Coastal Permit and Design Review approval) for every oceanfront property. Therefore, for the foreseeable future, the policy would not materially affect existing community character.

10. ***Shoreline Access Facilities on Bluffs.*** *Proposed Policy C-EH-16 allows for shoreline access facilities to be built when they will not cause, expand, or accelerate instability of a bluff. Does the County intend for this policy to affect both public and private accessways? Please explain.*

Proposed Policy C-EH-16 addresses engineering requirements only, rather than ownership. The policy would allow a shoreline access facility only where it would not cause, expand, or accelerate instability of the bluff. Companion proposed Policy C-EH-7 would essentially prohibit structures for private access to the beach, however. Thus, only public access facilities are potentially allowable on a bluff, and even then only if shown to not exacerbate bluff instability.

11. ***Removed Policies.*** *The following policies from the existing LCP have been removed, and such removal raises questions:*

- *Existing Unit 1 Policy 1 requires a geotechnical report if proposed development is within 150 feet of a blufftop or the site is located in stability zones 2, 3, or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area Map in "Geology for Planning, Western Marin County", 1977. This policy has been removed and replaced with a required report only when the parcel is located in "mapped" hazardous areas. Please explain why the 150' requirement was deleted and whether any areas that were previously required to prepare a geotechnical report would now be exempt under the proposed policy.*

  Proposed Policy C-EH-5 is intended to be more broadly applicable than were certain policies in the existing LCP. For instance, Policy C-EH-5 applies to all blufftop development, County-wide, without limiting its applicability to only those limited policies that were cited in the existing Unit 1 Policy 1. If development is proposed for a location subject to a hazard, then a geotechnical report would be required,

regardless of the distance from the bluff. Note also that the requirement for "economic life" of new structures is proposed to be increased to 100 years, thus heightening the bar for new proposed structures, regardless of their location.

- *Existing Unit 1 Policy 4 requires development within 300 feet of mean high tide of sea, all lots within Seadrift, parcels with 35% slopes, and parcels within Alquist-Priolo earthquake zones to sign a waiver of liability that the property is located in a hazardous area. This policy has been replaced with Policy C-EH-3, which requires the applicant to record a document exempting the County from liability from environmental hazards and that future shoreline protective devices are not to be allowed. However, the policy only requires this recording for properties "in hazardous areas". Please explain why the more specific language in the existing LCP has not been carried forward, and what the County intends to consider hazardous areas. Also, would any areas that were previously required to exempt themselves from shoreline protective devices now be exempt under the revised policy?*

  The proposed LCP policy would be comprehensively applicable to hazardous areas, rather than just the lots at Seadrift, lots with extremely steep slopes, and lots within certain earthquake zones specified in Unit 1, Policy 4. Proposed LCP Policy C-EH-2 provides examples of the types of hazards that must be addressed, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35%, unstable slopes regardless of steepness, flood hazard areas, or areas potentially inundated by accelerated sea level rise,

- *Please explain why existing IP Section 22.56.130(L)(2)'s requirement that development of permanent structures are not to be allowed within the 100 year floodplain has been removed, and how the proposed LCP would address these issues. How would proposed development in floodplains be regulated with this policy removed?*

  The revised IP sections more accurately carry out the LUPA policy, which in turn is consistent with the certified Land Use Plan and the Coastal Act. Neither the Act nor the certified LUP policies prohibit permanent structures in the 100-year floodplain. PRC Section 30253(a) requires that new development "Minimize risks to life and property in areas of high … flood… hazard." Consistent with this, the Commission certified Hazard Policy 5 of Unit II, which, as can be seen below, is repeated nearly verbatim in the LUPA, but made more rigorous by the proposals to extend the economic life requirement to 100 years, and to require that sea level rise be addressed.

  Proposed Sections 22.70.070(c) and 22.64.060(A)(1) would carry out the policy

  22.70.070 – Required Findings…
  C. Environmental Hazards. The proposed project is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Local Coastal Program, including that new development during its economic life (100

years) is safe from and does not contribute to geologic or other hazards, and the specific standards contained in Section 22.64.060 (Environmental Hazards).

22.64.060 – Environmental Hazards

A. Application requirements.

1. Environmental hazards report. Coastal permit applications for development in areas potentially subject to geologic or other hazards as mapped by the County at the time of Coastal Permit application, including Alquist-Priolo earthquake hazards zones, areas subject to tsunami runup, landslides, liquefaction, beach or bluff erosion, steep slopes averaging greater than 35 percent, unstable slopes regardless of steepness, flood hazard areas, or areas potentially inundated by accelerated sea level rise, shall include a report by a qualified registered civil or structural engineer describing the extent of potential environmental hazards on the site and recommended construction, siting and other techniques to minimize possible environmental hazards. The report shall demonstrate that, subject to the recommended measures, the area of construction is stable for development, that the development will not create a hazard or diminish the stability of the area, and that the development will not require the construction of shoreline protective devices during its economic life (100 years). (Portion of Land Use Plan Policy C-EH-2)

Certified LUP, Policy 5, p. 207
Hazards
a. An applicant for development in an area potentially subject to geologic or other hazards as mapped by the County, including… flood hazard areas, shall be required to demonstrate that the area of construction is stable for development, the development will not create a hazard or diminish the stability of the area, and the development will not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The applicant may be required to file a report by a qualified professional evaluating the geologic conditions of the site and the effect of the development. In addition, as a condition of coastal permit approval, the applicant shall be required to sign a waiver of liability exempting the County from liability for any personal or property damage caused by natural

C-EH-1 Safety of New Development. Ensure that new development during its economic life (100 years) is safe from, and does not contribute to, geologic or other hazards.
(PC app. 12/1/11, 3/16/09)
[Adapted from Unit II New Development and Land Use Policy 5.a, p. 207]

C-EH-2 Avoidance of Environmental Hazards. Require applicants for development in areas potentially subject to geologic or other hazards as mapped by the County at the time of coastal permit application, including … flood hazard areas, or areas potentially inundated by accelerated sea level rise to demonstrate that:
1. The area of construction is stable for development,
2. The development will not create a hazard or diminish the stability of the area, and
3. The development will not require the construction of shoreline protective devices during its economic life (100 years).
(PC app. 12/1/11, 3/16/09)
[Adapted from Unit I New Development and Land Use Policy 4, p. 41, and Unit II New Development and Land Use Policy 5.a, p. 207]

hazards on such properties. b. .. economic lifespans (50 years)…	**C-EH-3 Applicant's Assumption of Risk.** As a condition of coastal permit…record a document exempting the County from liability…

12. ***Water Resources.*** *The background section describes the Tomales Bay Watershed Grazing Waiver, adopted by the Regional Water Quality Control Board (RWQCB). Please provide a copy of this document.*

    The Grazing Waiver and a June 2011 status report on it by the RWQCB are provided in Attachment 3.

13. **Community Specific Policies.** C-PRS-3 supports the recommendations of the Point Reyes Station Community Plan. Please send a copy of this plan. How will the County use the Plan to guide coastal permitting?

    Policy C-PRS-3 states "continue to support the recommendations of the Point Reyes Station Community Plan to establish overnight accommodations in the Grandi Building (Assessor Parcel Number 119-234-01) and Assessor Parcel Number 119-240-55, located at the junction of Highway One and Point Reyes – Petaluma Road." This language is pulled from the existing certified LCP (p. 46), which says: "…The LCP supports the recommendations of the community plan that overnight accommodations be established in the Grandi Building, AP# 119-134-0, and on AP 119-240-05..." The intent of carrying this language forward was to retain the concept of the existing certified language.

    ~~The question of how community plans are used to guide coastal permitting is detailed in LCPA Policies in C-INT-2 (Precedence of LCP) and C-INT-3 (Community Plans).~~

    If such reference is confusing, staff suggests modifying the policy to delete the reference as follows:

    "~~Continue to~~ support the ~~recommendations of the Point Reyes Station Community Plan to~~ establishment of overnight accommodations in the Grandi Building (Assessor Parcel Number 119-234-01) and Assessor Parcel Number 119-240-55, located at the junction of Highway One and Point Reyes – Petaluma Road (See Point Reyes Community Plan background text p. 16 and Policy CL-3.2 p. 18)

    The question of how community plans are used to guide coastal permitting is detailed in LCPA Policies C-INT-2 (Precedence of LCP) and C-INT-3 (Community Plans), as well as question 3 above.

14. **Water and Sewer Capacity.** In terms of water and sewer capacity, the proposed LCP removes policies from the existing LCP, including:

- Policy 2.b (p. 187): North Marin County Water District (NMWD), serving Point Reyes Station, Olema, Inverness Park, and Paradise Ranch Estates, is adequate to serve 755 residential units (354 more than the 401 units then existing), but not adequate to serve the 1,355 units planned for buildout. After 300 residential units have been approved, to ensure that adequate water is available for visitor-serving and other priority coastal uses, the County is to cease issuing residential building permits unless NMWD certifies that capacity is available.

  This question pertains to the Point Reyes Station service area, which is part of the larger North Marin Water District (NMWD)-West Marin service area. Table 16 in the existing Unit I LCP (p. 142) shows the number of existing active connections and total buildout for Point Reyes Water System service area, and is replicated below to include updated information from the district. The LCP reported 401 active connections; updated figures from the NMWD indicate there are now 764 total connections, an increase of 363 connections as of April 21, 2011 (see Attachment 3, letter from the NMWD to Jack Liebster, dated August 4, 2011). Of the 764 total connections, 675 are residential. This represents an increase of 274 residential connections, still below the 354 additional connections anticipated in the existing LCP. It should be noted that the NMWD projects 1,036 single family accounts for the entire service area at buildout (CWP FEIR Exhibit 4.9-22), which is lower than the 1,355 anticipated in the existing LCP.

Table 16 Existing and Potential Residential Units in the Point Reyes Water System Service Area (Unit I, p. 142)				NMWD Active Service Connections (April 21, 2011)	
Location	Active Connections	Potential Additional Units	Total Buildout (existing zoning)	Residential Only Connections	Total Connections
Point Reyes Station	186	615	801	340	406
Olema	27	103	130	28	45
Inverness Park/Silver Hills	105	85	190	153	157
Paradise Ranch Estates	83	112	195	154	156
Inactive services	--	39	39	--	--
TOTAL	401	954	1,355	675	764

As part of the development review process, the County requires documentation form NMWD that. it can provide adequate water to the proroject.. In fact, this is true for all the water service providers. Therefore, this policy has not been carried forward.

- Policy 2.c: Inverness Public Utilities District, which serves Inverness and Seahaven, is to not permit development until it demonstrates reliable flow levels. When additional water is determined to exist, a reservation system for visitor-serving and other priority coastal uses should be implemented. Any expansion of capacity should have a reservation system for visitor serving uses sufficient to serve the same percentage of the maximum possible expansion of such uses as allowed by the Plan as the portion of total possible residential growth.

  Since the LCP was originally certified, the Inverness Public Utilities District (IPUD) has made a number of service improvements. The storage system was expanded in 1990 when a 20,000 gallon tank was replaced with a 70,000 gallon tank. Current storage capacity is 325,000 gallons, of which 45,250 gallons are set aside as fire reserve. Capital improvements planned by the IPUD include an expansion of water treatment capacity and replacement of aging finished-water storage tanks and increase in finished-water storage capacity to 345,000 gallons. Beyond this, IPUD does not anticipate the expansion of its water supply as there is little potential for growth in the district's service area. The district expects to meet future water demands with its current facilities, except for eventual replacement of water storage tanks. Future growth expansion of the district is constrained by the surrounding Point Reyes National Seashore and Tomales Bay State Park.

  Existing LCP Policy 2.c states: "When additional water supply is determined to exist, the County and IPUD should develop procedures to assure that adequate water will be available for visitor-serving and other priority coastal uses." IPUD estimates that ultimate development will be 600 residential unit equivalents (RUE's), slightly more than a ten percent increase over the current service demand. IPUD does not expect the total number of connections ever to exceed 525 (an increase of 24 over the current 501.

  There is very limited development potential/expansion within IPUD's service district for visitor serving uses as the majority of parcels zoned for such uses are already developed. There are 13 lots zoned commercial: three are zoned C-RCR and ten are zoned C-CP. All three of the C-RCR lots are already developed. Of the ten C-CP lots, six are developed with commercial uses, two are developed residential uses, and two are vacant. Both vacant lots are primarily tide lots on the east side of Sir Francis Drake Boulevard in Tomales Bay and have tax exempt status. One is owned by the Inverness Foundation and the other is federally owned.

  It appears that IPUD can ensure that water would be available for priority uses.

- Policy 3.e: After 24 additional units at Oceana Marin, or 125 total, the County is to cease issuing building permits unless North Marin Water District certifies that sewage capacity is available.

  The language in Policy 3.e was amended by the Board of Supervisors through Resolutions 88-333 and 89-216. This amended language is shown in the "Crosswalk Unit

II to LCPA Feb 2012.doc" provided in the County's LCPA submittal package (Section H). The certified policy language reads:

> "Therefore, to ensure that sewage will be disposed of adequately as buildout proceeds, the County shall cease issuing building permits after 24 more units have been built, or 125 total, unless NMCWD certifies that capacity is available."

This sentence has been deleted and replaced with the following in the proposed LCP:

> "Construction of additional phases will be necessary to serve all 252 single-family lots in the present service area. To ensure that sewage will be disposed of adequately as buildout proceeds, the County shall continue to require certification of adequate capacity from NMWD prior to issuing building permits for new units."

LCPA Policy C-PFS-1 requires that adequate public services are available prior to approving new development. This policy states that lack of available public services shall be grounds for project denial or reduction in the density otherwise indicated in the land use plan.

What is the implementation status of the above policies? For example, has the County approved its 300th residential unit and has North Marin Water District certified that additional capacity is available per Policy 2.b? Please explain how the proposed policies ensure that adequate water and sewer capacities are reserved for Coastal Act priority uses, such as agriculture, visitor-serving uses, and coastal dependent industry, when the County's buildout analysis shows that water and sewer capacities are already burdened and will most likely not be able to accommodate planned growth? In particular, the buildout analysis says: Coast Springs Water Company, Bolinas Public Utility District have moratoria on new water connections, and Stinson Beach County Water District, North Marin Water District-West Marin, Inverness Public Utility District, Estero Mutual Water Company, and private wells serving Marshall are all straining to meet existing capacity and are projected to not be able to serve buildout.

The existing Unit I and Unit II LCPs require that a determination of adequate services be made prior to approving new development, and proposed LCPA policies continue that policy. Furthermore, the LCPA would continue to provide that a lack of available services shall be grounds for denial of a project or for a reduction in density, per Policy C-PFS-1 and C-PFS-2, respectively, as well as Development Code Section 22.64.140.A.1. Further, Policy C-PK-1 ensures that lands designated for visitor-serving commercial and/or recreational facilities shall be given higher priority over private residential or general commercial development, and new visitor-serving uses shall not displace existing lower-cost visitor serving uses unless an equivalent replacement is provided.

LCPA Policy C-PFS-1 ensures that adequate water is available for new development. This policy is implemented through the development review process. Depending on the scope of a project, in addition to the basic submittal requirements, project applicants may be required to

provide information on evidence of water supply based on site-specific conditions and/or as part of the environmental review process. Evidence of water supply is required for each coastal permit (and some other non-coastal permits). For example, the location of existing and proposed private water wells and water supply systems must be provided, as well as the location of existing or proposed sewage disposal systems within 150 feet of proposed water wells. Yield tests and other studies may be required for projects involving wells. In addition, the location of all public and private public utility connections and methods of extension must be indicated. Finally, where water is to be supplied by the establishment of a mutual company, the applicant must submit sufficient evidence substantiated by adequate tests and/or engineering data regarding the quantity, quality and safety of the proposed water supply. For projects proposed within the boundary of a water service district, the service provider indicates if water is available.

With respect to water supply, the proposed LCPA policies would maintain existing requirements for ensuring that water wells and other water sources are determined to be adequate to support new development. Specifically, recommended policies would continue to prohibit the development of new wells in most cases where an existing public or private water system is available to serve development, as described in Policy C-PFS-14 and Development Code Section 22.64.140.A.14; require rigorous hydrological and environment studies in conjunction with applications for new wells or other water sources serving five or more parcels in Policy C-PFS-13 and Development Code Section 22.64.140.A.13; provide yield and location standards for individual water wells and other domestic water sources in Land Use Policy C-PFS-16 and Development Code Section 22.64.140.A.16; require Coastal Permit approval for the development of water sources including wells, streams, and springs, unless specifically exempted or categorically excluded in Policy C-PFS-15 and Development Code Section 22.64.140.A.15; and require the use of water saving devices to minimize wastewater generation and encourage the conservation of coastal water resources in Land Use Policy C-PFS-17 and Development Code Section 22.64.140.A.17. Water service providers generally anticipate being able to provide sufficient supply to meet projected future demand, and have effectively used conservation (water demand management) to minimize demand and reduce and delay water supply augmentation projects.

Most areas of the Coastal Zone rely on individual on-site sewage disposal systems. The LCPA continues to require that new or expanded systems be designed and sized to meet the needs of new development, including any changes to the type or intensity in use of existing structures as stated in Policy C-PFS-7 and corresponding Development Code Section 22.64.140.A.7.

LCPA Policy C-PK-1 ensures that coastal dependent and priority coastal uses are not being precluded by other types of development. The majority of the Coastal Zone's agricultural land is located outside of the various public service district boundaries and is dependent upon individual on-site wells. As mentioned above, in such instances yield tests would be required. Commercial visitor-serving facilities provide much of the supply of overnight accommodations throughout the Coastal Zone, and generally consist of small inns and bed and breakfast facilities. As previously discussed, a July 2012 survey of overnight accommodations shows that there has been a substantial increase in the number of coastal

overnight accommodations available over the past three decades, with the total capacity for visitors more than tripling (Submittal Section D, Appendix 2: Inventory of Visitor Serving, Commercial, and Recreation Facilities in the Coastal Zone). Furthermore, in some of the villages a significant portion of the housing stock is used for vacation rentals. There is now an abundant supply of overnight accommodations operating successfully in all nine of Marin's coastal communities.

Analysis of Visitor Serving Uses

When LCP Unit I was certified in 1980, the southern half of the Coastal Zone (Unit I area) was purported to have a relatively low demand for overnight accommodations compared to the northern half (Unit II area). This was concluded based on multiple factors at the time. First, there was a low business retention rate in the southern communities of Bolinas and Stinson Beach, where most of the visitor-serving businesses such as restaurants and motels were struggling and failing to survive long term. Second, it was apparent that the majority of visitors to the Unit I area were local Marin residents traveling to the Coastal Zone on day excursions and who therefore were not in need of overnight accommodations. Lastly, it was also thought that because of the close proximity to eastern Marin and San Francisco, visitors to the southern Coastal Zone who did seek overnight accommodations would do so in the other nearby areas that offered more amenities

When LCP Unit II was certified in 1981, visitor demand in the northern half of the Coastal Zone was apparently high and steadily increasing. Many of the northern communities are more remote and more difficult to reach from eastern Marin and San Francisco, which created a higher demand for overnight facilities. Most of the existing overnight accommodations for the Coastal Zone at the time were already located in the northern coastal communities to serve this need, but it was anticipated that their number would need to grow substantially to accommodate the increasing demand

Staff analysis of overnight accommodations now available in the Coastal Zone shows that the supply of such facilities has increased dramatically over the past three decades. Trends in occupancy rates indicate that demand for these accommodations has continued to rise as well. Contrary to the expectations of LCP Units I and II however, this growth in the supply and demand has occurred throughout the entire Coastal Zone, rather than just in the northern area as anticipated. As a result, there is now an abundance of overnight accommodations operating successfully in all nine of Marin's coastal communities

During off-peak visitation periods, visitor-serving business can be slow in the Coastal Zone resulting in many accommodations only being available on a seasonal basis, or shutting down business altogether. As a result, the total number of overnight facilities available at any given time can vary depending on the time of year. As of July 2012, there were an estimated 359 individual overnight accommodation facilities whose location could be verified in the Coastal Zone, including private vacation rentals, hotels, motels, campgrounds, RV parks, bed & breakfast inns, and hostels. At full capacity, these facilities can provide accommodations for approximately 4,659 visitors. This is a considerable increase from the figures provided in the existing LCP Units I and II, which identified a total of 13 individual overnight

accommodation facilities for the entire Coastal Zone that provided accommodation for an estimated 1,340 visitors. This equates to more than a twenty-five fold increase in the number of coastal overnight accommodations available over the past three decades, with total capacity for visitors more than tripling.

Summary Table of Coastal Overnight Accommodations (2012):

	Hotels/Motels/Inns/B&Bs **ROOMS**	**Campgrounds (Tent & RV)/ Hostels** **SITES/BEDS**	**Private Vacation Rentals** **UNITS**	**TOTAL**
Rooms/Sites/Units	279	966	357	1602
Capacity (# of people)	625	2080	1974	4659

In reviewing the trend in occupancy rates over the past eight years for Marin, it is apparent that while demand throughout the various coastal communities remains strong, it does fluctuate on a seasonal basis, reaching peak visitation numbers during the summer, early fall, and on holidays. During the slower winter months of December thru February, occupancy rates have consistently been in the range of 55 to 63%. These increase significantly in the months of May thru October, typically peaking in July and August around anywhere between 71 to 83%, depending on the year. This indicates that the provision of overnight accommodations is adequately serving current existing demand, while still providing ample accommodations for future foreseeable demand should it continue to grow.

If the southern Coastal Zone was struggling for overnight visitors thirty years ago, that has certainly changed. Today, Stinson Beach is one of the most popular coastal destinations in Marin, and is so frequented by overnight visitors that it is now home to the highest number of private vacation rentals in the entire Coastal Zone. Of the approximate 773 total residential dwelling units in Stinson Beach, at least 200 are confirmed to be currently available as vacation rentals. This accounts for 25% of the residential development in the community, and at full capacity can provide accommodations for roughly 1,271 visitors. Other types of overnight facilities in the area provide accommodation for an additional 100 visitors. During the summer months, occupancy rates for overnight accommodations in Marin consistently maintain a level well above 80%, according to the East Bay Economic Development Alliance. According to 2010 Census data, there are presently 632 full-time residents living in the Stinson Beach community. Given these statistics, it is estimated that the number of people staying overnight in Stinson Beach nearly triples during peak visitation periods.

15. ***On-site Sewage Disposal.*** *Policy C-PFS-10 references the requirements of AB 885 for on-site sewage disposal systems. Please explain these requirements.*

    The State Water Resources Control Board has undertaken a multi-year project to implement the requirements of AB 885. The implementation is still on-going. A statement of its effect on Marin County is included in Attachment 5.

16. ***Wells.*** *Policy C-PFS-14 removes existing Unit 2 Policy 2.a's requirement that individual wells in water service areas are only allowed if they don't affect other existing wells or*

community sources and that the water system has no plans to extend service. How do the proposed policies ensure that individual wells do not adversely affect other wells and community water sources? Also, what standards would be required of the water system to determine that they are unwilling or unable to provide service, as required by Policy C-PFS-14?

The provisions of existing certified Unit 2 Policy 2.a are worded in a way that could be interpreted as encouraging new wells in questionable areas ("…use of individual domestic water wells for new development shall be permitted…"), whereas the proposed Policy C-PFS-14 reverses the burden of proof, by prohibiting individual water systems with very limited exceptions. Furthermore, the general standard would be clarified to state that new development must be served with an adequate, safe water supply. A statement from a water supplier that it is unwilling or unable to provide service would be taken for what it is; no further standards appear to be necessary to interpret such a statement.

17. ***Septic and RWQCB.*** *Existing Unit 1 Policy 7 requires all septic systems within the coastal zone to conform with RWQCB standards. However, Policy C-PFS-8 only requires sewage disposal systems on newly created lots to conform with applicable County and state regulations, and Policy C-PFS-6 requires new and expanded sewage disposal systems to be designed, constructed, and maintained to protect the biological productivity and quality of coastal streams, wetlands, and waters. What specific standards will the County employ to meet Policy C-PFS-6's requirements?*

    Unit I Policy 7 refers to old standards of the Regional Water Quality Control Board and thus is proposed to be replaced. Proposed Policies C-PFS-8 and C-PFS-6, taken together, would address both development on new lots and development on existing lots, which present distinct challenges (i.e., existing development with a failing system may require different measures than new proposed development on a yet-to-be-created lot). The County has extensive regulations which have been adopted in compliance with Regional Board standards for septic systems. It is not appropriate to include those lengthy and technical requirements in the LCP; instead, the key performance standard is proposed to be included, which is that the biological productivity and quality of coastal waters will be protected.

18. ***Sewer and RWQCB.*** *Existing Unit 1 Policy 9 and Unit 2 Policy 3.a.2 require that any enlargement or change in intensity of use of an existing structure have adequate sewer with water quality meeting RWQCB standards. This policy has been removed and replaced with Policy C-PFS-7, which says that new and expanded sewage disposal systems are to be sized to meet the requirements of the proposed use/structure. How will the County ensure that changes in use of existing structures have adequately sized and functioning sewage disposal facilities?*

If a change in use of an existing structure would result in a change to the intensity of use of water, then it would require a Coastal Permit for approval pursuant to the definition of "Development" (Sec. 22.130.030) and the requirements for a Coastal Permit (Sec. 22.68.030). To ensure adequately sized and functional sewage disposal systems for such a change in use, Coastal Permit approval would be subject to the requirements of LCPA Development Code Section 22.64.140, specifically parts A.7 and A.10 as follows:

7. **Adequately sized sewage disposal systems**. New and expanded sewage disposal systems shall be sized adequately to meet the needs of proposed development, including any changes to the intensity in use of an existing structure (Land Use Policy C-PFS-7).

10. **Adequate on-site sewage disposal systems for existing development**. Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB885. Where repairs to existing systems are necessary, corrective actions shall be taken per Land Use Policy C-PFS-10.

Public Facilities Policies and Section 22.64.140 are included in the LCPA as a means to establish clear standards regarding the adequate sizing and functionality of sewage disposal systems. The more detailed provisions for sewage disposal systems are established by Title 18 (Sewers) of the Marin County Code, with further detailed regulations provided by County Regulations Sections 100 and 800, consistent with Chapters 18.06 and 18.07. These provisions are applicable countywide and enforced by the County Health Officer with the Environmental Health Services (EHS) division of the Community Development Agency. All applicable permit applications are referred to EHS for technical evaluation and determination of compliance with the regulations. Based on the results and information from the EHS evaluation, the coastal planner determines if the application also meets the LCP policies and codes. Further information about the County's Septic Systems Program can be found here: http://www.marincounty.org/depts/cd/divisions/environmental-health-services/septic-systems.

At the June 6, 2013 meeting between County and CCC staff in San Francisco, Deputy Director Dan Carl confirmed that it is not required in all cases for all County regulations that are applied in the Coastal Zone to necessarily be included as part of the certified LCP. Septic system regulations were discussed as one specific example of when this is acceptable. Mr. Carl stated that the specific septic system regulations that the County applies (Title 18) must be consistent with the more general provisions established by the LCPA. He said as long as that is the case, which it appears to be for septic system regulations, then there is no need to include the specific regulations in the LCPA.

19. **Sir Francis Drake Boulevard.** Existing Unit 2 Policy 4.b requires the protection of Sir Francis Drake Boulevard as a rural, scenic, two-lane roadway. This policy has been removed.

What are the County's intended policies for this road, particularly through Inverness and Olema where the road is a primary commercial thoroughfare?

LCPA Policy C-TR-1 limits all roads in the Coastal Zone to two lanes. Existing Unit II Policy 4.b was not carried forward as it appeared redundant to separately call out Sir Francis Drake Boulevard as it is covered by this policy. The County does not have any plans to expand this roadway beyond two lanes, except to allow shoulder widening for bicycles, turnout for slow-moving traffic or scenic vistas, traffic calming measures, and similar improvements consistent with Policy C-TR-1. On the other hand, Highway One is specifically called out in LCPA Policy C-TR-2 because Highway One has been officially designated as a Scenic Highway. Staff would consider modifying C-TR-1 to include a reference to Sir Francis Drake Boulevard should this clarification be necessary.

20. **Commercial Uses.** The existing LCP describes on Pages 12 and 13 and in Policy 14 under Unit 1 that the principally permitted uses in C-VCR zones are commercial and incidental residential. Exclusive residential is a conditional use, and in no case shall it be permitted on more than 25% of vacant lots. There is also introductory language specifying the need to prevent residential uses from overtaking commercial in VCR zones. This language has been removed, and now residential (including single family residential) and commercial uses are classified as a principally permitted use (PPU) in the C-VCR district. Please explain why this language was removed and why the 25% rule is not carried forward into the proposed LCP. Are there any vacant lots remaining zoned C-VCR? How will the proposed amendments ensure that commercial uses over time remain the priority along the Marin coastal zone's primary commercial streets?

Unit I Policy 14 (p. 13) states: "Exclusive residential uses shall also be permitted as a conditional use; however, in no case shall such use be permitted on more than 25% of the lots that are not vacant in each community." This policy has been interpreted to apply to the communities of Bolinas and Stinson Beach only, and has not been carried forward since it is difficult to effectively implement. Additionally, the 25% provision is counter to the statement in Unit I that proposed "a more explicit, enforceable implementation program…to both encourage and assure development of new commercial uses." (p. 13). In fact, this provision is neither explicit nor enforceable.

In Bolinas it appears there has been no change in the vacancy status. Five vacant C-VCR zoned lots were reported to exist in the existing LCP (p. 12). Today there are 6 vacant C-VCR zoned lots. It is difficult to determine if these are the same vacant parcels as described in the 1981 text. In Stinson Beach it is unclear from the LCP text the actual number of vacant parcels to use as a basis for the calculation. The text says: "In Stinson Beach commercial development adjoins Highway 1, particularly at its intersection with Calle del Mar. There are three vacant parcels in this area suitable for visitor-serving uses that are zoned Village Commercial Residential (VCR). The VCR zoned area extends beyond the intersection of Calle del Mar and Highway One, and includes the area along Arenal Avenue as well as Marine Way. It is unclear if these two areas are to be included. In addition, the "two other commercially zoned parcels further west, near the highway's

intersection with Calle del Arroyo" are zoned C-H1, not C-VCR. The C-H1 zoning district, the purpose of which is to allow the establishment of business oriented to serving the motoring public in both public and private transportation, has different standards than the C-VCR district. The major difference is that residential is not a Principally Permitted use, although single-family, two-family, and multiple dwellings are conditional and allowed subject to a use permit. Nevertheless, the policy in question would not apply to these two lots since they are not C-VCR. Therefore, one could assume the basis for determining the initial calculation was flawed for Stinson Beach.

There exist a combined total of nine vacant C-VCR parcels in Stinson Beach. This number is far greater than the three initially described in the Unit I text; five if the two C-H1 parcels are included. If only those C-VCR parcels along Highway One were intended to apply to the policy, then there are four vacant parcels. In any case, there are more vacant C-VCR parcels now than when the policy was originally written three decades ago.

It is unclear which vacant lots are subject to the policy if exclusive residential use shall not be permitted "on more than 25% of the lots that are **now vacant** in each community." [Emphasis added]. Which lots are now vacant? It is unclear to which vacant C-VCR parcels the policy applies. Does it apply to just the main commercial area along Shoreline Highway, excluding Arenal Avenue and Marine Way, or to the entire area? The way the question has been posed by CCC staff above, it appears it was intended to apply only along "the Marin Coastal Zone's **primary** commercial streets." [Emphasis added]. The policy says nothing about being located along 'primary' commercial streets. Furthermore, there appear to be more vacant lots now than when the LCP was originally certified. Regardless, over the last thirty years there has been minimal change in the general mix of uses in the area. The policy is not necessary and has not been carried forward.

How will the proposed amendments ensure that commercial uses over time remain the priority along the Marin coastal zone's primary commercial streets?
The LCPA includes policies to ensure that commercial uses over time remain priority uses within the Coastal Zone. Policy C-PK-1 requires that higher priority shall be given to visitor-serving commercial and/or recreation facilities over private residential or general commercial development. With regard to uses in the Coastal Village Commercial/Residential (C-VCR) zone, Policy C-PK-3 (see also Development Code Table 5-3-c Allowed Uses and Permit Requirements for Coastal Commercial/Mixed Use Districts, p. 67), which allows a mixture of residential and commercial uses, requires 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. These uses are appealable to the Coastal Commission.

Other factors, such as economic and market conditions, may have a greater impact than coastal regulations on uses that remain over time in the coastal zone. For example, in 2005 the Grandi Building (Assessor's Parcel 119-234-01) in Point Reyes Station received approval to renovate the existing empty building into a 20-room hotel, restaurant, and retail space on the ground floor and three affordable employee living units on the second

floor. However, the approvals expired in 2011 and have not been renewed by the applicant. It is unclear what factors may have prevented the applicant from moving forward with the project considering the amount of time and resources that went into getting the project approved in the first place, but the difficult economy probably played a role despite staff support.

In 2012, CDA staff conducted an inventory of overnight accommodations in the Coastal Zone (see Section D, Appendix 2: Inventory of Visitor Serving, Commercial, and Recreation Facilities in the Coastal Zone). The survey shows that the supply of such facilities has increased dramatically over the past three decades throughout the entire Coastal Zone. Trends in occupancy rates indicate that demand for these accommodations has continued to rise as well. As a result, there is now an abundance of overnight accommodations operating successfully in all nine of Marin's coastal communities. The survey indicates that there has been a substantial increase in the number of coastal overnight accommodations available over the past three decades, and that the provision of overnight accommodations is adequately serving current existing demand while still providing ample accommodations for future foreseeable demand should it continue to grow. (Submittal Section D ,Appendix 2: Inventory of Visitor Serving Facilities for more information).

21. State Parks General Plans. *Are the Mount Tamalpais and Tomales Bay State Park General Plans listed in Policy C-PK-11 proposed to be part of the LCP? Or, are the listed recommendations, including restoring the estuary outlet at Heart's Desire Beach, the only recommendations from the General Plans that will be used to guide CDP decisions? Please explain the intent behind these policies for State Parks, and whether these policies will be regulatory requirements or general recommendations.*

The two state park general plans cited are lengthy and complex documents, which include many provisions that are not relevant to Coastal Act policies. The policies cited in the proposed LCP amendment are those that relate to Coastal Act concerns, and those are the ones that will guide coastal permit decisions. All LCP policies are intended to provide the backing for regulatory requirements.

22. CCT. *Policy C-PK-14 and Map 25 describe the California Coastal Trail (CCT). However, Map 25 includes a Countywide map of trails. Please explain which trail segments the County considers to be the CCT.*

The California Coastal Trail is a braided trail concept. Therefore, more than one alignment of the trail may exist in any given area, and the trail system itself is evolving over time as various segments become available and land ownership opportunities present themselves. Map 25 shows the County's system of trails generally; the text provisions of proposed Policy C-PK-14 refine that map with respect to the California Coastal Trail.

23. Fires and Camping. *Proposed Policy C-PA-19 says that signs at public accessways and beaches shall indicate appropriate restrictions, including a prohibition on fires and camping. Is the intent of this policy to preclude fires and camping at all accessways and beaches at all times, or is the intent to allow for a site-specific analysis of where such restrictions may be appropriate?*

Proposed Policy C-PA-19 is intended to support signage for site-specific restrictions, as appropriate to the location. It is not intended, nor does it state, that it would prohibit all fires and camping everywhere.

24. Public Access. *The following existing LCP policies have been removed, and such removal raises questions:*

- *Existing Unit 1 Policy 8's listing of Highway 1, Bolinas-Olema Rd, and Mesa Rd for public access signage.*

  Proposed Policy C-PA-19 supports all appropriate signage for public accessways without limitation to specific sites. Thus, the proposed policy would be more broadly applicable than existing policies.

- *Existing Unit 1 Policy 9's specific access requirements Stinson Beach, including posting existing pedestrian access easements along Calle Del Arroyo, opening and maintaining at least two additional pedestrian access easements on Calle Del Arroyo at Walla Vista and another in the Calles, and protecting day-use beach access parking on the north side of Calle Del Arroyo.*

  See Policy C-PA-19. Access at Calle del Arroyo at Walla Vista is open to the public; there is no need to maintain a policy calling for such access to be "opened." Similarly, public parking is allowed on the north side of Calle del Arroyo; any proposed change to that parking availability would be subject to the requirements of proposed Policy C-PA-20.

- *Existing Unit 2 Policy 2.b's requirement that accessways should be 10 feet in width and lateral access to exist during high tide.*

  Rather than specify dimensions of accessways, which may be inappropriate for local conditions, the proposed policies, such as in Policy C-PA-6, require implementation of new access that is appropriate. Note also the inclusion of new provisions, such as those in Policies C-PA-12 through 17, which would result in better-designed accessways that are accessible to the broader public.

How does the County intend to ensure that access at these areas, particularly along the Calles, remains clearly open to the public?

See proposed Policy C-PA-16, which addresses existing public accessways. See also proposed Policy C-PA-7, which addresses prescriptive rights where such rights may exist.

25. Place and Parcel-Specific Policies. The existing LCP contains numerous policies that are specific to a particular community, park, and/or parcel. While many of the policies are carried forward into the proposed LCP or have already been implemented, some policies have not been addressed in the County's submittal. Please explain whether the following policies have been implemented or why they have not been carried forward into the proposed LCP:

Unit 1 Public Access

Policy 10: Protect public access to Duxbury Reef

The policy has not been carried forward to the LCPA since it has been implemented. Duxbury Reef is included in the Duxbury Reef State Marine Conservation Area (SMCA), which prohibits the take of all living marine resources, except the recreational take of finfish from shore only and the recreational take of abalone. However, California's marine protected areas encourage recreational and educational uses of the ocean. Activities such as kayaking, diving, snorkeling, and swimming are allowed unless otherwise restricted. The Duxbury Reef SMCA is one of 21 marine protected areas adopted by the California Fish and Game Commission in August 2009, during the second phase of the Marine Life Protection Act Initiative. Duxbury Reef has also been designated as an Area of Special Biological Significance (ASBS). Access to Duxbury Reef is provided through a parking lot at nearby Agate Beach in Bolinas, which is managed by Marin County Parks.

Unit 1: Lagoon Protection

Policy 15: Encourage restoration project to eliminate vacant lots on north side of Calle Del Arroyo.

The area referred to in this policy is an area of deferred certification, frequently referred to as a "white hole" where the Coastal Commission maintains their original jurisdiction. As such, this policy was not incorporated into the "Development Requirements, standards, and conditions" indicated in Section 22.56.1301 of the Interim Title 22 Zoning Ordinance. Pursuant to Ordinance 2638, these lots were excluded from the Coastal Zoning District designation. Coastal Permits for development in this area are reviewed and issued by the Coastal Commission rather than Marin County. Since this would continue to be an area of deferred certification, this policy is inapplicable and is not carried forward to the LCPA.

These parcels include: 195-061-01through 07, 10 – 13, 17, 18, 195-061-01, 03-05, 12-18, 21, 22, and 195-090-54.

Policy 16: Area north of Calle Del Arroyo shall be designated a resource management area, with permitted uses of fishing, birdwatching, nature study, etc.

The area referred to in this policy is an area of deferred certification. As such, this policy was not incorporated into the "Development Requirements, standards, and conditions" indicated in Section 22.56.1301 of the Interim Title 22 Zoning Ordinance. Pursuant to Ordinance 2638, these lots were excluded from the Coastal Zoning District designation. Coastal Permits for development in this area are reviewed and issued by the Coastal Commission rather than Marin County.

Staff has conducted research into the lots affected by this policy, and provided summary information in the table below. This information was taken from the County's GIS system layers that show orthophotographs, Assessor's Parcel lines and numbers, ownership information, and the National Hydrographic Database. If physical structures are shown on the 2007 orthophotos, then the Assessor's Parcel is indicated to be developed. Approximate measurements were taken from the edge of wetlands and streams to estimate apparent constraints, but this information has not been verified in the field. Therefore, in some instances it will be inaccurate. Staff believes that all of the Assessor's Parcels listed are separate legal lots of record. All the properties are within Assessor's Book 195.

APN	Ownership	Zoning	Status	Apparent Constraints
132-31	Beacock	C-H-1	Undeveloped	All stream/ riparian buffer

132-30	Harris	C-H-1	Developed	Partial stream/ riparian buffer
132-29	Harris	C-H-1	Developed	Partial stream/ riparian buffer
132-28	SBCounty Water District	C-H-1	Developed	Partial stream/ riparian buffer
101-16	Avella	C-H-1	Undeveloped	Partial stream/ riparian buffer
101-01	Lanigan	R-1	Developed	Partial riparian buffer
101-02	Lanigan	R-1	Undeveloped	Partial riparian buffer
101-03	Lanigan	R-1	Undeveloped	Partial riparian buffer
101-04	Lanigan	R-1	Undeveloped	Partial riparian buffer
101-05	Christesen	R-1	Developed	Partial riparian buffer
101-06	Gilman	R-1	Developed	Partial riparian buffer
101-07	Lynch	R-1	Developed	Partial riparian buffer
101-18	Roberts	R-1	Developed	Partial riparian buffer
101-10	Brooke	R-1	Developed	Partial riparian buffer
101-11	Streitfeld	R-1	Developed	Partial riparian buffer
101-12	Yuill-Thornton	R-1	Developed	Partial riparian buffer
101-13	Wood	R-1	Developed	Partial riparian buffer
101-17	Raymond	R-1	Developed	Partial riparian buffer
101-05	County of Marin	R-1	Undeveloped Open Space	All wetland/ stream/ buffer
061-01	County of Marin	R-1	Undeveloped Open Space	Partial wetland buffer
061-12	County of Marin	R-1	Undeveloped Open Space	Partial wetland buffer
061-13	County of Marin	R-1	Undeveloped Open Space	Partial wetland buffer
061-15	County of Marin	R-1	Undeveloped Open Space	Partial wetland buffer
061-16	Shauf	R-1	Developed	Partial wetland buffer
061-16	Shauf	R-1	Developed	Partial wetland buffer
061-17	Shauf	R-1	Developed	Partial wetland buffer
061-18	Shauf	R-1	Developed	All wetland buffer
061-22	Audubon Canyon Ranch	R-1	Undeveloped	Partial wetland buffer
061-21	County of Marin	R-1	Undeveloped	Partial wetland buffer
090-54	Seadrift Association	R-1	Undeveloped	Partial wetland buffer

As indicated in the table above, many of the Assessor's Parcels are developed, and all of them are potentially constrained by streams, riparian areas, wetlands and buffers. The LCPA policies that protect streams, riparian areas, wetlands and buffers would adequately protect these resources where they occur in this area. Further, much of this area has been purchased for permanent protection by the Marin County Department of Parks and Open Space or Audubon Canyon Ranch. Since this area would remain within the permitting jurisdiction of the Coastal Commission, this policy is inapplicable and is not carried forward to the LCPA.

Policy 17: Henry Wilkins property (11 acres). Public acquisition encouraged, any change from grazing shall be preceded by environmental investigation to assure habitat values of hightide roost for shorebirds and snipe.

This policy refers to APN 195-290-13 and 24 (80 Bolinas Road)(it was long ago sold by Mr. Wilkins). The properties are zoned C-ARP-10. This particular property was involved in a long litigation that has rendered the existing LCP language obsolete.

This policy is related to the same issue that is addressed in ProgramC-BIO-11.a, Grassy Uplands Surrounding Bolinas Lagoon, which also refers to upland bird habitat near Bolinas Lagoon. By tracing the history of this policy through previous documents, including a 1975 study conducted by the PRBO entitled "Aspects of the Ecology of Shorebirds on Bolinas Lagoon" and the subsequent Bolinas Community Plan, it is evident that the central concern regarding this property and the other properties located on the west shore of Bolinas Lagoon south of Pine Gulch Creek was structural development, rather than changing use between grazing and other forms of agriculture. Further, development in general is subject to Coastal Permit requirements,

so it is not necessary to impose a different standard for this property then would be required for any other property that may have upland bird habitat near Bolinas Lagoon. Therefore, this policy was not carried forward to the LCPA.

Unit 1: Location and Density of New Development

Policy 30: No development within 100 year floodplain of Easkoot Creek

The policy required rezoning properties zoned R-3 along Shoreline Highway to R-2 in order to minimize flood hazards and the adverse impacts on Easkoot Creek that would result from more intense development. These properties have been rezoned.

LCPA Policy C-BIO-"TBD" Coastal Stream and Riparian Vegetation Buffers establishes buffers to protect streams. The buffer shall be the wider of the following on both sides of the stream: (a) the area 50 feet landward from the outer edge of the riparian vegetation, or (b) the area 100 feet landward from the top of the stream banks. No development is allowed in the stream or riparian vegetation buffer unless authorized by C-BIO-2 The concept of protecting Easkoot Creek has been carried forward into LCPA policies C-BIO24, C-BIO-"TBD", and C-BIO-25.

Policy 31: Rezone east side of Calle Del Arroyo from R-1 to Resource Management Area (same as Lagoon Protection Policy 15)

These areas are still zoned R-1 and are part of the Area of Deferred Certification, or the "white hole" where the Coastal Commission maintains their original jurisdiction. As such, this policy was not incorporated into the "Development Requirements, standards, and conditions" indicated in Section 22.56.1301 of the Interim Title 22 Zoning Ordinance. Pursuant to Ordinance 2638, these lots were excluded from the Coastal Zoning District designation. Coastal Permits for development in this area are reviewed and issued by the Coastal Commission rather than Marin County. Since this would continue to be an area of deferred certification, this policy is inapplicable and is not carried forward to the LCPA.
These parcels include: 195-061-01through 07, 10 – 13, 17, 18, 195-061-01, 03-05, 12-18, 21, 22, and 195-090-54.

Unit 2 Public Access

Policy 3: Specific accessway recommendations

- Lateral access shall be required for 112-101-09, -10, -11, 112-123-01.
  This is Policy 3.a(1) on p. 15 in Unit II. The language says: Vertical access shall be provided where the existing trail sited on 112-101-09, 10, or 11 or 112-123-01. Lateral access shall be required on all of these parcels to accommodate existing public use. Shoulder parking in this area shall be maintained." Parcels 112-101-09, 10 and 11 were proposed for federal park acquisition. These properties are privately owned and undeveloped. No lateral access has been provided. Parcel 112-123-01 is also privately owned and undeveloped (by the same owner).

- OTD on 104-180-15 and -16. Lateral access shall be provided.
  Unit II, p. 19. The policy says that lateral access shall be provided on the undeveloped parcels on the southern side of North Shore Boats peninsula, APN 104-180-13, 14, 15, and 16. Lateral easements have been provided on parcels 104-180-13 and 14, according to Linda Locklin of the CCC.

  Parcel 104-180-14 is privately owned and developed with a single family residence. No lateral access has been provided.

  Parcel 104-180-15 has been merged with 104-170-11 and is now 104-180-17. This parcel is privately owned and undeveloped. This parcel has a 20 foot private access easement. No lateral access has been provided.

  Parcel 104-180-16 is privately owned and has been improved with a single family residence. This parcel is adjacent to 104-180-17 and has a 5 foot private access easement (for a total of 25 feet). No lateral access has been provided.

- OTD on 106-210-41 (County says need not be accepted).
  The policy on p. 20 says: On offer of dedication of an easement was required as a condition of coastal permit approval by the Regional Coastal Commission on 106-210-41, adjacent to the Marconi Cove Marina, to protect prescriptive rights. This offer has not yet been made. The language goes on to say (p. 20): "the required easement on 106-210-41 need not be accepted, if offered, due to the availability of access on the adjacent property, Marconi Cove Marina. This parcel is now 106-301-11 and is privately owned and unimproved. The parcel adjacent to the south is 106-260-02 and 03, both of which are owned by the state. This property is undeveloped and has no formal public access available. This parcel was formerly a private campground. Remnants of this prior use remain, such as a damaged concrete boat ramp and some structures. The Tomales Bay State Parks Draft General Plan indicates that day use picnicking, watercraft and sailboard launching opportunities will be provided at Marconi Cove. State parks acquired the Marconi Cove properties in 2002 from Dillon Vision LLC. The Draft General Plan contains guidelines for the Marconi Cove area. These include:
  - Provide day-use picnicking and boating facilities at this former marina/campground site. Day-use facilities could include parking, restroom facilities, a small orientation and interpretive area, picnic tables, a possible concession for kayak rentals and snacks, boat trailer parking, a boat launching ramp, and a windsurfing and cartop watercraft launching area.
  - Provide approximately eight walk-in campsites which could accommodate, but would not be limited to, the camping needs of bicyclists, boaters, and future hikers of the California Coastal Trail. A campground host area could be provided.

Unit 2 Recreation and Visitor-Serving Facilities

Policy 2: State Parks recommendations

- Inverness Ridge (should be limited to hiking/nature study, County encourages transfer of state lands to PRNS)
  The State still owns several parcels in the Inverness Ridge area that have not been transferred to the federal government. The State's holdings in this area consist of three large discontinuous parcels along the west side of Tomales Bay, east of the ridgeline above the community of Inverness.

  The northwest parcel is a complexly-shaped property along the east side of the Inverness Ridge abutting Point Reyes National Seashore. The Philip Burton Wilderness Reserve within the National Seashore begins very close to this border and extends almost a mile to the west. Embedded within and on the periphery of this state park parcel are watershed lands owned by the Inverness Public Utility District. To the east of this parcel the land slopes down to Sir Frances Drake Boulevard with a scattering of private and commercial ownerships in the unincorporated town of Inverness. To the south of this property is a large parcel owned by The Nature Conservancy, used primarily as watershed land. On the north end of this Conservancy parcel are a few small private inholdings.

  The northeast parcel's east boundary touches Sir Francis Drake Boulevard in two places and extends almost halfway to the top of the Inverness Ridge. This parcel is surrounded by private and watershed lands. The town of Inverness is just north of this parcel.

  The southeast parcel descends steeply from the Inverness Ridge down to Sir Frances Drake Boulevard. The property extends to the boulevard in two points separated by private forested land. Across a narrow inlet in the bay sits the Tomales Bay Ecological Reserve, a large parcel at the south end of the bay owned and managed for natural resource values by the California Department of Fish and Game. The land south of this park parcel is primarily in private ownership, with the community of Inverness Park located approximately one mile from the southernmost end of the park property. (Tomales Bay State Park General Plan, p. 114).

  Except for the North Dream Farm property, the Park's three discontinuous Inverness Area parcels

will be managed for their natural values of watershed, wildlife habitat, viewshed, and low-impact day-use recreation. The North Dream Farm property will be enhanced by removal of obsolete trailers and could subsequently be developed as a day-use picnic and trailhead area (and perhaps also for staff housing if other sites prove unfeasible and site safety issues can be adequately addressed). Developing modest day-use facilities on the North Dream Farm property would allow visitors the opportunity to enjoy secluded picnicking in the alder forest next to the creek, to hike a nature trail, and even to continue up to Inverness Ridge. Visitors will continue to have the opportunity to hike the fire roads that extend up from the town of Inverness and intermittently cross State Park land to the crest of Inverness Ridge. From here, National Park Service trails lead along the ridge and down into the Point Reyes Seashore. (Tomales Bay State Park General Plan, p. 170).

The following guidelines for these properties from the Tomales Bay State Park General Plan (p. 170-171) are as follows:

- Leave the three Inverness parcels undeveloped (except for the North Dream Farm property) and continue managing these parcels as natural watershed, viewshed, and wildlife habitat.

- Enhance the North Dream Farm property by removing obsolete trailers and any structures found not to be historically significant after appropriate cultural survey work is done.

- Consider developing a day-use trailhead, a self-guided nature trail loop, and an extension of the nature trail which would connect with the ridgetop trails of Point Reyes National Seashore. The nature trail could follow the old road alignment along the northern side of the valley until the private lands to the south are passed. At this point the ridgetop trail extension could switchback up the southern side of the ridge until it can join the existing trail that leads to the Inverness Ridge. This trail extension would require a short easement through a section of the Nature Conservancy lands (or perhaps a land exchange or transfer).

- Consider acquisitions from willing sellers, land exchanges, or land-use agreements to consolidate the park's three discontinuous Inverness Area parcels and make them more usable for public hiking both on the Tomales Bay side and to connect with trails in the Point Reyes National Seashore. Discussions with The Nature Conservancy, the National Park Service, and the Inverness Public Utility District would consider the best way of managing these contiguous land holdings in the Inverness Ridge area for the highest public good. Options for more effectively meeting common needs for watershed, wildlife, habitat, fire management, and recreation could be discussed. Options could include investigating the benefits of land transfers, operating agreements, easements, and Memoranda of Understandings (MOUs).

- Tomasini/Millerton Points: Should be developed for day and overnight use, five single family residences should be removed, bike trail included.
This area is also addressed in Policy C-PK-11. Millerton Point is on the east side of Tomales Bay, five kilometers (3 miles) north of Point Reyes Station. Millerton Point and Tomasini Point are part of the Tomales Bay State Park. Millerton Point is a day use facility with three picnic tables and a room for 30 parking spaces. There is a pit toilet but no running water. There is also a residence for park staff. Tomasini Point has space for two parallel parking stalls. The State's Draft General Plan proposes improving restroom and picnic facilities; creating public access to the Millerton Uplands via a new trail, providing a connection from this trail, if possible, to a redesigned Tomasini Point trail; and improving trailhead parking and providing restrooms at Tomasini Point. The plan recommends enhancement of the management of Tomasini Point's estuary. It also identifies an additional potential

staff housing site at the existing Millerton Point staff housing area. Additional housing would also be considered at the nearby Marconoi Conference Center State Historic Park. No overnight use or parking is allowed at Tomales Bay State Park. The park is also accessible by boat. No bike path has been constructed. Improvements to Tomasini Point include adding a restroom and improve parking.

The goals for Millerton Point include:

- Identify, protect, and interpret important natural resources at Tomasini Point and restore disturbed sites where feasible. Realign the trail after study of area sensitivities and dynamics (see Guideline M-1)
- At the current Millerton Point parking lot, provide a trailhead with educational panels, and connection to a hike and bike trail in the Millerton Uplands (see Guideline M-2)
- At the current Millerton Point parking lot, improve restroom and picnic facilities. At the Tomasini Point trailhead, improve parking and trailhead and provide restroom facilities. Coordinate with Caltrans to provide safe highway crossings for visitors to access trails from both Millerton and Tomasini Points (see Guideline M-3)

- Cypress Grove Project.

  Cypress Grove is owned by the Audobon Canyon Ranch and include parcels 106-210-02, 49, 65, and 66. The 500-acre Cypress Grove Preserve is located on the eastern shore of Tomales Bay just north of the town of Marshall, California. Both the preserve and the research center are closed to the public, but limited public access is available by appointment only or during community events, workshops, or seminars. ACR uses the area as a natural preserve and for research, where scientists and volunteers study wintering shorebirds, monitor migrating waterbirds, investigate coastal marsh restoration, and track heron and egret colonies in the northern San Francisco Bay Area.

  Stewardship activities at Cypress Grove Preserve and ACR's other properties on Tomales Bay primarily involve baywide monitoring of tidal marshes to detect and remove invasive nonnative pest plants. These species include infamous invaders such as perennial pepperweed (lepidium latifolium) and nonnative cordgrass species (Spartina spp.).

Policy 3b (Olema)

(b4): Rezone four parcels 166-202-01 through -04 to VCR

All of these parcels have been rezoned to C-VCR via Ordinance 2704, except for parcel 166-202-02, which is now part of 166-340-07 and 08 and has been rezoned to C-RCR via Ordinance 2704.

(b5) 13 acre parcel 166-193-01, -02, and 166-230-05 shall be rezoned to RCR for hotel/motel

APN 166-193-01 and 02 are now 166-340-06 and 07 and have been rezoned to C-RCR.
APN 166-230-05 was subdivided to 166-340-02, 03, 04, 05, 08, and 09.
APN 166-340-08 is split zoned C-RCR, C-ARP-1.2. The portion zoned C-ARP-1.2 is private open space (2.10 acres) per Ordinance 2704.
APN 166-340-02, 03, 04, 05 and 09 are zoned C-ARP-1.2 per Ordinance 2704. These were not rezoned to C-RCR. Each of these lots is developed with a single-family residence.

Policy 3c Point Reyes Station

County supports overnight accommodations at 119-234-01

(1) Village commercial use shall be expanded to A/B/5th/6th Streets

The southeasterly block portion of the block bounded by A and B Streets and 5th and 6th streets is parcel 119-198-14. This parcel is zoned C-VCR:B2.

The policy goes on to state that "when the LCP is reviewed in 5 years, further expansion to include the four blocks bounded by B, C, 3rd, and 7th Streets shall be considered if it is determined that additional areas are necessary for visitor serving and commercial uses." A review of visitor serving uses has determined that there are more overnight accommodations than when the LCP was initially certified. This language has not been carried forward since community members expressed an interest in maintaining a stronger balance between local serving and visitor serving uses.

The area in question is zoned C-RA:B2, which is a Residential, Agricultural district and provides areas for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to specific development standards. This use allows some overnight accommodations. Specifically, Bed and Breakfast operations (3 or fewer quest rooms) are a permitted use and with 4 or 5 guest rooms as a Conditional use.

Policy 3f Tomales: Rezone 1 acre of C-1-H to planned commercial

There are no parcels zoned C-1-H in the Tomales area. Portions of parcels 102-090-15 and 102-090-12 are zoned C-CP per Ordinance 2704. The C-CP is the Planned Commercial district. It is intended to create and protect areas suitable for a full range of commercial and institutional uses in compliance with the General Commercial/Mixed-Use land use category. These areas front Shoreline Highway and Tomales Petaluma Road. The portion of this policy has been implemented and has not been carried forward to the LCPA.

Policy 4 Bike Paths and 10 ft easements for all projects on either side of Highway 1 and SFD Blvd.

The policy states: "To maintain the option for a roadside trail, coastal development permits for projects on either side of these roads (Highway One and Sir Francis Drake Boulevard) shall require offers of dedication of easements 10 feet in width." This portion of the policy has not been carried forward because requiring such a dedication may be unconstitutional in light of the Nollan and Dolan Supreme Court cases.

New Development and Land Use

8a(3) Olema: rezone 14 parcels to 20k sq ft lots and/or ARP-5.

All of the rezonings have been implemented per Ordinance 2704.
3.b(1), 3.b(2), 3.b(3) and 3.b(4) have all been rezoned. The once exception is in 3.b(4) is that 166-202-02 (which is now part of 166-340-08). The portion that was 166-202-02 is zoned C-RCR and not C-VCR.

8c(4) Paradise Ranch Estates

Lot consolidation from 24 to 11 (incorporated in concept)

The Paradise Ranch Estates Restoration Plan was prepared in April 1981. The lot consolidation plan has not been carried forward. The Planning Commission adopted the Paradise Ranch Estates Restoration Plan on 5/4/1981.The Plan recommended a lot consolidation project to reduce density based on environmental and developmental factors (p. 72-74), which would be implemented by the Coastal Conservancy. The Plan seeks to consolidate lots that have been identified as constrained or marginal (based on site visits done at the time) with lots that appear to be capable of supporting development. Twenty four lots were identified for this consolidation, yielding a total of 11 lots capable of supporting development, for a total buildout in the subdivision to 157 units.

Staff review of Assessor Parcel information has determined that none of the recommended consolidations have occurred. Of the 24 original lots, 23 exist currently (parcels 114-150-14, -52 were combined to become AP #114-150-56). Many of the lots have been developed, resulting in 15 units, which exceed the proposed development yield of 11 units. However, since not all the lots have been developed there remains an opportunity to consolidate a few of the remaining lots, should funding and community interest exist. The policy has not been carried forward as no funding has been found to implement the recommendations. The majority of the parcels for consolidation have since been developed.

Area	Parcel Number	Owner	Status	Comments
Area 1	114-120-62	Dernburg, Ernest	Vacant/unimproved	The Plan recomme
	114-120-52	Dernburg, Ernest	Vacant/unimproved	consolidating thes

	114-120-53	Dernburg, Ernest	Vacant/unimproved	They have not been consolidated but remain unimproved and all owned by the same owner. There remains an opportunity to consolidate these lots.
Area 2	114-100-80	Boszhardt, Douglas	Single Family Improved (1 unit)	The Plan recommended consolidating these into 1 lot. They have not been consolidated. Each has been developed for a total of 4 units.
	114-100-16	Easterlin, John D Trust	Single Family Improved (1 unit)	
	114-100-17	Lauritzen, Bruce	Single Family Improved (2 units)	
Area 3	114-100-33	Fisher, John H N Trust	Single Family Improved (1 unit)	The Plan recommended consolidating these 5 lots into 1 lot. They have not been consolidated. Three have been developed for a total of 3 units, while two remain undeveloped. A are under different ownership.
	114-100-83	Boszhardt, Douglas	Vacant/unimproved	
	114-100-84	Gardiner, Charles C III	Vacant/unimproved	
	114-100-74	Sacheli, Angelo A	Single Family Improved (1 unit)	
	114-100-57	Wanken, Douglas	Single Family Improved (1 unit)	
Area 4	114-100-73	Wilson, David & Miriam	Single Family Improved (1 unit)	The Plan recommended consolidating these into 1 lot. They have not been consolidated. Both have been developed for a total of 2 units.
	114-100-51	Nonet, Philippe	Single Family Improved (1 unit)	
Area 5	114-111-28 (formerly 114-110-17)	Rowe, David B	Vacant/unimproved	The Plan recommended consolidating these into 2 lots. They have not been consolidated. One has been developed for a total of 1 unit.
	114-111-44 (formerly 114-110-89)	Baxter, Anne W Trust	Single Family Improved (1 unit)	
Area 6	114-111-16 (formerly 114-110-85)	Stanton, Timothy K	Single Family Improved (1 unit)	The Plan recommended consolidating these into 1 lot. They have not been consolidated. Both have been developed for a total of 2 units.
	114-111-21 (formerly 114-110-15)	Bennett, Ronald & Tere	Single Family Improved (1 unit)	
Area 7	114-130-37	Goelet, Richard M Trust	Vacant/unimproved	The Plan recommended consolidating these into 1 lot. Both are undeveloped but under same ownership, but have not been consolidated. There remains an opportunity to consolidate these lots.
	114-130-41	Goelet, Richard M Trust	Vacant/unimproved	
Area 8	114-150-51	Anderson, Thomas R	Vacant/unimproved	The Plan recommended consolidating these (originally) 3 lots into 1 lot. Anderson is steep and constrained (& undeveloped) They have not been consolidated; however 14 & 52 were merged into one lot and developed with 1 unit.
	114-150-56 (formerly 14, 52)	McMahon, Kay A	Single Family Improved (1 unit)	

Area 9	114-130-25	Bortel, Allan	Single Family Improved (1 unit)	The Plan recommended consolidating these into 1 lot. They have not been consolidated. Both have been developed for a total of 2 units.
8g Tomales Rezone 102-080-04, -06 102-080-05, -07 Parcels 102-080-04 and 06 have been rezoned to C-RSP-1.6. Parcels 102-080-05 and 07 have been rezoned to C-VCR-B4. All land zoned C-R-A:B-1 to C-RSP-7.26 The rezonings in 8.g(3) have been rezoned to C-RSP-7.26. There are no longer any parcels zoned C-RA:B1. 102-100-06, 100-090-17, -18 The rezonings in 8.g(4) have been carried out. 102-100-06 and 100-090-17 and 18 have been rezoned to C-APZ-60.				
8h Dillon Beach (4) Rezone Parcels J though M to RMP All of these parcels have been rezoned. Note that the language has been amended. (5) Rezone RMPC parcels All of these parcels have been rezoned. Note that the language has been amended.				

26. Coastal Designation. *Section 22.32 describes standards for specific land uses. However, some land uses have two sets of standards, including Agricultural Worker Housing (22.32.023) and Agricultural Worker Housing (Coastal) (22.32.028). Is it the County's intent to have both sets of such standards apply in the coastal zone, or to only have the requirements designated "Coastal" apply (so, for example, Animal Keeping (22.32.030) wouldn't apply)? Please explain.*

As noted in the "Road Map_Existing_vs_Proposed_Dev_Code_Aug 2013.doc" included in section H of our submittal:

> "all definitions in Ch. 22.130 are included in the LCP; those terms with a specific meaning in the coastal zone are indicated by the word "coastal" in parentheses."

In other words, where a "Coastal" designation is included, it is the intent that that language will supersede the parallel language in the non-coastal section. Amendments were being made to the non-coastal portion of the Development Code in a separate process at the same time the coastal implementation code was being developed. The final language certified by the Commission will take precedence in the coastal zone, the non-coastal development code will be amended to incorporate that language, and the section numbering will be adjusted. All the other sections of 22.32 which do not have "Coastal" versions, apply in the coastal zone as submitted.

27. New Land Uses. *Proposed Land Uses Chapter 22.62 describes the allowable land uses for each zoning district. It appears that many new land uses have been added as allowable.*

Please explain how the County developed the list of allowable uses. In particular, please explain the following:

The list of land uses in the existing LCP was developed based on zoning codes in effect in the late 1970's and is somewhat outdated more than thirty years later. The list has also caused confusion by omitting certain uses that may be common, but weren't specifically enumerated in the LCP. In 2003, the County adopted a new Development Code that was reorganized and updated to include a more complete list of expected land uses. For consistency throughout the County, these land uses tables where used as a basis for the LCPA. For the most part, "new" land uses represent a more fine-grained listing of uses rather than a substantive change from the existing certified LCP. However, responses to specific questions related to allowable land uses are provided below.

- *Please explain the difference between "agricultural product sales" (PPU in C-APZ) and "sale of agricultural products" (conditional in C-APZ).*

  The "sale of agricultural products" listing under "Retail Trade Uses" was mistakenly carried over from the land use tables in the inland Development Code and should be deleted.

- *Please explain why affordable housing is allowed in all zoning districts, including C-APZ, C-OA, and C-RCR.*

  In 2011, the Marin County Development Code was amended to implement Countywide Plan and Housing Element policies intended to encourage low and very low income housing development by allowing affordable housing as a permitted use in all commercial/mixed use zoning districts, (and as a conditional use in Industrial Planned and Public Facilities districts). For consistency, these amendments have generally been carried over to the land use tables in the LCPA where applicable. However, it should be noted that affordable housing is proposed to be a principally-permitted use only in residential and commercial/mixed use districts (subject to Coastal Permit approval) and would remain a conditionally permitted use in both the C-APZ and C-OA zoning districts.

- *Please explain why non-agricultural land uses are allowed in C-APZ, including tennis courts, waste disposal sites, marinas/harbors, and campgrounds.*

  Under the existing certified LCP and zoning code (Title 22I), conditionally permitted land uses within the C-APZ zoning district include "public or private recreational activities, such as hunting, fishing, and camping" (Section 22.57.033I.15) and "dumps" (Section 22.57.033I.18). Although slightly different terminology is used, provisions to allow consideration of a "waste disposal site" or "campground" as a conditional use in C-APZ does not represent a change from the existing LCP.

  C-APZ zoning allows one single family dwelling or "farmhouse" per legal lot. The land use standards associated with tennis courts (Section 22.32.130) would allow a

private non-commercial outdoor tennis court that is *accessory to a residential use,* subject to certain requirements, and subject to Use Permit approval in any of the coastal agricultural or resource-related zoning districts. Publically accessible or commercial tennis courts or similar health, fitness, or recreational facilities would not be permitted. This distinction is consistent with provisions of the existing certified LCP, which go so far as to exempt from Coastal Permit requirements "structures accessory to and normally associated with a residential use" such as a swimming pool.

"Marinas and harbors" are not allowed as a permitted or conditionally permitted use in C-APZ (see Table 5-1-e)

- *Please explain why single family dwellings and other residential uses, as well as industrial uses such as recycling facilities, are identified as a PPU in C-VCR districts.*

  Recycling facilities are one of several "manufacturing and processing" uses that may be permitted in the C-VCR zoning district subject to Use Permit approval (there are no principally permitted "industrial" uses in C-VCR).

  Single family residential uses are considered a principally permitted use in the C-VCR zoning district. However, as noted in the footnotes to Table 5-3-c, Use Permit approval is required for new residential uses proposed on the ground floor of a new or existing structure on the road-facing side of the property per Policy C-PK-3. This policy is intended to replace provisions of the existing certified LCP which also allow single-family dwellings in C-VCR as a principal permitted use, subject to findings (related to the percentage of undeveloped lots at the time of certification) which the County could not realistically track or enforce. With the exception of affordable housing, other principally permitted residential uses in this zoning district are those that are accessory to or intrinsically part of a single-family residential use, such as "home occupations", "guest houses", "room rentals", or "residential accessory structures." As described previously, affordable housing can now be permitted in all zoning districts (subject to Use Permit approval in some cases), consistent with Countywide Plan and Housing Element policies.

- *Please explain why Table 5-4-b says that residential density is not applicable for C-CP and C-RCR because it is not permitted, even though affordable housing is listed as a PPU for both zoning districts.*

  As noted above, affordable housing is permitted or conditionally permitted use in all zoning districts, subject to the provisions of Chapter 22.22 and Chapter 22.24, which provide that the residential density for affordable housing is the maximum density allowed by the applicable Countywide Plan land use designation, rather than the zoning district density standard (see Section 22.24.020.A and B). Land Use Tables 5-1-c, 5-2-c, and 5-3-c contain a reference to Chapter 22.22. To avoid confusion, an additional footnote should be added to Table 5-4-b to clarify that affordable housing may be considered in C-CP and C-RCR zoning districts subject to the requirements of Chapter 22.22 and 22.24.

28. CDP Procedures. Chapter 22.70 describes the County's Coastal Permit Administration procedures. Sections 22.70.030 and 22.70.040 describe CDP category determinations and appeal procedures. Both Section 22.114 of the County's ordinances as well as Section 13569 of the Commission's regulations are referenced for determining the process for appealing a permit category determination. Section 22.114 is not included as part of the County's submittal package. Is it the County's intention to have two parallel but separate appeal procedures, one based on non-coastal County regulations and another based on coastal regulations?

Our apologies; this was a glitch. Section 22.114 is part of the submittal, and a copy is included as Attachment 6.

29. Development Definition. *Please explain the inclusion of the following: "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. For example, if a public service provider wanted to expand its boundaries and potentially increase development potential, would the County consider the expansion exempt from CDP requirements?*

This is an editing error. The phrase was wrongly carried over from the matching Countywide Plan definition. It should be removed.

30. Tidelands. The proposed definition of tidelands includes uplands to either a point 100 feet inland of the tide line or to the nearest publicly maintained road. Please explain the reason for including this additional upland area in the County's definition of tidelands.

The reference to additional upland area in the County's definition of tidelands reflects Chapter 22.52 of Marin County Code (Tidelands Permits), which includes provisions applicable to "all land and water areas…below the mean high tide… and to contiguous land between that elevation line, and either a point 100 feet inland or the nearest publicly maintained road, whichever is closer."

31. TOC. *The Table of Contents beginning of Page iii of the Development Code does not include all sections that are proposed as part of the LCP. Please submit a revised TOC that clearly identifies all of the applicable code sections that constitute the proposed Implementation Plan.*

The countywide provisions included in the LCPA Submittal as "Other Referenced Provisions" (part F) are indeed proposed to be included as part of the certified LCP. However, because these are countywide provisions that are referenced by the LCPA and are not unique to the Coastal Zone, they have not been duplicated in the TOC for the LCPA Development Code (i.e. "Article V"). Once the LCPA is certified, the County intends to incorporate Article V into the countywide Development Code, so it should not include duplicates of Sections or Chapters that are already reflected in other Articles of the Code. However, following LCPA certification, staff may consider adding a reference list of the "Other Referenced Provisions" at the end of the TOC for Article V to provide a clear list of all applicable Code provisions for the final document.

32. Height Exceptions. Under Chapter 22.20.060 (Height Measurement and Height Limit Exceptions), institutional buildings, including schools, churches, and public buildings, may be up to 75 feet tall in all zoning districts if the Director finds no impact to scenic resources. Additionally, the ordinance allows telecommunications facilities, spires, towers, and water tanks to reach up to 150 feet tall, and agricultural structures to exceed height limits with Design Review. Please explain how the County intends to carry out these provisions given that Policy C-DES-4 limits all new construction in the coastal zone to a maximum height of 25 feet.

The provisions contained in Chapter 22.20.060 (Height Measurement and Height Limit Exceptions) are consistent with the certified LCP (excerpts from Title 22I provided below) and do not represent a substantive change from existing zoning code provisions, which recognize a need to allow exceptions from standard residential height limits for certain public and institutional uses, as well as for utility infrastructure and facilities, such as telecommunications towers. To clarify the intent of C-DES-4, staff would propose amending the first sentence to read, "Limit all new residential and commercial buildings to a maximum height of twenty five feet…"

***22.70.010I Public buildings excepted from height limitations under certain conditions**. In any district (other than an S-1 district or one combined with an S-1district) where the height limitation is less than seventy five feet, public and semi-public buildings, schools, churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding 75 feet; provided that the front, rear, and side yards shall be increased one foot for each foot by which such building exceeds the height limit hereinbefore established for such district.*

***22.70.040I Height exceptions for towers, spires, water tanks, etc**. Subject to any other provisions of law, towers, gables, spires, penthouses, scenery lofts, cupolas, water tanks, similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located….provided that no building or structure in any district except A-1, A-2 or M-2 shall ever exceed a maximum height of 150 feet. Except that the height limits of this title shall not apply to chimneys, church spires, flag poles, monuments, and radio and utility towers in other than S districts (emphasis added).*

***22.57.024I C-ARP zoning Design Standards**, Section 1.g (Project Design – building location/design)*
B. Building Height. No part of a residential building shall exceed twenty five feet in height above natural grade…Farm and agricultural buildings located down from ridgetops may exceed these height limits upon design review approval (emphasis added).

***33. Setbacks.** Chapter 22.20.090 (Setback Requirements and Exceptions) allows exceptions for the setback requirements spelled out in Chapter 22.64 of the IP, including for detached accessory structures (with Design Review approval), decks, swimming pools, retaining walls,*

and others. Does the County intend for these exceptions to apply to all setbacks, including ESHA and blufftop/ shoreline setbacks?

Section 22.20.090 is contained in the County Development Code, which was provided for Coastal Commission staff's information as requested. However, Coastal Permit exemptions are addressed in Implementation Plan Section 22.68.050 (Exempt Projects) which is consistent with Sections 13250(a) and 13253 (a) of the California Coastal Commission Administrative Regulations. Note Section 22.68.050.A, which provides that exempt "improvements, other than to a public works facility, on developed lots" include:

- All fixtures and other structures directly attached to an existing structure including additions resulting in an increase of less than 10 percent of floor area of the existing structure; and
- 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, self-contained residential units, or 1,000 square feet or more of impermeable paving with an ESHA or its buffer; and
- Landscaping on the lot.

However, these exemptions only apply to the extent that they are not obviated by Section 22.68.060 (Non-Exempt Projects), consistent with Section 13250(b) of the CCC Administrative Regulations, including:

- Improvements to an existing structure if the structure is located on a beach, in a wetland, seaward of the mean high tide line, in an ESHA, or within 50 feet of the edge of a coastal bluff.
- Improvements to a structure, other than a single-family residence or public works facility, which increase or decrease the intensity of the use of the structure as determined by the Director.
- Repair or maintenance to facilities or structures or work located in an ESHA, any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams that includes:
    - Placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or
    - The presence, whether temporary or permanent, of mechanized equipment or construction materials.

34. Affordable Housing Incentives. *Chapter 22.24 is referenced by Policy C-HS-9 and Section 22.64.130.A.2. The code allows for either a density bonus of 10% in all zoning districts that allow residential uses, or for development of 5 units or greater, a 20% bonus if 10% of units are for low income or 5% for very low income. The proposed IP requires any density bonus to meet all resource protection requirements of the LCP. Since agricultural zoning districts allow housing, would such bonuses be applicable there as well? Have there been any density bonuses granted in the coastal zone? How many units does the County anticipate?*

If a proposed project in an agricultural zoning district met the threshold necessary to qualify for a density bonus *and* it was allowed by the applicable zoning density, then yes the density bonus would be applicable. However C-HS-9 assures that no increase in

density is allowed unless "consistent with the provisions of the LCP" including C-INT-2 which requires that any conflicts between policies "shall be resolved in a manner which on balance is the most protective of significant coastal resources." There have been no density bonuses granted in the Coastal Zone to date, and the County does not anticipate the opportunity to apply any in the future at this time. However, the LCPA includes this provision as an incentive for the development of affordable housing, should the opportunity arise.

35. ***Tree Protection.*** *Chapter 22.27 (Native Tree Protection and Preservation) and Chapter 22.62 (Tree Removal Permits) apply to "Protected Trees and Heritage Trees", which is a list of 36 trees defined in Section 22.130, and is only applicable in non-agricultural areas. Section 22.62.060 also describes a list of exemptions. Please explain how these policies work in concert with the definitions of ESHA and major vegetation. In particular, it must be clear that any allowed exemption from the County's Tree Removal Permits does not obviate the need for a coastal development permit if the tree is considered major vegetation and/or ESHA.*

    Chapters 22.27 (Native Tree Protection and Preservation) and 22.62 (Tree Removal Permits) are contained in the County Development Code, which was provided for Coastal Commission staff's information as requested. The Coastal Permit requirements relevant to tree preservation in the Coastal Zone are those pertaining to ESHA as provided in Policies C-BIO-1 through C-BIO-3 of the Land Use Plan; Section 22.64.060 (Biological Resources) of the Implementation Plan; defined in Section 22.130 (Definitions); or Major Vegetation, as provided in Policy C-BIO-4 (Protect Major Vegetation) of the Land Use Plan, and Section 22.64.060.B.10 (Major Vegetation Management) of the Implementation Plan. Unless the activity is excluded pursuant to one of these policies or regulations, a Coastal Permit would be required for tree removal.

36. ***Non-agricultural Use Findings*** *Some non-agricultural uses in the proposed tables are shown as subject to Section 22.32.115 while others are not (e.g. affordable housing, nature preserve, mineral extraction). Please explain why all uses not listed under "Agriculture, Mariculture" aren't subject to Section 22.32.115's required findings that they are accessory and incidental to agricultural production.*

    References in the proposed land use tables to Section 22.32.115 (Determination of Non-Agricultural Uses) were generally carried over from corresponding land uses tables applicable in the inland (non-coastal) zone and were commonly applied to "permitted" uses (where no Use Permit approval would be required as long as the use was accessory and incidental to a primary agricultural use). At the time the LCPA was approved by the Board of Supervisors, County and Coastal Commission staff were in discussions regarding modifications and reorganization of a number of the policies and associated development code provisions related to permitted uses in coastal agricultural zoning districts. However, due to the number and complexity of the issues involved, a final agreement on a re-organized format and modified content has not yet been reached. Given that the provisions of Section 22.32.115 are closely related to the question of

allowable uses, it may be appropriate to revisit this issue once the land use tables are finalized to determine if additional reference to Section 22.32.115 would be appropriate.

37. Second Units. *Chapter 22.56 and 22.32.140 (Residential Second Units) allow second units to be separate structures on the property. Please explain why second units are not required to be on the same lot as the owner's primary residence in Bolinas and Inverness. Please explain how/whether such second units are calculated as residential density. Finally, please explain what is meant by "Applications for Second Unit Permits that are not otherwise subject to a discretionary permit (e.g., Coastal Permit…)". Wouldn't all second units be subject to a CDP? Have there been second unit CDPs issued? If so, how many? How many second units does the County anticipate?*

Chapter 22.56 establishes Second Unit Permit provisions to allow new or legalized second units throughout the County. In most cases, the property owner must reside on the property on which a second unit is approved. However, owner-occupancy was not established as a requirement for second units in the communities of Bolinas and Inverness at the time their second unit standards were originally established (1983 for Bolinas and 1984 for Inverness). Accordingly, exceptions to the owner-occupancy requirement for these communities have been carried forward and are reflected in Section 22.56.040.A and 22.56.050.A.

Pursuant to state law, second units may not be calculated toward allowable residential density (see California Government Code Section 65852.2(b)5).

Section 22.32.140.E states that applications for Second Unit Permits *that are not otherwise subject to a discretionary permit* (e.g. Coastal Permit, Design Review, Variance) shall be approved ministerially. This code section is applicable throughout the County and cites examples of the types of discretionary permits that may apply depending on location. It is intended to clarify that Second Unit Permits can be approved ministerially where no other discretionary permits are needed. This would not be the case in the coastal zone, where a second unit would be subject to a Coastal Permit.

Determining the precise number of second units constructed in the coastal zone since certification of the existing LCP is difficult given that computerized permit records were not kept prior to 1987. Since 1995, the County has issued Coastal Permit approvals for 97 second units in the coastal zone, although some of these units may not have been subsequently constructed. Between 1987 and 1994, records show that 41 second unit applications were submitted, but additional research would be needed to determine how many of these were ultimately approved. Assuming that all 138 second units applied for over the past 27 years (1987 through 2013) were approved and constructed would result in an average approval rate of 5 second units per year. It is anticipated that this rate will remain steady or possibly decline in the future given that properties that could easily accommodate a second unit may already be developed with one.

38. Telecommunications Facilities Policy Plan. *Please explain how heights of telecommunications facilities are regulated, in light of Policy C-DES-3's requirement that no*

structures on ridgelines be greater than 18 feet in height, Policy C-DES-4's requirement that all structures in the coastal zone have a maximum height of 25 feet, and IP Section 22.20.060's allowance for towers, spires, and other such structures to be up to 150 feet tall. What is the typical height of such facilities in Marin and how many are there in the coastal zone?

As noted in the response to question 32 above, existing zoning provisions recognize that it is not appropriate to apply residential height restrictions to utility infrastructure and facilities such as telecommunication and radio towers. Under existing zoning code requirements (22.70.040I), "radio and utility towers" are not subject to specific height limits. Instead, such facilities are considered on a case-by-case basis, subject to Design Review and Use Permit approval, as well as Coastal Permit approval if located within the coastal zone. As noted in Development Code Section 22.32.165 (Standards for Telecommunications Facilities), new or expanded telecommunications facilities are subject to the Marin County Telecommunications Facilities Policy Plan (MCTFPP), which guides review of such facilities with respect to issues such as land use compatibility, visual and aesthetic impacts, public safety, and operations. The height of telecommunications facilities vary depending primarily on local topography and their location within the larger network. Typically, single carrier (minor) sites will range from approximately 25 to 75 feet in height. At the time the MCTFPP was prepared in 1998, the facility inventory identified six such facilities in the coastal zone, including two sites at the Bolinas Fire Station (57.5 feet high), one site in downtown Bolinas (height not identified), one site in downtown Inverness (44 feet high), one site within the Point Reyes National Seashore (92 feet high), and one site in Stinson Beach (18 feet high). Since 1998, one additional site has been approved near the town of Tomales (25 feet high) and minor modifications have been made to existing sites.

39. Noticing. Thank you for submitting a mailing list for all of the people who have participated and commented on the LCP during local hearings. Noting that public interest in the proposed LCP update is high, and extends beyond those who have testified at hearings, please provide stamped, addressed envelopes for all other known interested persons (e.g., parties that commented on CEQA documents, etc.). In addition, please submit an additional 20 stamped, unaddressed, plain envelopes to allow us to notify any additional interested parties of the project hearing date when it approaches. Also, additional noticing will be required for the LCP update if it is agendized for more than one hearing (e.g., if an initial hearing is postponed or continued and noticing is again required for a subsequent hearing). Please provide a commitment to provide additional stamped envelopes in the event that additional noticing is necessary.

We will provide a list of all known interested parties, and the mailing envelopes to match, under separate cover. Some parties have only provided email addresses, and we would be happy to distribute your notices to them as well, along with other lists of people who have not specifically participated in the LCP process to date, but may now be interested as the Commission prepares to act. Additionally, we would be happy to distribute any press releases or notices you may provide to our detailed and extensive media contacts.

Thank you for your continued work on our LCP Amendment. If there are any questions on our responses to your questions, please let us know as soon as possible. We also would like to set up meetings with your staff at the earliest opportunity to continue and complete the consultations we were engaged in through June of last year on the unresolved issues of the LCPA we had been collaborating with you on.

We hope to hear from you very soon, and look forward to the Commission's hearing on our LCPA in May.

Sincerely,

Jack Liebster

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