



P.O. Box 706 • Stinson Beach • California • 94970
www.stinsonbeachvillage.org

October 25, 2016

Commissioner and
John Ainsworth, Acting Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105

AGENDA ITEM: W10a
Marin County Local Coastal Program
Amendment Number LCP-2-MAR-15-0029-1
Terry M. Gordon, President
Stinson Beach Village Association
OPPOSED

Dear Commissioner,

Upon review of the California Coastal Commission staff's proposed changes to the Marin County Local Coastal Program's Land Use Plan and Implementing Program, adopted by the Board of Supervisors on August 25, 2015 and April 19, 2016, the Stinson Beach Village Association offers the following comments and recommendations for your consideration:

The modifications to the Community Development, Community Design, and Environmental Hazards sections of the Local Coastal Program proposed by CCC staff negates the efforts of our community and the Marin County CDA to preserve and protect our residents' homes while abiding by the regulations and intent of the Coastal Act. Staff's rejection of the Amendments approved by the Marin County Board of Supervisors prompts us to join other Stinson Beach community organizations in urging the CCC to approve the Amendments as submitted.

We find the staff's definition of "Redevelopment" to be inappropriately and dangerously restrictive (see Attachment #1). Allowed to stand, this language would prevent most property owners in the neighborhoods west of State Route 1 from preserving their homes in response to anticipated sea level rise. We urge the CCC to adopt instead the language of LCP Amendment 4 approved by the Marin County Board of Supervisors on April 19, 2016.

We also have concerns about the proposed regulations for Bed and Breakfasts (see Attachments #2 and #3). The words "householder" and "household" are ambiguous and not among the terms defined in CHAPTER 22.130-DEFINITIONS. We suggest substituting for both "householder" and "household" the term used in earlier iterations of this section: "homeowner." This would prevent a property owner from converting a residence to a small hotel by leasing it to an on-site manager. Since Bed and Breakfasts are being designated in the LCP as Permitted Use in residential zones, it's vital that they function as intended: providing visitors with affordable accommodations and homeowners with supplemental income while having minimum impact on the neighborhoods.

Regarding provisions concerning Easkoot Creek:

22.66.040 Stinson Beach Community Standards

D. Easkoot Creek. Easkoot Creek shall be restored, as feasible, to improve habitat and support natural processes (Land Use Plan Policy C-SB-4).

Exhibit 13 (IP suggested modifications in strikethrough and underline)
LCP-2-MAR-15-0029-1, Page 132 of 236

C-SB-4 Easkoot Creek. Restore Easkoot Creek to improve habitat and support natural processes.
~~[Adapted from Stinson Beach Community Plan, 1983, Environmental Land Use Policy D, p. 28]~~
Exhibit 12 (LUP suggested modifications in strikethrough and underline)
LCP-2-MAR-15-0029-1, Page 91 of 144

The words “restored” and “restore” appear in the LUP and the IP, though the IP contains the undefined qualifier “as feasible.” We urge that phrase be removed, as it negates the commandment “shall” in the IP, and its subjectivity invites controversy and may improperly allow interpretations limiting restoration, ex. restoring its original course, which ran into the ocean before Marin County diverted it to empty into the southern end of the Bolinas Lagoon, thereby creating the Easkoot Creek flood plane.

Regarding Stinson Beach Community Character, as stated below in:

22.66.040 Stinson Beach Community Standards

A. Community character. Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach (Land Use Policy C-SB-1).

Exhibit 13 (IP suggested modifications in strikethrough and underline)
LCP-2-MAR-15-0029-1, Page 132 of 236

And in the CCC Staff’s report of October 21, 2016: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1 (Marin LCP Update), pp. 92-93:

In terms of the Parks, Recreation and Visitor-Serving Uses chapter, Policy C-PK-1 required priority for visitor-serving commercial and recreational facilities over private residential or general commercial development. Policy C-PK-3: 1) designated commercial uses as the sole principal permitted use and residential uses as permitted or conditional uses; 2) directed new residential uses in the commercial core area to either the upper floor of a mixed-use building or the lower floor if not located on the road-facing side of the street; and 3) required a finding for any residential development on the ground floor of a new or existing structure on the road-facing side of the property that the development maintains and/or enhances the established character of village commercial areas. This zoning district is used in the coastal villages to facilitate the development of walkable, mixed-use commercial districts along primary streets, including Highway 1. In many ways, this zoning district implements a type of “Main Street” feel to the coastal villages because it allows a variety of local and visitor serving commercial uses and allows structures to be sited and designed (including through no building setback requirements, for example) so as to facilitate walkability within the village center.

The Commission and staff should be aware that there are no sidewalks in Stinson Beach. Pedestrians who patronize the commercial establishments in the commercial core of the Village located on State Route 1, Arenal, and Calle del Mar must dodge cars, bicycles, and motorcycles. Favoring commercial development over residential use in the “commercial core” of Stinson Beach (zoned C-NC, Coastal Neighborhood Commercial/Mixed Use) will only add to traffic congestion and safety issues. We therefore recommend that C-PK-3 be adopted as follows:

C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone. Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas.
Exhibit 12 (LUP suggested modifications in strikethrough and underline)
LCP-2-MAR-15-0029-1, Page 131 of 144

We agree with staff's recommendation:

c) Proposed LUPA Update

For the most part, the LUPA's proposed public coastal access and recreation policies have not been modified from the Commission's 2014 conditionally-certified LUP and are consistent with applicable Coastal Act policies. The proposed LUPA restores policy, C-CD-14, a policy that had been deleted by the Commission in 2014 because it discouraged the conversion of residential to commercial uses. p. 93

Finally, staff states on p. 99:

In response to public comment regarding the need for community centers in residential zoning districts to be owned and operated by non-profits, the County-adopted proposed IP requires community centers to be designed to enhance public recreational access and visitor-serving opportunities. Thus, regardless of ownership, community centers will serve public recreational access purposes, consistent with Coastal Act Section 30222. (see attachment #4)

We do not agree that Coastal Act Section 30222 empowers the County to require that community centers be designed to enhance public recreational access and visitor-serving opportunities. Furthermore, as the name implies, we believe community centers should serve primarily the needs of the residents of the communities in which they are located, not visitors.

Thank you for your consideration,

Terry M. Gordon, President
Stinson Beach Village Association

cc: Steve Kinsey
Effie Turnbull-Sanders
Dayna Bochco
Mary Luévano
Wendy Mitchell
Mark Vargas
Martha McClure
Mary K. Shallenberger
Carole Groom
Erik Howell
Roberto Uranga
Gregory Cox
Betty Yee, Anne Baker, Cindy Aronberg
John Laird, Janelle Beland, and Thomas Gibson
Brian P. Kelley and Bruce April
Belenda Faustinos
Trent Orr
Steve Kram
Randy Pestor
Sarah Glade Gurney
Maricela Morales
Nidia Garcia-Erceg
Olga Diaz
Shannon Fiala
Nancy Cave

Attachments

#1 Redevelopment:

Development that meets the criteria (1), (2), or (3) below shall be considered redevelopment: (1) alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components); (2) additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or (3) additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977.

For the purposes of this definition:

- a. An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:
 - (i) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.
 - (ii) Reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).
 - (iii) A previously exterior wall becomes an interior wall as a result of the development.
 - (iv) On multi-story structures, the extent of alteration to the linear area of the exterior walls on each story shall be determined to determine whether 50% or more of the total exterior walls have been altered.
- b. A floor or roof structure is considered to be altered 50% or more when any of the following occur:
 - (i) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.
 - (ii) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).
- c. A foundation is considered to be altered 50% or more when any removal, replacement or reinforcement is done on any of the following:
 - (i) 50% or more of the horizontal surface area of a slab foundation.
 - (ii) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.
 - (iii) 50% or more of a perimeter foundation.
 - (iv) 50% or more of other foundation types (e.g. piers), or the total alteration where a structure has multiple foundation types.

Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non-structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements, except when such interior changes meet the threshold for redevelopment as defined by the market valuation criteria.

Chapter 22.130 DEFINITIONS, pages 216-217 of Exhibit 13: LCP IP Amendments 2015-#3 and 2016 #5, #6, #7 Compiled

Attachment #2: C-PK-6 Bed and Breakfast Inns.

Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of second units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and breakfast inns shall be permitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A and if such activities are otherwise LCP consistent. Each bed and breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located. *Exhibit 12 (LUP suggested modifications in strikethrough and underline) LCP-2-MAR-15-0029-1, Page 131 of 144*

Attachment #3: 22.32.040 Bed and Breakfast Inns.

Bed and breakfast inns (B&Bs) are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between the B&B and any adjoining zoning district or use is maintained or enhanced.

A. Permit requirement. B&Bs are allowable in the zoning districts and with the permit requirements determined by Articles II (Zoning Districts and Allowable Land Uses), and V (Coastal Zone Development and Resource Management Standards).

B. Site requirements. Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable Residential, Commercial, Coastal, or Agricultural zoning district...

F. Occupancy by permanent resident required. All B&Bs shall have one household in permanent residence.

Exhibit 13 (IP suggested modifications in strikethrough and underline) LCP-2-MAR-15-0029-1, Page 17 of 236

Attachment #4: Coastal Act Section 30222:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.