

**East Shore Planning Group  
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May 12, 2017

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

By email to [marinLCP@marincounty.org](mailto:marinLCP@marincounty.org) and [BOS@marincounty.org](mailto:BOS@marincounty.org)

**Marin Local Coastal Plan, Item 12, Board of Supervisors Meeting, May 16, 2107**

Dear President Arnold and Members of the Board of Supervisors,

I write on behalf of the East Shore Planning Group. The East Shore Planning Group ("ESPG") is a California not-for-profit corporation formed in 1984 that has a membership of about 90 owners and tenants of residential, commercial and agricultural properties in the unincorporated area of Marin County along the east shore of Tomales Bay, including Marshall. ESPG is the primary local organization involved with issues of development in the area. We have been active in the formulation of the amendments to the Marin County Local Coastal Plan ("LCP") since the process began.

Under the original Local Coastal Plan, Unit II, as certified by the Coastal Commission in 1981, the properties near Hog Island Oyster Co (North Marshall) and the Marshall Boat Work / Post Offices ("South Marshall") were zoned C-CP (Planned Commercial, such as found at Nick's Cove or Tony's Seafood Restaurant.)

However, in 1987, the Board of Supervisors "down-zoned" the areas to C-VCR zoning, which made residential development a "principal permitted use" under the Development Code, with provisions to ensure compliance with Coastal Act policies<sup>1</sup>. This was done with the approval of the Coastal Commission, and was consistent with the recently approved East Shore Community Plan.

If the Board of Supervisors approves the currently proposed LUP on Tuesday and the proposed IP later on, it will be reversing one of the key effects of that special Marshall rezoning.

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<sup>1</sup> 22.57.1221 Principal Permitted Uses. The following are permitted in all C-VCR districts:

1. Single-family dwellings, provided the following findings are made: In the area covered by the unit I LCP, the requirements of policy number 14, recreation and visitor serving facilities, have been satisfied. In the area covered by the unit II LCP, the requirements of policy number 3, private recreational and visitor serving development, have been satisfied;

The proposed LUP, PK-3, would change residential development in some of Marshall North and South from a “principal permitted use” to a “permitted use”. This would require that residential projects satisfy stringent conditions that are inconsistent with residential homes, and they would face new regulatory hurdles to obtain permits. We object on the grounds that there is no basis in policy or in any changed circumstances since 1987 that warrants this change, which will adversely affect the Marshall community.

When the Marshall areas were down-zoned in 1987, the Board of Supervisors made these findings (in Resolution 87-360, attached), which continue to be true today:

*... WHEREAS the Board of Supervisors finds that the East Shore Community Plan and rezonings are internally consistent with the Local Coastal Plan, and*

*WHEREAS The Board of Supervisors finds that the East Shore Community Plan and rezonings maintain a balance of local and visitor serving facilities in the Coastal Zone and do not significantly modify the priority given to visitor serving uses, and*

*... .*

*WHEREAS the Board of Supervisors finds that proposed rezonings and Coastal Plan Amendment are necessary to preserve the existing residential/commercial mixed use in the Marshall and Post Office/Marshall Boatworks area ...*

Accordingly, the Board of Supervisors made these specific changes to the LCP, Unit II:

2. On Page 48, section (3), amend as follows:

*(3) Marshall. Existing commercial zoning in Marshall, C-1-H, shall be changed to a planned commercial district so that future expansions of developments are subject to master plan review. Existing commercial zoning in Marshall, C-CP, shall be changed to C-VCR to maintain and encourage the present residential/commercial mixed use and to encourage locally serving commercial uses.*

3. On Page 49, section (3) amend as follows:

*Commercial zoning on A.P. #106-40-03, a parcel sited amidst residential uses, shall be changed to a planned residential district.*

*(3) (b) Marshall Boatworks. The Marshall Boatworks/Post Office area shall be rezoned from [sic – should be “to”] C-VCR with the Boatworks as a permitted use. This will encourage continuation of this area as a residential/commercial mixed use while supporting its potential as a community activity center and gathering place.*

These were well-considered actions that are as important today as they were in 1987 – perhaps even more important now. Removing residential development as a “principal permitted use” would gut the effect and intent of those actions.

We appreciate the good intentions signaled by the Marin County Community Development Agency in Attachment 1 to its Staff Report, and confirmed by the Coastal Commission staff in its letter of May 9, 2017.

*The County intends to initiate a public process to work with residents in each village to achieve approval of maps of the commercial core area, establish a corresponding overlay zone and complete required rezoning as a future LCP Amendment. These refined maps should draw a clear distinction for principally permitted commercial uses in the village core and principally permitted residential uses outside the core.*

*Commission staff agrees with the County's approach to pursue a rezoning process to vet the Commercial Core maps with village residents and the interested public and replace the Modification at the earliest possible date.*

However, for Marshall, these issues were fully considered in 1987, and there is no factual or policy justification for changing the rules at this time. We should not need to go through a map drawing exercise or rezoning. Indeed, with increasing threats to housing in Marshall, it is of critical importance that these areas, which hosts many affordable housing units and have the potential for more, not have new barriers created by the amended LCP.

We respectfully ask that any approval of the LUP be specifically qualified to eliminate the effects of Section PK-3 on the C-VCR zoning in Marshall.<sup>2</sup>

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Mary Halley". The signature is written in dark ink and is positioned above the typed name of the signatory.

Mary Halley, President, East Shore Planning Group

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<sup>2</sup> There is precedent for special zoning provisions for unique coastal areas in Marin County. See, e.g., Development Code 22.57.0901 - C-RSPS—Coastal residential, single-family planned, Seadrift Subdivision districts.

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 87-360

A RESOLUTION OF THE BOARD OF SUPERVISORS APPROVING LOCAL COASTAL PLAN AMENDMENTS TO ADD LCP TEXT AND TO REZONE VARIOUS ASSESSOR'S PARCELS IN THE COASTAL ZONE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE EAST SHORE COMMUNITY PLAN EXHIBIT 'C'

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- I. WHEREAS the Marin County Board of Supervisors held a duly noticed public hearing to consider amendments to the Local Coastal Plan Unit II and rezonings on June 2, 1987, and October 13, 1987 and
- II. WHEREAS the California Coastal Commission unanimously approved the Local Coastal Plan Unit II Amendments on September 8, 1987, and
- III. WHEREAS the Marin County Board of Supervisors finds that the Planning Commission held a duly noticed public hearing to consider the East Shore Community Plan, Goals, Objectives, Policies, Programs, Recommendations and Rezonings on April 7, 1987, and
- IV. WHEREAS the Board of Supervisors finds that the East Shore Community Plan and rezonings are internally consistent and consistent with Local Coastal Plan, and
- V. WHEREAS the Board of Supervisors finds that the East Shore Community Plan and rezonings maintain a balance of local and visitor serving facilities in the Coastal Zone and do not significantly modify the priority given to visitor serving uses, and
- VI. WHEREAS the Board of Supervisors finds that the East Shore Community Plan, rezonings and Local Coastal Plan Amendment will not result in significant environmental impacts to the environment and a Negative Declaration of environmental impact is hereby approved, and
- VII. WHEREAS the Board of Supervisors finds that an amendment to the Local Coastal Plan and Title 22 Zoning Code within the Local Coastal Plan area is necessary to implement the recommendation of the East Shore Community Plan, and
- VIII. WHEREAS the Board of Supervisors finds that proposed rezonings and Coastal Plan Amendment are necessary to preserve the existing residential/commercial mixed use in the Marshall and Post Office/Marshall Boatworks area and to allow processing of mariculture products in the Northshore Boats area, and
- IX. WHEREAS the Board of Supervisors finds that the goals of the plan to protect the existing environmental quality of the East Shore Community while carefully planning for a moderate amount of new development are appropriate given the existing environmental factors and development trends.

NOW THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby approves the following text amendments to the Local Coastal Plan Unit II as set forth herein:

1. On page 48, section (e), amend as follows:

Areas with expansion potential include the property known as Jensen's Oyster Beds, Nick's cove, Synanon, and Marconi Cove Marina. The town of Marshall and the Marshall Boatworks are recommended for local serving and limited visitor serving facilities allowed by C-VCR zoning.

2. On page 48, section (3), amend as follows:

(3) Marshall. Existing commercial zoning in Marshall, C-1-H, shall be changed to a planned commercial district so that future expansions or developments are subject to master plan review. Existing commercial zoning in Marshall, C-CP, shall be changed to C-VCR to maintain and encourage the present residential/commercial mixed use and to encourage locally serving commercial uses.

3. On page 49, section (3), amend as follows:

Commercial zoning on A.P. #106-40-03, a parcel sited amidst residential uses, shall be changed to a planned residential district.

(3) (b) Marshall Boatworks. The Marshall Boatworks/Post Office area shall be rezoned from C-VCR with the Boatworks as a permitted use. This will encourage continuation of this area as a residential/commercial mixed use while supporting its potential as a community activity center and gathering place.

- 4) On page 215, amend section e. (2) as follows:

Changes in commercial land use and zoning as specified in LCP Policy 3 (e) on Recreation and Visitor-Serving Facilities, page 48, shall be adopted. In addition, the Marshall Boatworks and North Shore Boats shall be rezoned A-2 to RCR.

THEREFORE, that the Marin County Board of Supervisors hereby further approves the Local Coastal Plan Unit II amendment consisting of the following Title 22 Zoning Code amendments within the coastal zone:

<u>Assessor's Parcel</u>	<u>Location</u>	<u>Existing Zoning</u>	<u>Proposed Zoning</u>
104-170-23	N. Shore Boats	C-RSP-0.5	C-ARP-2
106-010-02	Marshall	C-CP	C-VCR
106-010-03	Marshall	C-CP	C-VCR
106-010-05	Marshall	C-CP	C-VCR
106-010-06	Marshall	C-CP	C-VCR
106-010-07	Marshall	C-CP	C-VCR
106-010-08	Marshall	C-CP	C-VCR
106-010-09	Marshall	C-CP	C-VCR
106-010-10	Marshall	C-CP	C-VCR
106-010-11	Marshall	C-CP	C-VCR
106-020-01	Marshall	C-CP	C-VCR
106-020-14	Marshall	C-CP	C-VCR
106-020-27	Marshall	C-CP	C-VCR
106-020-34	Marshall	C-CP	C-VCR
106-020-35	Marshall	C-CP	C-VCR
106-020-36	Marshall	C-CP	C-VCR
106-050-01	Post Office/Boatworks	C-ARP-2	C-VCR
106-050-02	Post Office/Boatworks	C-ARP-2	C-VCR
106-050-11	Post Office/Boatworks	C-RCR	C-VCR
106-050-12	Post Office/Boatworks	C-RCR	C-VCR

Definition of Zoning:

C-RSP-0.5 = Coastal Residential Single Family Planned  
C-CP = Coastal Commercial Planned  
C-RCR = Coastal Resort Commercial Recreation  
C-ARP-2 = Coastal Agricultural Residential Planned (2 acres/unit)  
C-VCR = Coastal Village Commercial

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 13th day of Oct., 1987, by the following vote to wit:

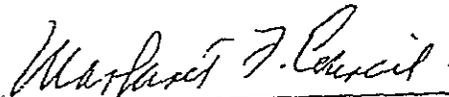
AYES: Supervisors: Al Aramburu, Bob Stockwell, Bob Roumiguere, Harold Brown

NOES: Supervisors: None

ABSENT: Supervisors: Gary Giacomini

  
Chairman, Board of Supervisors

Attest:

  
Clerk